Evaluation of the Human Rights Defenders Protection and Capacity Building Program
in the DRC
implemented by The Carter Center
and
Funded by the Swedish International Development Agency (Sida) during the period of 2013-2015.

EVALUATION REPORT

Cécile Collin

Table of Contents

<u>Executive summary</u>

In the DRC, The Carter Center plays a key role in supporting civil society, at the technical and organizational levels, on sensitive subjects, not always addressed by other structures, and in an increasingly difficult political context. TCC is one of the few actors supporting national CSOs, with constant assistance so that CSOs can deliver outputs. The Center's open door policy provided an opportunity for barely existing Congolese structures to produce results.

The results are visible at various levels. At the CSOs' level, partners gained credibility and legitimacy through increased - and in some cases unique in the country- technical skills, and stronger internal processes. TCC also contributed to the visibility of those organizations in the international community and with potential donors, as well as in the dissemination of the results on the web platform of the HRH and www.congomines.org sites. The support provided also contributes to better protection of the human rights defenders, as well as of the communities around mine sites. The effects concern different stakeholders: increased connectedness between CSOs, with international structures and diplomatic missions, in addition to sensitization and collaboration with State authorities and corporate actors, which in both cases led to changes in policy and practices. At the overall governance level, there is more awareness, increased transparency and more accountability. Owing to the project, progress of the DRC in meeting international standards (such as for EITI or elections) are also noticeable. Improvements thus concerns the implementation of the rule of law, justice, and anti-corruption, as well as human rights respect and better living conditions for the population. However, gaps in those areas clearly remain huge.

<u>Relevance</u>

The project was structured around three sub-programs: the Human Rights House, Election Capacity Building, and Extractive Industries Governance. These sub-programs meet key needs for the civil society to perform its duties in strategic sectors. Nowadays, the capacities of the CSOs are still very limited, despite successes, and they face an increased political pressure.

Different approaches were put in place for capacity building across sub-programs, but they all included learning by doing, which is a great asset. The methodology for designing the content of the capacity building was based on formal capacity assessments of the partners, and thereby ensured the relevance of the interventions. However, the capacity assessments were of varying natures across the sectors, and lacked a common standard to define capacities and benchmarks.

The support to coalitions / CSOs platform had the objective of ensuring sufficient outreach and bringing various CSOs together. This was particularly relevant given the sensitivity of the subjects, meaning that CSOs individually represent easier targets than groups or coalitions bringing together various structures. This was an ambitious – and necessary - approach but the level of involvement and accountability to the various coalition members was not planned in details, so as to ensure that the structures fulfil their role as coalition or platform.

Overall, activities were coherent with the objectives, although the latter were not precisely defined and remained rather general. The approach was learning by doing, which had a great added value of particular significance. TCC provided continuous ad hoc support for the completion of research and then the capacity building efforts had clear outputs. The mentorship allowed for fulfilling the specific gaps and issues faced by CSOS for the achievement of activities. It also created long term collaboration dynamics between TCC and its partners.

The program's different objectives had various extents and scopes, which was not clearly reflected in the logical framework. For example, the organisational aspect was a strong part of the project document, but the program largely focused on technical support. The prioritization of technical and organizational support was to some extent made taking into account the existing supports and identified priorities. However, this focus was relevant, given the needs in the sector, a results oriented approach, and coordination with other stakeholders. The linkages of the activities with the overall objective of reform was not always clear, in the sense that collaboration with State authorities and advocacy was - at this stage - not so developed, and a focus was instead on (numerous) products delivery.

Overall, the interventions were not articulated with a long term vision of the role of civil society and forthcoming challenges, as well as on its potential evolution. The dependency on donors for funding, and the short term programs with specific objectives based on donors' strategies, partly explain this. In the meantime, the funding provided TCC with room to work on different strategies, different partners, and different activities.

Effectiveness

Overall, the CSOs supported are more effective, credible and sustainable. Progress is mostly visible at technical level. The evolution of performance was measured in a structured way with score cards and capacity assessments but these were not used by the CSOs. Capacities gained cover proposal writing, budget management, monitoring and evaluation, safety, administration and human resources. In some cases, this was part of the implementation of the technical work. The program helped to broaden the network of the CSOs and they now interact with other CSOs. The program was in some cases the first funding to some CSOs, but still led to significant results and allowed them to start their activities. It also contributed to their legitimacy and credibility. Some activities were not fully implemented, in some case because of limited resources.

Although the complicated monitoring system and mid-term modification of indicators hampered the measurement of the level of attainment of the specific objectives, progress is noticeable in the three sectors.

On the first objective, an alert network for human rights defender protection was implemented in North Kivu. It strengthened linkages between different CSOs, increasing their ability to react and comply with collectively agreed upon security protocols, to identify and assess cases, and to collect and analyse information at various decentralized level through the focal points. However, some key partners are limitedly involved in the system and are not aware of it at the headquarters level despite their relatively broad network. Awareness raising has not been extensive and potential synergies have not yet been fully exploited.

The involvement of CSOs in the Kinshasa-based HRD system strongly decreased because of conflicts between the different human rights CSOs related to the selection of civil society positions on the National Human Rights Commission.

Similarly to the capacity assessments and the lack of common standards in terms of organizational capacities, the different sub-programs used various training modules, including on organizational issues. This is a missed opportunity as efforts were duplicated. However, efforts are being put in place to better structure capacity building efforts of TCC and modules are currently being revised by a newly-hired capacity building expert.

