

# Government of Papua New Guinea

## United Nations Development Programme



## Strengthening Human Rights in PNG

### PROJECT DOCUMENT

Project ID:  
**June 2007**

#### **Project Brief:**

Papua New Guinea has several human rights challenges. Gender based violence is widespread, and there are problems linked to police violence, violence against children, extended use of remand, and trafficking in women. At the same time, only three major human rights instruments have been ratified or acceded to by PNG. The two international bill of rights covenants are yet to be ratified or acceded to by PNG.

The project will strengthen human rights awareness in Papua New Guinea through capacity building and advocacy initiatives. Specific tools will be developed for the legal community and the NGO sector on human rights awareness and instruments. The project will also raise awareness for media stakeholders through targeted interventions towards media personnel. The project will seek to strengthen the capacity on reporting on human rights instruments already signed by PNG, as well as raise awareness on the UN treaty body system, including a special emphasis on the CRC optional protocol.

The project will be executed by the Ombudsman Commission in PNG

## SIGNATURE PAGE

Country: Papua New Guinea

UNDAF Outcome(s)/Indicator(s):

- Enhanced Leadership and Participation

Expected Outcome(s)/Indicator (s):

- Public awareness of human rights increased through advocacy campaigns and human rights education;
- Existing institutional capacity strengthened to protect and promote human rights in the absence of a human rights commission;
- Steps taken toward implementing international human rights instruments that PNG has ratified and toward the ratification of unsigned Conventions;
- Human Rights protection and monitoring in PNG improved through efforts to establish a national human rights institution.

**Executing agency**

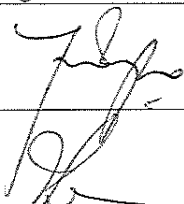

Partners:

Ombudsman Commission

Government of Papua New Guinea, Department of National Planning & Monitoring, Department of Community Development, UNDP, UNICEF, OHCHR, UNHCR, UNFPA

Programme Period:	2003-2007
Programme Component:	Governance
Project Title:	Strengthening Human Rights in PNG
Project ID:	
Project Duration:	01.01.2007-31.12.2007
Management Arrangement:	National Execution (NEX) (Ombudsman Commission)

Budget	USD 60,000
Total budget:	USD 60,000
Allocated resources:	
• Government	
• Other:	
○ UN Action 2	USD 60,000
• In kind contributions	ACTION 2 - Cost of HRA

Agreed by:	Name and Title	Signature	Date
Agreed by (Government) DNPM	MOSILAYOLA IUMYATILA DIRECTOR, AID POLICY		11-07-07
Agreed by Executing Agency - Ombudsman Commission	WA CEBO CHIEF OMBUDSMAN		25-07-2007
Agreed by UNDP	JACQUI BADCOCK UNDP RR/RC	Jacqui Badcock	27.7.07

## **COMPONENT 2: SITUATION ANALYSIS**

### **1. Politics & Government**

Papua New Guinea is a multiparty democracy with a unicameral Parliament. Members of the National Parliament are elected to the 19 regional seats also serve as the Governor of their respective provincial governments and have a great deal of power within their provinces. In 2006, a State of Emergency was declared in the Southern Highlands region, which the Supreme Court of PNG ruled to be unconstitutional in 2007.

Very few women are represented in leadership positions within the country and there is presently only one female Member of Parliament, who is a Minister of Government. Few women are willing to stand for election, in part because of intimidation tactics employed by some male candidates and supporters.

The Constitution of PNG guarantees certain enumerated rights and freedoms, which mostly consist of civil and political rights.

The Court system in PNG includes superior-level National Courts and a Supreme Court that hears appeals from the National Court and issues advisory opinions. The Supreme Court is also responsible for developing the underlying law, which is the customary or common law of PNG. Judges of the National Court also serve as Supreme Court justices. Judges receive very little training and lack basic guidelines. There is little evidence that a body of jurisprudence is developing in PNG that reflects the incorporation of human rights norms and standards, including specific reference to international human rights treaties. The judiciary is generally understood to be independent, but there are indications that this independence is increasingly under threat.

There are village courts in rural communities and district courts in urban centres that are presided over by village elders or magistrates. There is not a formal training scheme for magistrates, who do not receive training on principles of natural justice, basic due process guarantees, Constitutional rights, or international human rights standards, including in relation to gender equality.

The Royal Papua New Guinea Constabulary (RPNGC) is responsible for providing police services throughout the country. International human rights organisations have strongly criticised the RPNGC for its frequent and serious violations of human rights. UNICEF indicates that up to 75 percent of children who come into conflict with the law experience police violence, remand is over-used by police, and magistrates continue to sentence children to detention in facilities that do not have separate facilities for children and adults.

The Ombudsman Commission is a constitutionally independent institution mandated with investigating malfeasance amongst senior public officials and enforcing the Leadership Code, a minimum code of ethics that PNG leaders must comply with. An Anti-Discrimination and Human Rights Unit (ADHRU) has been established within the Commission that is tasked with promoting human rights and reviewing individual human rights complaints. The Ombudsman Commission is noted for its independence and effectiveness. In late 2006, Parliament approved amendments relating to standards of evidence, which could inhibit the ability of the Ombudsman Commission to effectively fulfil its mandate.