At technical level, interventions are more credible and scientific, in terms of data collection, analysis and report writing. CSOs conducted or even started conducting new research on key subjects and at a rather high level with new approaches. The program hence also created new competencies. Some examples indicate that interventions are more effective in the three sectors. Partners CSOs are better able to engage in national debate and gained recognition owing to the program. Their advice is solicited by State institutions, parliamentarians or international extractive companies. Some were also selected to be in national institutions (EITI executive committee or CNDH for example).

Some examples include:

- The human rights thematic groups were able to produce results and gained in independence, in the case of the Women's Rights Thematic Group, or organized themselves to produce interesting results, in the case of the Children's Rights Thematic Group. At organizational level, the groups have a better sense of their mandate and objectives, as well as those of their different members.

- The human rights defenders' system in North Kivu increased the CSOs ability to react and comply with collective agreed upon security protocols. It also included capacity to identify and assess cases, verify them and put in place relevant solutions. It also strengthened linkages between different CSOs, and their ability to collect and analyse information at various decentralized level through the focal points. The network can be seen as trust inspiring and increasingly effective as the number of cases reported augmented.

- In the elections project, local partner CEJP gained competencies to comply with international standards for electoral observations owing to trainings conferring international certification. The main outputs to date was the pre-electoral observation report, which received recognition from international and national stakeholders

- In the mining governance sector, the different case studies testify to the knowledge and competences of the different CSOs supported. This research provided a better understanding of the functioning, processes and regulatory framework for contracts, licenses, fiscal requirements, as well as the identification of human rights impacts.

- The mining governance program also contributed to organizing the civil society on mining governance by engaging in national debate about issues such as the reform of the mining code, or the comments to the EITI reports.

Constraints to the program's implementation include absorption capacities of the CSOs, communication (including with mining companies), transparency on the workplan and budget, TCC administrative chain, monitoring and evaluation, lack of coordination between the different sub-programs at TCC level, staff turnover and the lack of institutional memory and capitalization of knowledge. Some delays occurred because of inaccurate planning of the capacity assessments, of field missions due to logistics and security challenges, or for implementation of the learning of the trainings. Regarding elections, there is no electoral calendar to date, which also constrains the program.

TCC also faced challenges in the program implementation because of the limited corporate commitment and availability of some partners, suggesting that this aspect should be further checked, particularly in the human rights sub-program (in the election sub-program, CEJP receives also a lot of request by international

stakeholders, and has a limited team). The lack of a clear HRD status may also constrain the effectiveness of the CSOs, notably coalitions, although they are better structured and with a clearer mandate than before owing to TCC support. There is indeed a multiplication of the Human Rights CSOs, with a rather weak coordination system. In mining governance, in addition to the numerous studies produced, the program contributed to better organize CSOs, for comments on the EITI reports or on the mining reform in particular.

Impact

The program contributed to an increased awareness, transparency and accountability of the State institutions and companies in the three sectors. Rights holders also have a better understanding of their rights. It also contributed to some changes of practices by companies (revision of the compensation mechanisms and of community consultations) and State institutions (increased control over some mining companies and of some civil servants, changes of the allocation of the State budget to primary education). Some cases were raised at the national political level. Some institutional changes and reforms are also noticeable, such as the validation of the DRC participation to the EITI. Human defenders in North Kivu are better protected. Also, the program contributed to a better collaboration and a more constructive approach between CSOs and State institutions by having grounded analysis instead of complaints. The results of the program beneficiaries are particularly significant, notably as there are limited other interventions in some of the sectors covered by the sub-programs. TCC is also one of the rare organizations funding local CSOs and working constantly with them with daily interactions. There were however limited progresses on the legal framework. Also, given the extent of the needs, some strategic areas and stakeholders engagement should be strengthened.

Sustainability

There are examples of increased autonomy by the CSOs in the performance of their duties. Some take initiatives to engage with communities in mining sector for example, or were able to leverage funding. However, the intervention logic was partly based on the added value of supporting coalitions and platforms in order to strengthen sustainability, which did not happen yet, because the level of expectation and functioning of the coalition / platforms was not sufficiently detailed. This comprises knowledge duplication and replication mechanisms, accountability to the members etc. There is also an overall lack of processes to ensure sustainability, which are all the more key that in some essential sectors, such as mining governance, TCC interventions are unique. There was also a limited integration of external stakeholders as sustainability relays (universities, communities, civil servants) and CSOs have now sufficient competencies to engage with them. Civil society also remains particularly fragmented, which is an issue in particular in the human rights sector, where this restrains their ability to have an influence.

Recommendations

To TCC & SIDA
1. Ensure long term planning of the expected results on the civil society and effects of supported CSOs.

To TCC

2. Support partners in advocacy and judicial claims as a follow up of the results.

3. Extend the coverage of the interventions: new strategic geographical areas, follow up of major cases, new researches, and potential new partners.

4. Strengthen accountability of the coalition / platform to CSOs (internal reporting, accountability to members, synergies with member's interventions).

5. Foster coordination of human rights NGOs, CSOs and partners using the Human Rights House.

6. Increase internal coordination between sectors (joint planning, M&E, coordination conference calls), and maximize synergies within the sectors, on training and security planning within HRH. This could consist in frequent meetings, sharing of plans and resources, joint development of capacity building tools.

7. Ensure appropriation of the M&E system, which could be developed with partners, and ensure that it is representative of the program, as well as, based on SMART indicators.

8. Support training of trainers in the various sectors as well as knowledge replication / dissemination, notably by setting up processes within the different structures.