The PNG government has formed a Technical Working Committee for the Establishment of a Human Rights Commission that commenced its work to create a Constitutionally -entrenched, independent Human Rights Commission by the end of 2008. In May 2005 the Department for Community Development established a Human Rights Desk to provide technical and administrative assistance to the Working Committee. In early 2007 the National Executive Council (NEC) demonstrated its commitment to establishing a NHRC by providing the Committee with K290,000 (\$US100,000) for its activities in 2007.

## **2. Society**

Comprising at least 800 indigenous tribes and as many languages, Papua New Guinea is one of the world's most heterogeneous countries. Eighty-seven percent of the population lives in small, often isolated communities in rural areas. Very few state institutions have penetrated into these communities; as a result most of the population is not able to access rights they have in law or services necessary to fulfil their rights.

Traditional systems of justice, based around notions of collective responsibility (often referred to as the 'wantok system'), remain predominant in rural communities. While the 'wantok' system often provides a minimum social safety net to individuals, there is concern that some traditional or customary practices infringe upon the rights of individuals. This especially concerns women, who for instance are often denied property rights, especially upon the death of their husbands or, in some cases, 'given away' by communities as compensation. Violence against women and children is a very serious problem throughout PNG, as is the prevalence of sexual violence against women and girls.

Inter-tribal violence, often concerning conflicts over land and property rights, remains a very serious issue, and appears to be becoming more serious with the increased prevalence of high-powered rifles throughout the country. The influx of guns into the provinces greatly contributes to lawlessness and there are some concerns that a warlord culture is developing in some areas of the country.

A rapidly growing population has resulted in many individuals leaving rural communities and moving to urban centres. In urban centres individuals largely lose the social protection offered by the 'wantok' system and have great difficulty realising their rights. These individuals join the large number of urban poor, which usually have little access to legal rights or services essential to the protection of their rights. Access to government services is poor, literacy rates are low, and corruption is common. Meanwhile, the HIV/AIDS epidemic continues to spread and represents the greatest threat to PNG's development growth and stability. Less than half of the children are enrolled in primary school in rural areas and only slightly more than half of those that are enrolled complete Grade 5. Girls are less likely to be enrolled in school and frequently fail to complete their education. A significant number of girls are considered to be at risk of commercial sexual exploitation.

Individuals and NGOs report that the police force, correctional services and private security firms are involved in serious human rights abuses. Numerous reports also indicate widespread human rights abuses connected to the operations of the extractive industry. These allegations include reports of police officers moonlighting as private security guards – which creates a conflict of interest and contributes to a culture of impunity around the settlement camps that form around logging camps – serious violations of labour rights, instances of bonded labour, trafficking in women, as well as the sexual and physical assault of women. The mining industry

is also reported to engage in environmentally unsustainable practices that seriously impinge upon the rights of affected populations.

PNG has very few NGOs or CSOs focused on promoting and protecting human rights. A small number of organisations are attempting to use the Courts to address human rights violations, but have run into difficulties because their limited financial resources do not allow them to engage the legal expertise to match the level of opposing counsel retained by the other parties. Human Rights activists are also often threatened with harm and have been attacked. Further, there are indications that members of the media are sometimes subjected to threats, which could create a chilling effect within media circles.

There are growing indications of racial tension within PNG society, particularly as it concerns Asian communities. There are also indications that people are denied the ability to freely practice their religion.

### **3. International Human Rights Treaties**

Papua New Guinea has ratified three of the seven core international human rights treaties (CERD, CRC, and CEDAW) and as of April 2007, is actively moving toward the ratification of the two foundational international human rights treaties, the ICCPR and ICESCR. It is not clear to what extent the treaties that PNG has ratified have been implemented into law. PNG has submitted its initial CRC report and is presently planning for its next report. The government is making strong efforts to complete its initial CEDAW report, but is having difficulty collecting the necessary data.

The Committee on the Elimination of Racial Discrimination has repeatedly expressed very strong concerns that the PNG government has not communicated with it since PNG submitted its initial report in 1984. Despite the Committee's communications with the Papua New Guinea Ambassador to the United Nations, it does not seem that relevant individuals within the PNG government in Port Moresby are aware that a report is required under the CERD.

The UN special rapporteur on torture requested an invitation to visit Papua New Guinea in 2006.

### **COMPONENT 3: STRATEGY**

There is a pronounced lack of human rights discourse in PNG and there are very few organisations or individuals working to promote and protect human rights in PNG. While the government has demonstrated a strong commitment to promoting human rights in PNG over the last year, its resources and capacity to undertake the necessary activities is limited. The overriding strategy of this project is to generate awareness of human rights in PNG through a participatory approach. The project complements the project on the establishment of a National Human Rights Commission, which will be implemented over the same period.

The first output of the project is to increase public awareness of human rights through advocacy campaigns and human rights education. A Legal Rights Training Officer (LRTO) will be recruited. The LRTO will be responsible for leading training seminars on human rights and contributing to other awareness-raising activities. Specific activities will be carried out to raise awareness amongst children and the media.

Raising awareness amongst NGOs and government officials will also contribute to the second output of strengthening existing institutional capacity to protect and promote human rights. Two publications will be produced to help address the complete lack of PNG -specific human rights information. The first publication will be targeted toward NGOs and CSOs, while a second will be more technical and intended for the legal community. Both will provide PNG -specific information on human rights and be distributed at training seminars. If possible, these documents will be translated into Pidgin.

The primary strategy to achieve the third output of PNG taking steps to implement ratified international human rights instruments and to ratify other core international human rights treaties will be to establish linkages with the OHCHR, which is mandated with strengthening and streamlining the United Nations system in the field of human rights. Workshops will also be held to develop reporting plans for the treaties that PNG has ratified. A discussion forum will also be held with youth to garner further information around issues of child exploitation and in order to lend support to efforts to encourage the PNG government to ratify the CRC Optional protocol on the Sale of Children, Child Prostitution and Child Pornography.

A separate project will be implemented over the same period which will address the final output of strengthening human rights protection and monitoring in PNG through the establishment of a national human rights institution. Accordingly, the only activity to achieve this output is a regional consultative workshop with local CSOs and NGOs concerning human rights and the role of a NHRC.

## **COMPONENT 4: RESULTS AND RESOURCES FRAMEWORK**

### **PROJECT RESULTS AND RESOURCES FRAMEWORK**

Complete the table below for the outcome that the project is designed to address.

<b>Intended Outputs</b>	<b>Indicative Activities</b>	<b>Responsible parties</b>	<b>Inputs</b>
<p>Output 1.1 Public awareness of human rights increased through advocacy campaigns and human rights education.</p> <p><i>Indicators:</i></p> <ul style="list-style-type: none"> <li>• At least ten articles in major newspapers discussing issues from a human rights perspective;</li> <li>• At least 60 representatives of NGOs and CSOs are capable of communicating basic human rights concepts and commence independent advocacy efforts.</li> </ul> <p>Baseline: Media does not utilise human rights terminology in reporting and society has little understanding of human rights.</p>	<p>1.1.1 Training seminar on human rights reporting for journalists;</p> <p>1.1.2 Three workshops on human rights and advocacy delivered to representatives of CSOs and NGOs.</p>	<p>UNDP, OC</p> <p>OC</p>	<p>(DSA, logistic costs)</p> <p>(SSA for six months, workshop costs)</p>
<p>Output 1.2 Existing institutional capacity strengthened to protect and promote human rights in the absence of a human rights commission.</p> <p><i>Indicators:</i></p> <ul style="list-style-type: none"> <li>• Human rights manuals are being used by NGOs in Human Rights awareness work;</li> <li>• Legal community are aware of the human rights manuals, and frequently consult them in their daily work.</li> </ul> <p>Baseline: There is presently virtually no PNG-specific information available on human rights in PNG.</p>	<p>1.2.1 Preparation of human rights materials for NGOs and CSOs (1000 human rights manuals);</p> <p>1.2.2 Preparation of human rights materials for legal community (500 human rights manuals);</p>	<p>OC</p> <p>OC</p>	<p>(SSA for content and layout, plus printing costs);</p> <p>(SSA for content and layout, plus printing costs).</p>

<p>Output 1.3 Steps taken toward implementing international human rights instruments that PNG has ratified and toward the ratification of unsigned Conventions.</p> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• Agreement reached between PNG government and OHCHR for technical assistance regarding treaty implementation and reporting;</li> <li>• Work plans completed for drafting of CERD, CEDAW and CRC reports;</li> <li>• Three articles in local newspapers from UNCT agency heads discussing UN Treaty Body system;</li> <li>• Government ratifies ICCPR and ICESCR;</li> <li>• Youth provide perspectives on issues relating to exploitation of children and adopt petition to be read in National Parliament.</li> </ul> <p>Baseline: PNG government is making good faith efforts to complete reporting, but experiencing some difficulties. Government considering ratifying ICCPR and ICESCR.</p>	<p>1.3.1 Consultations between UNCT and PNG government on how to secure technical assistance from the OHCHR for treaty implementation and reporting;</p> <p>1.3.2 Three workshops to develop work plans for completion of CERD, CEDAW and CRC reports;</p> <p>1.3.3 Roundtable discussion with UNCT agency heads concerning UN Treaty Body system;</p> <p>1.3.4 Youth discussion forum on the CRC Optional protocol on the Sale of Children, Child Prostitution and Child Pornography;</p>	<p>UNDP, OHCHR</p> <p>UNDP, UNICEF, OC</p> <p>OHCHR</p> <p>UNICEF, OC</p>	<p>In-house</p> <p>(workshop costs)</p> <p>In-house</p> <p>In-house</p>
<p>Output 1.4 Human Rights protection and monitoring in PNG improved through efforts to establish a national human rights institution.</p> <p><u>Indicator:</u></p> <ul style="list-style-type: none"> <li>• At least 30 individuals in a region able to understand basic human rights concepts and discuss the role of a NHRC in promoting and protecting human rights.</li> </ul> <p>Baseline: No knowledge of potential mandate and purpose of a NHRC within regions.</p>	<p>1.4.1 Regional (possibly Goroka) human rights consultation for NGOs and CSOs;</p>	<p>UNICEF, OC</p>	<p>(SSA for course deliverer and workshop costs)</p>