9. As part of the efforts for transparency of work plan, budget management, i.e. expense tracking, pipeline, among others could be done jointly and more transparently.

To TCC and partners

10. Reactivate the protection alert system in Kinshasa. Contribute to the design of common standards of practice for further professionalization of the CSOs, definition of the roles and responsibilities (including challenges of politicization, definition of human right defenders' status, and engagement with the authorities).

11. Set up a general framework for capacity building of the partners. Clarify and strengthen expectations and workplan in order to measure progresses. This could be used also in the prioritization of the interventions, along with an analysis of the priorities in each sector, potential opportunities to support reforms, target the most strategic stakeholders and reach specific objectives at short, medium and long term.

12. Ensure corporate commitment of the partners at the selection process, their availability and adequate planning of resources, meaning that the head of organizations should take responsibility to ensure adequate resources are allocated to implement changes and that the support received meets the organization's priorities.

13. Ensure motivation / accountability / availability of partners or tailor partnership / activities consequently.

To TCC, SIDA and partners

14. Support security planning in the different coalitions and partners.

15. Strengthen joint planning and communication with donors, INGOS, CSOs partners on the content of the program, opportunities, and results, which should be relayed or possibly investigated further. Support integration of youth organizations and community based structures in existing frameworks, in the latter case via CSOs supported.

16. Increase exchanges with State services, possibly joint trainings on basic concepts, further define cooperation processes with them and expectations based on regulatory framework.

I.   Context

Civil society in the DRC faces a number of challenges. Although numerous organizations have been created, they are all scattered, and most of them have limited, if any, activities. A few organizations have higher standing and mobilize significant attention from parts of all of the stakeholders. Although coordination frameworks exist all over the country, CSOs still have limited capacity to engage collectively in national debates, without support of international organizations. They are also completely financially reliant on international funding.

Their role as a necessary component in democratic debate is particularly important in a country where the low literacy level, size of the country, and logistical constraints hamper the actual participation of the whole of the population.

In the recent and current context, the role of the CSOs is also essential given the challenges in various sectors covered by TCC, who are central to the development dynamics in the country. Overall governance of the country is strongly centralized and hampered by corruption at every level. Conflict and violence persist across most of the provinces, primarily the Eastern part of the country (Kivus, Haut and Bas Uele, Ituri, Katanga). This illustrates the general inability to bring sustainable peace and mitigate the numerous insecurity drivers. The government is delaying the election process while political space is shrinking in the meantime. Elections are unlikely to happen on the due date of 2016, and a transition period appears necessary to update the register voters list, which will require significant funding. In addition, there has been harsh retaliation in response to the protests against the attempt by President Kabila to run for a third mandate have been harshly retaliated. This put human right defenders at higher risk, and restricted human rights such as freedom of speech and demonstration. Natural resources hardly benefit to the population and their management is often opaque. Equitable sharing of the benefits from mining activities has been limitedly addressed.

The ability of the civil society to engage in a constructive dialogue with State authorities and trigger positive governance dynamics thus appears essential for the future of the population of the DRC.

II.   The program

1.   Description

SIDA allocated 25 millions SEK (3,517,956.85 million USD) for the period 1st February 2013-31st December 2015[1] to the Carter Center (TCC) for a program entitled " Support to the Human Rights Defenders Protection and Capacity Building Program" (hereafter sometimes referred to as the "Program").

This is a cross cutting program over the three areas of interventions of The Carter Center in the DRC: human rights, election observation, and mining governance, and aiming to deliver different types of capacities. The overall objective of the Program, as stated in the initial Agreement between Sida and The Carter Center, is "Strengthened civil society organizations achieve human right policy and practice reform in the DRC." The three objectives of the Program were stated in the agreement with SIDA as follows:

---

[1] http://www.swedenabroad.com/ImageVaultFiles/id_31835/cf_347/DRC-PORFTOLIO_OVERVIEW__June__2015_MASTERCOPY.PDF

- · Objective 1: Selected Congolese CSOs have increased capacity to manage human rights defender protection systems
- · Objective 2: Selected Congolese CSOs trained in organizational development are more effective, credible, and sustainable
- · Objective 3: Selected Congolese CSOs are able to carry out their technical interventions more effectively and with greater impact

The sub-programs are managed by different teams at TCC, and covered overall several aspects: capacity building at technical level in the three sectors and on organizational aspects (fundraising, Monitoring and Evaluation, administration, and finance). This varies however between the sub-programs, in the mining governance sub-programs, the organizational component was not included.

Under each sub-program, some CSOs were supported, as well as CSOs platforms, through training, workshops, mentoring, and observation missions abroad, such as the CEDAW mission in Geneva in July 2013. Partner CSOs, with support from TCC, undertook also joint reviews of existing frameworks (legal systems in the DRC, application of international standards, compliance with international initiatives such as the EITI) and systems (election organization, social responsibility of the mining companies, protection of human rights defenders) in the DRC. The purpose was to provide recommendations to the DRC authorities and mining companies, as well as contribute to the advocacy of the Congolese civil society and international community, and finally to support changes in the policies and practices in the three sectors.

The evaluator received the audit reports, undertaken every year of the program according to the agreement with SIDA.

The program's financial contribution was as such:

Table 1: Program budget

	Budgeted amount (SEK)	Amount (SEK)	Amount USD	Percentage of budgeted amount
2013	25 920 526	3 437 720	423 641	15,3%
2014	32 189 303	14 316 152	1 764 224	44,5%

The funding was rather flexible and could complement other sources of funds when necessary, playing to a certain degree the role of core funding.

The budget for this grant was split by objective rather than by sub-program as per the grant agreement with Sida, hence the actual level of expenditures by component is unclear – and could not be determined in the evaluation, the staff does not know it actually as all is centralized in Atlanta. This complicates also tracking of expenses at the field level and visibility over the finances planning.

The program also included mostly technical assistance to CSOs, and therefore the amount handed over to CSOs, through grants notably, does not appear in the financial reports. The sub-grants are included in "other expenses" in the financial reports but TCC was not under contractual obligation to report further. Grants were mostly allocated in the mining governance sector for the completion of a number of studies. Those grants were of a rather limited amount (up to 30 000 USD), based also on the limited absorption capacities of the beneficiary CSOs.

2. Logical Framework

The logical framework was revised with Sida's approval[2] between the agreement and the structure used for the monitoring. The table below compare the two versions:

Table 2: Evolution of the logical framework

Agreement	PMP
OBJECTIVE ONE: Selected Congolese CSOs have increased capacity to manage HRD protection systems	
Intermediate Result 1.1: Selected NGOs security measures and mechanisms are more effective and better coordinated Outcome 1.1.1: The Human Rights House Alert and Protection System (APS) better Outcome 1.1.2: APS members are able to better manage and report on protection cases. Outcome 1.1.3: APS members effectively advocate to improve HRD security and *Intermediate Result 1.2[3]: Legislation and policies, as well as follow-up implementation by the government, demonstrate a commitment to the protection of human rights defenders.* Outcome 1.2.1: Legislation for the protection of human rights defenders is drafted,	Outcome 1.1 Members of HRD Protection Systems in Kinshasa and North Kivu are Better Able to Investigate Protection Cases Outcome 1.2 Members of HRD Protection Systems in Kinshasa and North Kivu are Better Able to Coordinate with Relevant Actors
OBJECTIVE TWO: Selected Congolese CSOs trained in organizational development are more effective, credible, and sustainable	
Outcome 2.1 Selected Congolese CSOs Have a Better Understanding of Rigorous Financial Systems Outcome 2.2 Selected Congolese CSOs Demonstrate Strengthened Capacity in Program Cycle Management Outcome 2.3 Selected CSOs Demonstrate Improved Income Generation and Fundraising Capacity Outcome 2.4 Selected CSOs Demonstrate Improved Monitoring and Evaluation Capacity	Same
OBJECTIVE 3: Selected Congolese CSOs are able to carry out their technical interventions more effectively and with greater impact.	

---

[2] Sida agreed to change PMP on March 2015.
[3] Sida agreed to the new PMP and thus this Intermediate Result and Outcome related to the HRD law (which is referenced throughout this report), was removed by joint decision of Sida and TCC given the unstable political situation in the country.

Intermediate Result 3.1: The actions of selected CSOs for capacity strengthening in research, reporting and advocacy techniques on key human rights issues are more effective, credible and have greater impact. Outcome 3.1.1: Selected CSO partners conduct more accurate and rigorous research, Outcome 3.1.2 Partner CSOs more effectively advocate Rights Commission (NHRC) law, specific human rights issues, and government compliance Outcome 3.1.3 Trainers of CSO partners are able to provide trainings in human rights modules (data collecting, reporting, investigation, advocacy, and awareness-raising on different human rights issues) to additional CSOs according to HRH training techniques. compliance with international human rights obligations *Intermediate Result 3.2: Improved competency (knowledge, skills and attitude) among selected CSOs to monitor, analyze and report on the electoral process according to international human rights obligations and use findings as the basis for advocacy efforts.* *Intermediate Result 3.3: Selected CSOs become more effective in demanding transparency and accountability in the DRC industrial mining sector.* Outcome 3.3.1: CSO partners advocate for the improvement of the legal framework on mining information disclosure and become more effective at monitoring its implementation by the government and selected companies. Outcome 3.3.2: CSO partners are better able to access disclosed information related to mining governance and disseminate that information in a systematic way to a broader audience through online publications. Outcome 3.3.3: CSO partners understand government and mining company obligations relating to local and national impacts of mining and assess these actors' compliance as it relates to	Outcome 3.1 CSO Partners Have Increased Ability to Conduct More Accurate and Rigorous Research and Analysis on DRC Compliance with Human Rights Norms & Obligations Outcome 3.2 CSO Partners Have Increased Ability to Draft Reports and Recommendations on Human Rights Reform Outcome 3.3 CSO Partners Have Increased Ability to Advocate for the Implementation of Selected National and International Human Rights Norms and Obligations Outcome 3.4 CSO Partners Have Increased Ability to Monitor Electoral Developments, Collect Qualitative and Quantitative Data, and Analyze Electoral Processes Based on International Standards and Obligations Outcome 3.5 CSO Partners Have Improved Ability to Develop and Present Practical Recommendations and Advocate for Electoral Reform Outcome 3.6 CSO Partners Have Increased Capacity to Effectively Advocate for and Monitor Improved Mining Sector Information Disclosure Outcome 3.7 CSO Partners Have Increased Capacity to Disseminate Mining Governance Information Outcome 3.8 CSO Partners Have Increased Capacity to Monitor and Assess Government & Mining Company Obligations as well as Assess Their Compliance with National & International Mining Standards and Norms

Congolese law and international standards.	