**COMPONENT 5: ANNUAL WORK PLAN BUDGET SHEET**

**Annual Work Plan Budget Sheet**

**Year 2007**

EXPECTED OUTPUTS and indicators including annual targets	KEY ACTIVITIES	TIMEFRAME (in Phases)			RESPONSIBLE PARTY			PLANNED BUDGET		
		05- 06	07- 10	11- 12	Resp	Fund	Donor	Budget Description		Amount
1. Public Awareness of human rights increased through advocacy campaigns and human rights education.	1. <i>Media training seminar</i>		X		OC, UNDP		A2	73400	Rental and maintenance of other equipment	\$2000
	2. <i>Workshops CSOs and NGOs.</i>		X	X	OC		A2	71400	Contractual Services – Individuals	\$12,000
						OC		A2	73400	Rental and maintenance of other equipment
2. Existing institutional capacity strengthened to protect and promote human rights in the absence of a human rights commission	1. <i>HR Materials (NGOs and CSOs)</i>	X	X	X	OC		A2	71400	Contractual Services – Individuals	\$7000
					OC		A2	74200	Audio Visual and Printing Production Costs	\$8000
	2. <i>HR materials (legal community)</i>	X	X	X	OC		A2	71300	Local Consultants	\$7000
					OC		A2	74200	Audio Visual and Printing Production Costs	\$4000
3. Steps taken toward implementing international human rights instruments that PNG has ratified and toward the ratification of unsigned Conventions	1. <i>Consultations</i>	X			UNDP, OHCHR					\$0
	2. <i>Workshops to develop work plans (CERD, CEDAW and CRC reports)</i>		X		OC, OHCHR		A2	73400	Rental and maintenance of other equipment	\$2000
	3. <i>Roundtable discussion UN Treaty Body system;</i>		X		UNDP, OHCHR					\$0
	4. <i>Youth forum CRC Optional protocol.</i>		X		OC, UNICEF		A2	73400	Rental and maintenance of other equipment	\$4000
4. Human Rights protection and monitoring in PNG improved through efforts to establish a national human rights institution.	1. <i>Regional human rights workshop for NGOs and CSOs.</i>			X	OC		A2	71600	Travel	\$4000
					OC, UNICEF		A2	73400	Rental and maintenance of other equipment	\$7000
<b>TOTAL</b>										<b>\$60,000</b>

## **COMPONENT 6: MANAGEMENT ARRANGEMENTS**

The project will be nationally executed (NEX) by the Ombudsman Commission as Implementing Partner. The NEX execution modality is subject to the rules and regulations as laid out in the UNDP Results Management User Guide. Thus, overall responsibility for project implementation and reporting lies with the Ombudsman Commission. The project will not imply the transfer of funds to the implementing agency. However, UNDP will be providing support services such as payments, procurement and contracting based on supporting documents provided by the implementing agent.

The Project Organizational Structure based under the new **PRINCE2** structured approach provides clear pathways required to manage, monitor and control all strategic aspects of the project. The Project Board oversees the overall project implementation. Membership and scope of the Project Board are specified in the respective Terms of Reference (Annex 1).

The Project Board Executive is ultimately responsible for the Project supported by the Senior Beneficiary and the Senior Supplier. The Senior Beneficiary represents the interests of those who will ultimately use the projects' products. The Senior Supplier represents the interests of those designing and developing the project deliverables and providing project resources. Also, the Project Board will be responsible for project assurance, but may decide to delegate this role to another person. The Project Assurance role will be to ensure that the project business case is achievable through monitoring of user needs and expectations from the Senior User, undertaking on the spot check of deliverables and outputs and reviewing the deliverables through quarterly reviews.

The Project Manager (PM) will be Ombudsman Commission's in kind contribution who will ensure that the project teams and the project support are meeting the requirements of the project. The PM is responsible for the day to day management of the project. The PM will liaise with the UNDP Programme Specialist on matters relating to the overall performance of the project.

## **COMPONENT 7: MONITORING AND EVALUATION**

Monitoring of the day-to-day implementation of the project will be the responsibility of the Project Manager (PM) supported by the UNDP Programme Specialist. The PM will submit quarterly progress reports to the Project Board.

The project will be subject to a mid-term review to be carried out by UNDP CO and a terminal evaluation through the preparation of a terminal project report. The aim of the review is to monitor progress in project implementation and take decisions on recommendations to secure and improve the delivery of project targets and to mitigate any risks or adverse developments as they emerge. Joint on-site monitoring visits by the Project Manager (PM) and the UNDP CO Programme Specialist will play an important role in the monitoring of on-going activities and will be scheduled as the need arises and deemed appropriate by the executing agency and/or UNDP. Together with project issue/ risk logs, the following AWP Monitoring Tool should be used for the project review purpose.