III. Evaluation scope and Methodology

1. Objective & scope of the evaluation

This study is the final evaluation of the program and serves both accountability and lessons learned purposes and will be conducted based on the OECD DAC criteria of relevance, effectiveness, impact, and sustainability.

The evaluation will also include an analysis of the intervention logic. Recommendations will be drafted based on the evaluation findings, in order to improve further programming in the program and sub-programs. The target audience is The Carter Center and its partners, as well as SIDA. The report may be published and used by other organizations and practitioners, if agreed by Sida and The Carter Center.

2. Methodology

The evaluation took place in three main phases as per the chart below.

	Dec.	January	February	March	April
Signature of the contract	☆				
Phase 1 – Inception, 20 Dec. – 20 Jan.	▬▬▬				
Desk Review of key docs					
Preparation of the field mission					
Inception report		☆			
Phase 2 - Data collection, 22 Jan. – 2 Feb.		▬▬			
Field mission in the DRC			▬▬▬		
Debriefing with TCC (in L'shi and Kinshasa)			☆		
Phase 3 - Drafting of the report, 14 Feb. – 20 March.			▬▬▬▬▬▬▬▬		
Draft report					☆
Integration of comments and Final Report					☆

The evaluation gathered information through the following methods:

- **Desk review.** The evaluator started by analyzing documents provided by TCC (over 300 documents were provided), progress reports, and products of the different program activities as well as national development policies and

strategies. Documents from similar and complementary initiatives, as well as the last reports on the specific context in the DRC were also considered.

- **Key Informant Interviews were conducted,** based on an interview guide based on the evaluation matrix. The interviewees were classified as follow:
    - TCC staff in the DRC, management, operational, administration.
    - State partners if possible and relevant (discussed during interviews with managers of each sector).
    - SIDA
    - Beneficiary CSOs and thematic groups in the three sectors
    - Other partners (local and international NGOs)
    - External stakeholders working in the areas / on similar issues: donors, other international organisations (EU, UN organizations), research centers and other NGOs.

- **Focus group interviews:** The evaluator held meetings with groups of beneficiaries, in particular thematic working groups and POM (Plateformes des Organisations du secteur des Mines) members in Lubumbashi.

- **Visit in the province.** The evaluation covered the capital, as well as Lubumbashi, where the mining governance program is located. Partners from Bunia and Bukavu travelled to Lubumbashi to participate in the evaluation.

IV.   Evaluation Findings

1. Relevance

EVALUATION QUESTIONS:
·   *To what extent did the program (including each of the three sub-programs) meet the needs of the partner CSOs in the DRC?*
·   *To what extent are the objectives of the program (including each of the three sub-programs) still valid?*
·   *To what extent were the activities and outputs of the program consistent with the overall goal and the attainment of its objectives?*
·   *To what extent were the activities and outputs of the program (including each of the three sub-programs) consistent with the intended impacts and effects?*

i.   Needs of partners[4]

The **approaches differ between the three sub-programs** (election observation, mining governance, human rights) but generally met the needs of the selected partner CSOs in the DRC. None of the CSO indicated that other priorities or types of support would have been more relevant, although program implementation faced several challenges, and a number of needs still remain.

The methodology for designing the content of the capacity building was based on **formal capacity assessments** of the partners, and thereby ensured the relevance of the interventions. However, the capacity assessments were **of varying natures[5]**

---

[4] The physical locations of the partners is detailed in annex.
[5] HRH: Technical Capacity Assessment - TCA and Organizational Capacity assessments - OCA. For DES it was a technical and organizational capacity assessment – TOCA.

across the sectors, without a common standard. For human rights CSOs, the assessments focused on data collection and advocacy, while CEJP assessment included looking at coordination, partnerships, human and financial resources, Monitoring and Evaluation, and advocacy. In the mining governance programme, the assessments early 2013 of MMKi and CdC aimed to finalization the partners' selection.

The prioritization of technical and organizational support was to some extent made taking into account the existing supports and identified priorities. They were acknowledged by the various organizations.

The support to coalitions / CSOs platform in mining governance as well as to Human Rights thematic groups (including FFC to some extent as the organization is funding other CSOs) had the objective of ensuring sufficient outreach and bringing various CSOs together. This was particularly relevant given the sensitivity of the subjects, meaning that CSOs individually represent easier targets than groups or coalitions bringing together various structures. Coalitions are also stronger – in theory - than CSOs, most of which are rather weak, in terms of networks, influence capacity, and leverage effects. A more significant number of people and the individual weaknesses of each CSOs can be overcome more easily. This was also the rationale to support the Synergie Ukingo Wetu, which aims to protect its members – and generally human rights defenders – by acting collectively. Individual CSOs highlight the need to act with other partners to do the advocacy in particular. Besides, it allows multiplying the project effects on various partners. This was an ambitious – and necessary - approach but the level of involvement and accountability to the various coalition members was not clearly defined.

ii. Validity of the objectives

Capacity of the civil society still remains limited and would **require continuous support** on a number of aspects, such as coordination, advocacy, protection, and further research, particularly giving the fragile situation of the country.
The civil society indeed faces serious **constraints in the current political context**, the challenges around the elections and overall governance, continuous human right abuses and arbitrary arrests.

Human Rights
Some human rights CSOs have political linkages or position themselves in the political agenda, which also affects the perception of the State authorities of all civil society. In addition, CSOs are generally too easily considered political opponents by the government.