The Annual Work Plan (AWP) Monitoring Tool

Year: 2007

<b>EXPECTED OUTPUTS AND INDICATORS</b> including annual targets	<b>PLANNED ACTIVITIES</b> <i>List all the activities including monitoring and evaluation activities to be undertaken during the year towards stated CP outputs</i>	<b>EXPENDITURES</b> <i>List actual expenditures against activities completed</i>	<b>RESULTS OF ACTIVITIES</b> <i>For each activity, state the results of the activity</i>	<b>PROGRESS TOWARDS ACHIEVING OUTPUTS</b> Using data on annual indicator targets, state progress towards achieving the CP outputs. Where relevant, comment on factors that facilitated and/or constrained achievement of results including: § <i>Whether risks and assumptions as identified in the CP M&amp;E Framework materialized or whether new risks emerged</i> § <i>Internal factors such as timing of inputs and activities, quality of products and services, coordination and/or other management issues</i>
Output 1.1 Public awareness of human rights increased through advocacy campaigns and human rights education.  <u>Indicators:</u> <ul style="list-style-type: none"> <li>• Children from at least six schools able to discuss human rights;</li> <li>• At least ten articles in major newspapers discussing issues from a human rights perspective;</li> <li>• At least 60 representatives of NGOs and CSOs are capable of communicating basic human rights concepts and commence independent advocacy efforts</li> </ul>	Training seminar on human rights reporting for journalists;  Three workshops on human rights and advocacy delivered to representatives of CSOs and NGOs.			
Output 1.2 Existing institutional capacity strengthened to protect and promote human rights in the absence of a human rights commission.  <u>Indicators:</u> <ul style="list-style-type: none"> <li>• Human rights manuals are being used by NGOs in Human Rights awareness work;</li> <li>• Legal community are aware of the human</li> </ul>	Preparation of human rights materials for NGOs and CSOs (1000 human rights manuals)			

rights manuals, and frequently consult them in their daily work	Preparation of human rights materials for legal community (500 human rights manuals)			
<p>Output 1.3 Steps taken toward implementing international human rights instruments that PNG has ratified and toward the ratification of unsigned Conventions.</p> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• Agreement reached between PNG government and OHCHR for technical assistance regarding treaty implementation and reporting;</li> <li>• Work plans completed for drafting of CERD, CEDAW and CRC reports;</li> <li>• Three articles in local newspapers from UNCT agency heads discussing UN Treaty Body system;</li> <li>• Government ratifies ICCPR and ICESCR;</li> <li>• Proposal submitted to NEC for ratification of Optional protocol on Children in Armed Conflict;</li> </ul>	Consultations between UNCT and PNG government on how to secure technical assistance;			
	Three workshops to develop work plans for completion of CERD, CEDAW and CRC reports;			
	Roundtable discussion with UNCT agency heads concerning UN Treaty Body system;			
	Youth discussion forum on the CRC Optional protocol.			
<p>Output 1.4 Human Rights protection and monitoring in PNG improved through the establishment of a national human rights institution.</p> <p><u>Indicator:</u></p> <ul style="list-style-type: none"> <li>• At least 30 individuals in a region able to understand basic human rights concepts and discuss the role of a NHRC in promoting and protecting human rights.</li> </ul>	Regional (possibly Goroka) human rights workshop for NGOs and CSOs;			

## **COMPONENT 8: LEGAL CONTEXT**

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement (SBAA) between the Government of Papua New Guinea and the United Nations Development Programme, signed by the parties on 7 April 1981. The host country implementing agency shall, for the purpose of the Standard Basic Assistance Agreement, refer to the government co-operating agency described in that Agreement. UN Volunteers fielded within the project shall, consistent with and to the extent provided in the Standard Basic Agreement, be deemed to be 'persons providing services on behalf of UNDP'.

The following types of revisions may be made to this project document with the signature of the UNDP Resident Representative only, provided he or she is assured that the other signatories of the project document have no objections to the proposed changes:

- (a) Revisions in, or addition of, any of the annexes of the project document (with the exception of the Standard Legal Text for non-SBAA countries which may not be altered and the agreement to which is a precondition for UNV/UNDP assistance);
- (b) Revisions which do not involve significant changes in the immediate objectives, outputs or activities of a project, but are caused by rearrangement of inputs agreed to or by cost increases due to inflation; and
- (c) Mandatory annual revisions, which rephrase the delivery of agreed project inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility.

All signatories to the Project Document must sign the budget revision when it involves a change in the project objectives or outputs. In other cases, the Resident Representative alone may sign, provided that the other signatories have no objections.

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the implementing partner.

The executing agency shall:

- d) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried out;
- e) assume all risks and liabilities related to the executing agency's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

## **COMPONENT 9: ANNEXES**

- 1) Terms of Reference for Project Board
- 2) Project Board Structure
- 3) Terms of Reference for Project Manager
- 4) Risk Log
- 5) Communications Plan
- 6) Standard Letter of Agreement for Provision of Support Services

**Annex 1:****Terms of Reference****The Project Board**

## 1. Institutional Background

The Project Board (PB) is being established to oversee and direct project implementation and in conformity with the project execution modality. The project is Nationally Executed (NEX) according to UNDP guidelines with the Ombudsman Commission as executing agent.