Indicators for the program performance included support to the legislation for Human Rights Defender (HRD) protection, which was limitedly addressed by the activities. However, while the usefulness for a specific HRD law cannot be denied, the implementation of the actual legal provision still remains limited. This comes to the intermediate result that was removed by Sida authorization. While the IR was still on, the law was drafted and discussed by many CSOs and MPs. It was even analyzed by experts to check its compliance with the constitution. Now, due to political interest, the law proposal languishes is in one of the Parliament drawers. Indeed, major cases, such as the trial of Floribert Chebaya were not successful. Thus, it is not clear that an additional law would allow for better law enforcement and justice prosecution, as opposed to stronger advocacy, so the evolution of the program objectives appear relevant.

Capacities gained by the supported organization also lead to new needs, building on the achievements of the program. Notably, this includes **advocacy to promote results of the studies, and possibly creation of leverage** effects on other stakeholders. They also seek increase autonomy and additional funding sources.

In addition, the need for protection of CSOs and **security planning** remain, notably because of sensitive cases raised in the work of different partners (ex. Child Thematic Group).

Also, in order to become more and more autonomous, CSOs request increased capacities in fundraising, fund management or ability to attract new donors through networking opportunities.

Lastly, the functioning of the platform / coalition and the **added value of working as a platform are not always obvious**. They lack minimum standards in terms of communication, coordination, reporting and accountability to the members, level of involvement of the different organizations, creation and election system for the secretariat and committee, strategy and work plan, partnerships, etc. Such standards would help to define minimum expectations and intermediary goals for the various CSOs in a consistent way, and could also possibly be used as a reference by CSOs for their internal improvements – event without TCC support – as well as in the prioritization of partners. Those standards could be defined first at the level of TCC and its partners, or even better in coordination with the other international stakeholders. Some efforts were undertaken in the local protection committees in North Kivu to ensure internal accountability by having terms of reference, a manual for financial procedures and management protocols.

Elections

Regarding elections, the main challenge is the **lack of implementation of the published electoral calendar**. The challenges around the revision of the voter's roll are limitedly understood by the population, asking for respect of the initial timeframe, and the risks that some groups of the population will be excluded from the election are significant. Details of a potential transition are still to be defined.

In the meantime, attempts to revise the constitution for a third mandate by President Kabila require pressure from the civil society and communities to ensure good governance and democracy in the country. The claims of the numerous small CSOs constituting the Congolese civil society are diverse, minimally coordinated or disorganized. In particular, support to youth organizations is limited to date, though they can be easily manipulated. They are also rather recent and have restricted ability to start a constructive dialogue or protect themselves. Efforts to coordinate and professionalize them should be strengthened, by TCC or other stakeholders.

Mining governance

Despite some progresses, mining governance objectives are still significant, given the extent of the needs in various sectors and across the country. The work of TCC is crucial as a pioneer in mining governance transparency and fiscal analysis in the DRC, as well as capacity building of the CSOs in that respect. Given the extent of gaps in this field, the strategic prioritization of activities and case studies undertaken can difficultly been discussed. The efforts to cover different provinces and address some strategic cases, where needs were obvious, are noticeable. Some very large companies have still not been assessed, not to speak of remote sites, and are also limitedly followed up by the concerned stakeholders. Local civil society could constitute useful relays in those cases. There are also opportunities to build on the results of the past actions, notably

the capacities gained in EITI reporting to pursue the request for further accountability, and ensure that recommendations are addressed and taken into account. Mobilization of local political representatives and other opinion leaders would appear relevant in that respect.

iii. Consistencies of activities and outputs with overall gain and objectives attainment, & Consistency of the activities and outputs with intended impact and effects

Gain and objectives:
The overall objective is "Strengthened civil society organizations achieve human rights policy and practice reform in the DRC".

Specific objectives:
·   Selected Congolese CSOs have increased capacity to manage human rights defender protection systems;
·   Selected Congolese CSOs trained in organizational development are more effective, credible, and sustainable; and
·   Selected Congolese CSOs are able to carry out their technical interventions more effectively and with greater impact.

Technical reports indicate the details of the interventions undertaken. The main activities and outputs can be detailed as follows:

Human Rights
-   Support to Fonds des Femmes Congolaises (FFC) (security assessment, sensitive data collection, program management cycle, martus/ specific software for human rights monitoring, monitoring and evaluation, fundraising) and ASADHO (advocacy, security of the office & security assessment, program management cycle, martus, monitoring and evaluation).
-   Training and technical support to Women Thematic Group and Child Thematic Group.
-   Implementation of the alert network for human rights defender protection in North Kivu.
-   International treaty body reporting/shadow reporting and CEDAW attendance (for reference *55th Session of CEDAW in Geneva)* From July 8-July 12, 2013, three representatives from the HRH women's rights thematic group were invited to the 55th CEDAW session in Geneva and two TCC staff accompanied them.
-   Developing the website to augment the resources in the HRH library and internet café.

Elections
- Building technical capacities of CEJP, including pre-electoral observation mission, training of a pool of trainers and of long term observers, certification training to international standards, implementation of a call center for elections monitoring.

Mining governance
- Collaboration with various platforms and CSOs, POM, ACIDH, IBGDH & ASIBOG, ASADHO, MMKi, CdC.
- Human Rights Impact Assessments.
- Transparency, fiscal, and revenue studies.
- Review of EITI reports and support to mining code reform. Technical assistance to EITI Technical Secretariat by developing tailored revenue reporting forms for Sicomines project.
- Mapping and website redesign.

Overall, activities were **coherent with the objectives**, although the latter were not precisely defined and remained rather general. The approach was **learning by doing**, which had a great added value of particular significance. TCC provided continuous ad hoc support for the completion of research and then the capacity building efforts had clear outputs. The mentorship allowed for fulfilling the specific gaps and issues faced by CSOS for the achievement of activities. It also created long term collaboration dynamics between TCC and its partners.

The different objectives had various extents and scopes, which was not clearly reflected in the logical framework.

On the first objective, no activity was carried out to support or structure further the human rights defender protection system in Kinshasa during the last year of the project. In the first two years the APS was functioning and receiving regular TCC support. The Year 1 Annual Report discusses the launch of the APS database and SMS reporting gateway. The project focuses on North Kivu and this focus, albeit strategic, means that coverage is limited to this sole province to date, though needs are significant all over the country, networks of CSOs exist in most of the provinces, and several beneficiary CSOs have networks covering the country or various provinces (ASADHO and FFC who benefitted from the HR sub-program. This means it would not be necessary to create a network from the beginning and that partners could also, in theory, relay the capacities to operate the protection system.

The activities related to organizational support were rather limited, directly geared to ASADHO and FFC as special partners, or indirectly by being integrated in technical support. Assessments of CSOs involved in mining governance activities foresaw both organization and technical capacity building but, according to the staff – and as agreed agreement with SIDA - , the organizational side could not be implemented, notably because of limited resources available at TCC level, and prioritization. Organizational Capacity Development (OCD) was only mentioned for the mining governance project as a commitment for MinGov at the very beginning of the grant and was taken out well before the revision to the PMP that was accepted by SIDA in 2014 after it was realized that the HRH project would not be able to provide OCD support the mining governance partners. Some of the assessments appear to have predated the grant agreement as they are used as baselines and in the grant agreement are attributed to a previous SIDA grant. Activities and outputs focused largely on the third objective, the technical support component. This was the whole of the elections activities with CEJP (USAID provided funding to CRS for organizational support), and of the mining governance work. Results are thus much more visible in that respect.

A **significant number of partners (see annex)** were involved: one for the elections, five in human rights, and six in mining governance (plus small grants and trainings to other CSOs). In mining governance, one of the partner was later replaced by two others. Assistance to more groups in human rights was envisaged originally but this was not executed because some groups were less functioning (human rights defenders) or had other types of support (elections). The activities then focused on the individual performance of the structures, most of which were platforms. The idea was to have more sustainable impact and have solid structures.

Intended impact and effects on the governance system of the DRC were not planned precisely in the actual description of the objectives, which also changed compared to the initial description of the intermediary results and objectives (see table 2). In the Results Assessment Framework included in the Grant agreement of May 2013, they were rather differently defined compared to the subsequent PMP, revisited in May 2015 by Sida. The overall objective was formulated as "CSOs achieve human rights policy and practice reform in the DRC". However, the human rights sub-program performance indicators were related to OHCHR UPR and government actions to protect HRD (and – in the old PMP - passing of the legislation to protect human rights defenders).

The electoral section aimed to support electoral reform to meet international standards. In that respect, limited work was undertaken for advocacy for electoral reform and the program remained at the level of building the capacities of the CEJP only for election observation.

The initial mining governance performance results included references to two aspects which were not followed up on: the Resource Governance Index, out of EITI, which was widely addressed during the program (the initial PMP also included IMF release of funds). The initial PMP included MG-G1 "Increase in DRC's standing in the Resource Governance Index", G-G2 "Increase number of EITI requirements with which DRC complies" and MG-G3 "Release of loan funds from IMF to DRC". In the revised PMP, MG-G1 and MG-G2 were retained, but all goal level indicators were adjusted to be collected only at the end of the project. More specifically, MG-G1 was previously to be measured every other year, but the RGI is not produced annually: the last update was in 2013 so no intermediate collection would have been possible. The next Resource Governance Index will not be published until after September 2016. Much of the mining governance work contributes to improving the various component parts of the RGI, and this is why TCC chose it as perhaps the most comprehensive indicator of the multifaceted governance work. All that is available is the 2013 index, which was used for the baseline. Regarding EITI, TCC achieved the target of 6 requirements, as DRC was validated in July 2014 as a result of the meeting these 6 requirements. The IMF was acknowledged to be a difficult (and perhaps even counterproductive) indicator of TCC's work as phrased and was thus removed in the PMP revisions. However, TCC have continued to engage with the IMF

Overall, the interventions were not articulated with a **long term vision** of the role of civil society and forthcoming challenges, as well as on its potential evolution. For example, there is no document, like a policy, strategy, approach or concept note, from TCC detailing the overall approach, strategy and its added value in the three areas of operations and foreseeing the evolution of the civil society in the various sectors, at the short, medium and long term, and based on planned organizational capacities development of the civil society, notably the structure in coalition or platform. Some documents indicate the general approach however, in the mining governance project notably, according to TCC.

This would be relevant in particular to build on assets, including the Human Rights House, and also to have a process to relay the outputs of the programs, such as in advocacy. The dependency on donours for funding, and the short term programs with specific objectives based on donours' strategies, partly explain this. In the meantime, the funding provided TCC with room to work on different strategies, different partners, and different activities.