## 2. Membership of the Project Board

The management of the project shall be administered by the Project Board, which shall consist of:

- (i) The Chief Ombudsman of the Ombudsman commission or his/her alternate (Chairperson);
- (ii) The Director of the Aid Coordination & Policy Directorate of the Department of National Planning and Monitoring or his/her alternate;
- (iii) The Secretary from Department for Community Development or his alternate ;
- (iv) The Secretary of the Department of Justice & Attorney General or his/her alternate;
- (v) The Secretary of the Department of Prime Minister's office & National Executive Council or his/her alternate;
- (vi) The executive director of CELCOR or his/her alternate;
- (vii) The UNDP Deputy Resident Representative, or his/her alternate;
- (viii) An ex-officio from UNDP (Programme Officer) or his/her alternate.

## 3. Meetings of the Project Board

The PB shall meet on quarterly basis or as required by the Chairman as the need arises. Every PB meeting may be called to take place at such date, venue and time as may be determined by:

- (i) The Chairperson; or
  - (ii) Any three (3) members of the PB.
- a) Written notice of a meeting of the PB shall be given by project manager to each member of the Committee at least seven (7) days (or such other period as may be unanimously agreed upon by the members of the Board members) before the time appointed for the holding of the meeting.

- b) Notice of a meeting given under paragraph (a) shall specify the general nature of the business to be transacted at the meeting and any other business the members present at the meeting unanimously agree to treat as urgent business.
- c) Three (3) members of the PB shall constitute a quorum for the transaction of the business of a meeting of the Committee if at least one (1) Government and one (1) UNDP representative is present.
- d) In the event of a lack of quorum the meeting stands adjourned for such period as the members present may agree to and shall set another time convenient.
- e) At a meeting of the PEB:
  - (i) The Chairperson shall preside; or
  - (ii) If the Chairperson is absent one of the remaining members of the PB may be chosen by the members present at the meeting to preside.
  - (iii) The Project Manager should be present as observer and to report on the progress of the project, responsible as well the written progress report to PB members at least 3 days before the meeting takes place.

#### 4. Voting on Decisions by the Project Board

- (a) Questions arising at a meeting of the PB shall be determined by a simple majority of the votes of members present at the meeting;
- (b) Each member present at a meeting of the Committee is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote;
- (c) All decisions shall be recorded in the minutes of the respective PB meeting;
- (d) All minutes shall be approved at the beginning of subsequent PB meeting.

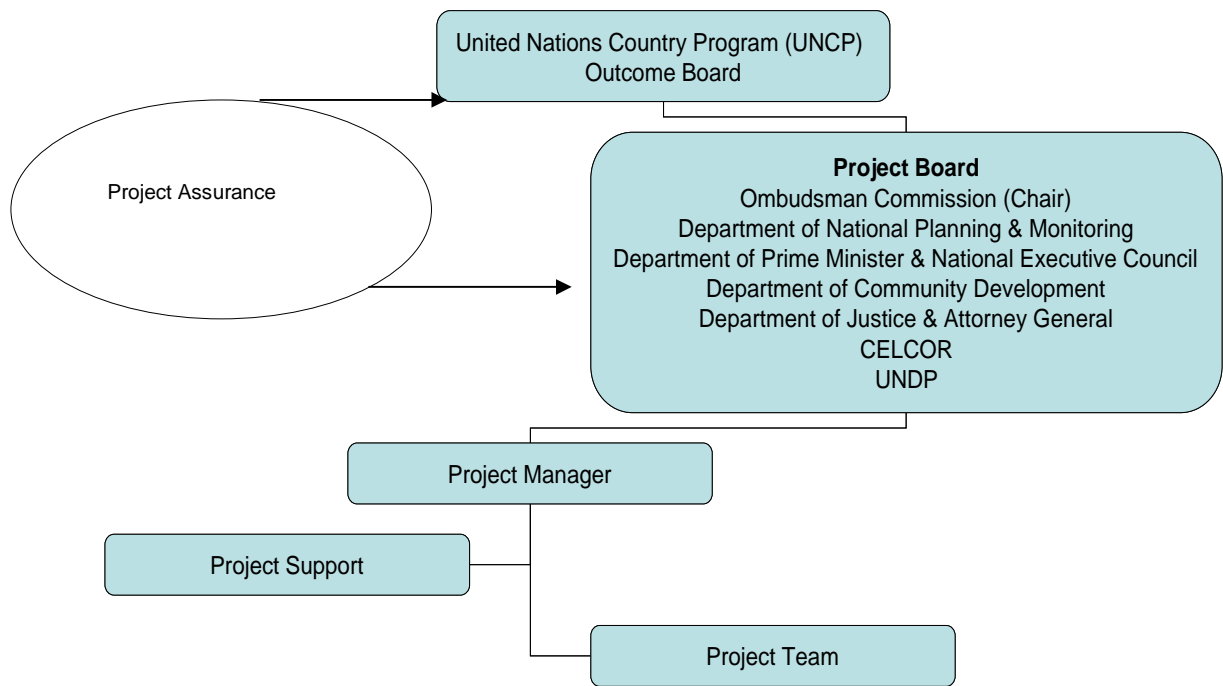
#### 5. Scope of Responsibility

The Project Board shall oversee the implementation of the project including:

- (a) Setting strategic directions and guidelines in the implementation of the project, approving strategies and plans in the implementation of the project.
- (b) Shall comment on and endorse work plans submitted by the project manager;
- (c) Provide instructions and guidance to the project manager on the coordination of the project implementation;

**Annex 2:**

**Project Board Structure**



PROJECT MANAGER

Post Title:	Project Manager
Project Title:	Strengthening Human Rights in PNG
Duty station:	Port Moresby, PNG
Duration:	7 months
Starting date:	May 2007- December 2008

The Project Manager (PM) will be responsible for the satisfactory achievement of the project outputs. The PM will liaise with UNDP Country Office Management through the designated Programme Officer on substantive programme implementation matters. In terms of strategic planning and implementation of the project, the PM will receive guidance and direction from the Project Board and report to the project board.

He/she will take responsibility for supervision of the project personnel, administration and financial status reports of the project.

He/She will provide project progress and financial reports to the UNDP country office on a timely basis as and when required. Specific timelines for reporting should be included in the annual work plans.

The UNDP Results Management User Guide shall be used as the guide for UNDP programming procedures on matters relating to project implementation, reviews, monitoring and evaluation. For matters relating to administrative and financial management of the project the PM shall be guided and supported by the programme officer handling this project in UNDP.

KEY TASKS AND RESPONSIBILITIES

1. Manage and coordinate the recruitment of all project personnel or consultants;
2. Prepare and manage the implementation of a quarterly work plan for the project in accordance with the project document;
3. Organize orientation and briefings for new project personnel or consultants;
4. Provide overall management of logistics and administrative management of project activities;
5. Provide overall management of financial aspects of the project;

6. Exercise the overall project coordination and implementation responsibilities for the achievement of project objectives, including the proper planning of workflow and financial oversight for optimal utilization of resources;
7. Monitor the implementation of designated project components, analyze problems that hamper their implementation and take appropriate measures so as to ensure timely delivery of required inputs and achievement of results;
8. Regularly report to and provide other inputs for the meetings of the Project Board, as well as other meetings concerning design, implementation, monitoring and evaluation of designated project components, and advises relevant counterparts accordingly.
9. Provide input for the assessment of development impact by individual project interventions using a variety of monitoring and evaluation techniques.
10. Oversee development of exit strategies (as applicable) for individual project components and streamline those in national structures and programmes in a sustainable manner.
11. Liaise with the UNDP Country Office as well as other UNDP-funded programmes and projects to ensure synergies in substantive and operational issues pertaining to project implementation and results-based management.
12. Maintain close cooperation with relevant Government bodies, UN Agencies and other development partners to ensure effective communication and follow-up on matters related to project activities.
13. Facilitate advocacy and mass media outreach activities, and ensure wide dissemination of project results.
14. Supervise and appraise project staff of specific project interventions.
15. Follow up on any recommendations/decisions or advice provided by the PB.

#### REQUIRED SKILLS AND COMPETENCIES

- Advanced university degree in any of the following areas: Social Sciences, Management, Economics, Public or Business Administration
- Solid knowledge of Human Rights instruments
- At least 10 years' professional experience and proven managerial competence to administer multi-dimensional development projects
- Knowledge of PNG cultures, customs and practices
- Results-orientation, team-building and leadership skills
- Excellent interpersonal and communication skills
- Decisiveness, independence, analytical judgment, ability to work under pressure
- Excellent networking and resource mobilization skills, cross-cultural communication abilities
- Ability to use information technology as a tool and resource
- Fluency in written and spoken English.

#### Annex 4 - Risk Log

#	Risk	Category of Risk	Impact & Probability <sup>1</sup>	Countermeasures / Management response <sup>2</sup>	Owner	Author	Date Identified	Last Update	Status
1	Delayed Project Commencement	Operational	Impact: Delay of project work plan P = 3 (fairly likely)	Reduction: LPAC to be held in May	UNDP	UNDP	4 / 2007	4 / 2007	Future possibility
2	Delayed identification of PM	Operational	Impact: Project Could be delayed P = 1 (low)	Reduction: Consultations with implementing partner	OC/ Project Board	UNDP	4 / 2007	4 / 2007	Future possibility
3	Delayed recruitment of necessary personnel	Operational	Impact: Delay of project work plan; potential failure to acquit funds P=2 (fairly low)	Reduction: Recruitment to begin as soon as funds received	OC/ UNDP	UNDP	5 / 2007	5 / 2007	Future possibility
4	Inability to recruit staff with suitable skills or expertise	Operational	Impact: Delay of project work; lack of quality of work P= 3 (fairly likely)	Reduction: Ensure legal community and institutions of relevance are aware of recruitment needs	OC/ UNDP	UNDP	5 / 2007	5 / 2007	Future possibility
5	Lack of access to technical backstopping expertise	Operational	Impact: Quality of work P= 4 (likely)	Reduction: Potential for RRRT involvement in the project, as well as liaison between UNDP programme unit and OHCHR	UNDP	UNDP	5 / 2007	5 / 2007	Future possibility

#### Annex 5 - Project Communication and Monitoring Plan

Date: April, 2007

Award ID: \_\_\_\_\_

<sup>1</sup> Probability: Ranges from 1 to 5: 1 (low probability); 2 (fairly low probability); 3 (fairly likely); 4 (likely); 5 (very likely).

<sup>2</sup> Possible counter measures include: Prevention; Reduction; Transference; Acceptance; Contingency/Response.

<b>Description: Project Communication and Monitoring Plan for the Strengthening Human Rights in PNG Project</b>				
Type of Action	Responsible Party	Due by	Completed on	Status
Press Events <ul style="list-style-type: none"> <li>• Pro Doc Signing</li> <li>• Other events as needed</li> </ul>	Project Manager and Board	Event Drive		
Monthly Quality Assurance Meetings <ul style="list-style-type: none"> <li>• UNDP Programme Specialist to meet with Project Manager to assess project progress</li> <li>• Product of meeting is Highlight Report to Project Board</li> </ul>	UNDP	End of the Month		
Project Monitoring Visits <ul style="list-style-type: none"> <li>• Representatives from Ombudsman Commission, DCD, and UNDP to make visits to monitor field based work of project, and report findings to Board</li> </ul>	Representatives of UNDP, DCD, Ombudsman Commission	Every 2 months		
Project Highlight Reports <ul style="list-style-type: none"> <li>• Deliverable from Monthly Quality Assurance Meetings</li> </ul>	Project Manager	Monthly		
Exception Reports <ul style="list-style-type: none"> <li>• Project Manager to submit Exception Reports to the Board as soon as a deviation in project plans, quality or tolerance is forecast.</li> </ul>	Project Manager	Event Driven		

## **Annex 6: Standard Letter of Agreement for Provision of Support Services**

### LETTER OF AGREEMENT BETWEEN UNDP AND THE GOVERNMENT OF PAPUA NEW GUINEA FOR THE STRENGTHENING HUMAN RIGHTS IN PNG PROJECT

Dear Mr. Kambori,

1. Reference is made to consultations between officials of the Government of Papua New Guinea (hereinafter referred to as “the Government”) and officials of UNDP with respect to the provision of support services by the UNDP country office for the ‘Strengthening Human Rights in PNG Project.’ UNDP and the Government hereby agree that the UNDP country office may provide such support services at the request of the Government through its institution designated in the relevant project document, as described.
2. The UNDP country office may provide support services for assistance with reporting requirements and direct payment. In providing such support services, the UNDP country office shall ensure that the capacity of the Government-designated institution is strengthened to enable it to carry out such activities directly.
3. In addition, the UNDP country office may provide, at the request of the designated institution/Executing Agent, the following support services for implementation activities:
  - (a) Identification and assistance with and/or recruitment of project personnel;
  - (b) Procurement of goods and services;
  - (c) Access to UNDP-managed global information systems, including rosters of consultants and providers of development services
4. The procurement of goods and services and the recruitment of project and programme personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures. Support services described in paragraph 3 above shall be detailed in Annex 7b to the project document, in the form provided in the Attachment hereto. If the requirements for support services by the country office change during the life of a programme or project, the annex to the project document is revised with the mutual agreement of the UNDP resident representative and the designated institution.
5. The relevant provisions of Article 1 of the SBAA between the Government of Papua New Guinea and UNDP signed on the 7th April 1981 (the “SBAA”), including the provisions on liability and privileges and immunities, shall apply to the provision of such support services. The Government shall retain overall responsibility for the nationally executed project or programme through its designated institution/Executing Agent. The responsibility of the UNDP country office for the provision of the support services described herein shall be limited to the provision of such support services detailed in the annex 7b to the project document.
6. Any claim or dispute arising under or in connection with the provision of support services by the UNDP country office in accordance with this letter shall be handled pursuant to the relevant provisions of the SBAA.

7. The manner and method of cost-recovery by the UNDP country office in providing the support services described in paragraph 3 above shall be specified in the annex 7b to the programme support document or project document.

8. The UNDP country office shall submit progress reports on the support services provided and shall report on the costs reimbursed in providing such services, as may be required.

9. Any modification of the present arrangements shall be effected by mutual written agreement of the parties hereto.

10. If you are in agreement with the provisions set forth above, please sign and return to this office two signed copies of this letter. Upon your signature, this letter shall constitute an agreement between your Government and UNDP on the terms and conditions for the provision of support services by the UNDP country office for this project.

Yours sincerely,

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Signed on behalf of UNDP  
Dr. Jacqui Badcock  
Resident Representative

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For the Government of Papua New Guinea  
Mr. Valentine Kambori, MBE  
Secretary  
Department of National Planning & Monitoring