Key Findings:
- Different approaches to capacity building between the sectors although all sub-programs included learning by doing
- Structured capacity assessments of the partners but no common standards
- Interest of working with platforms / coalitions not planned in details
- Capacity of the CSOs still very limited and increased political pressure
- Very general objectives – lack of specific objectives
- Logical framework not very representative
- Mostly technical support
- Linkages of the activities with the overall objective of reform not always clear
- Interest of learning by doing
- Lack of long term vision

2. Effectiveness

EVALUATION QUESTIONS:
· To what extent has the program reached the specific objectives and expected results it planned to achieve (each of the three specific objectives and three sub-programs must be evaluated)?
· To what extent have efforts to achieve the objectives progressed within a reasonable time frame?
· What evidence demonstrates that the implementation of the sub-programs has contributed to the improvement of the organizational and technical capacity of key CSOs?
· To what extent have the capacity building activities of TCC improved partner CSOs' capacity to contribute to improvement in human rights policies?
· To what extent have partner CSOs increased their capacity to manage human rights defender systems?
· To what extent have partner CSOs increased their capacity to address mining governance issues?
· To what extent have partner CSOs increased their ability to monitor electoral processes based on international standards and obligations?
· What were the major factors influencing the achievement or non-achievement of the objectives?

i.Reach of specific objectives

The Performance Monitoring Plan contains some indications on the level of achievement of the targets. However, it is not fully representative of the actual content of the program and the follow up of the indicators was difficult because of the complexity of the Monitoring system and the lack of involvement of the staff member in its implementation.

The indicators for the overall objective were therefore not all monitored[6]:

Human Rights

Number of recommendations from Congolese HRDs incorporated into UN recommendations to Congolese Government on treaty implementation
Number of Official Government Actions Taken to Protect HRDs

Electoral Reform

Laws and Institutions Related to the Electoral Process Undergo Reform Vis-à-Vis International Standards Prior to the Next National Elections
Future Elections are Considered Credible by International and Domestic Observer Missions

Mining Governance

Increase in DRC's Standing in the Resource Governance Index
Increase number of EITI requirements with which DRC complies

> ▶ **Selected Congolese CSOs have increased capacity to manage HRD protection systems**

The support to the Human Rights Defender protection system mostly consisted of building a system in the East, in North Kivu, with some successes in this respect[7]. A number of focal points have been created throughout the province. In addition, the number of alerts increased and was higher than expected. Indeed, in 2013, the baseline was 29, in 2014, the target was 26 when 36 cases were addressed, and in 2015, the target was 32 when 42 cases were addressed. Another indicator was the number of coordinated strategies and action plans developed by CSOs, which was reportedly of 23 in 2014 when the target was 17, and in 2015, was 38, (no target was defined).

Some key partners are nevertheless limitedly involved in the system, and are not aware of it at the headquarter level despite their relatively broad network. Awareness raising has not been extensive and potential synergies have not yet been fully exploited. The number of participating CSOs was supposed to be monitored in the Results Assessment Framework (RAF) included in the agreement with SIDA, but was not included in the PMP, the actual monitoring system.

On the other hand, in Kinshasa, the system significantly slowed down and became operated ad hoc mostly with INGOs, and would need to be reactivated. This was due to conflicts between the different human rights CSOs, notably because of the competition to be members of the National Commission on Human Rights, created a few months ago by the government.

> ▶ **Selected Congolese CSOs trained in organizational development are more effective, credible, and sustainable**

---

[6] Data for Objective 1 was provided quarterly under Indicator 1a and the revised PMP – as accepted by SIDA – states quite clearly that indicators Objectives 2 and 3 as well as all Goal level indicators are to be collected at the end of the project.

[7] Originally, in the program agreement, the objectives were to support HRD protection in six provinces (North and South Kivu, Katanga, Oriental Provinces, Kasai Occidental, Bas Congo).

Overall, the achievements are most visible at the technical level, and organizational aspects were fewer, as part of a grant (FFC, ASADHO), or were addressed by other organizations (such as CRS in the case of CEJP). The monitoring of the progress at the organizational level was made using scoring cards for each partners and each type of support provided. This was limitedly communicated throughout the staff and, because of the staff turnover, could be barely used. There are, however, examples and indicators that suggested CSOs have improved their capacities, and gained in effectiveness and credibility. The different trainings included pre and post tests so it allowed monitoring of the adequacy and success of the trainings. The technical and organizational capacity assessments were other tools used to measure the increase of capacity.

At the organizational level, capacities have been improved in proposal writing, budget management, and, depending on the training provided, on monitoring and evaluation or safety. Beneficiaries also mention that the program helped them to consolidate finances, administration, and human resources. The program also allowed for clarification of tools and concepts on program cycle management, strategic planning, security, financial management, monitoring and evaluation and logical framework.

CSOs also gained some competencies as part of the program implementation indirectly. TCC financial manager indicates for example that a number of comments were made to the first financial reports that the CSOs submitted, while only one comment or two were necessary to the second report.

It also helped to **broaden the network** and hire new competencies. In the past, for example, the coalitions had only a director whereas now they have various departments and a Board of Administration. They also indicate that TCC support helped them to be in contact with other organizations working in the sector, thematic networks from other provinces, and potential partners or donours.
They are also better able to comply with program requirements and select calls for tenders. Some ad hoc support was also provided by TCC in proposal writing, which supported CSOs in getting other funding. For some beneficiary CSOs or thematic groups, TCC support was the first funding ever, and allowed very small structures to start their activities.

The program also contributed to the legitimacy and credibility of the CSOs, although those aspects relate first to the technical results of their work. Increased legitimacy following purely organizational support (hence mostly to FFC, ASADHO) has not been clearly monitored and examples in that respect have not been identified in those two CSOs, for what concern for example the effects of M&E framework, security of the offices, or fundraising. However, numerous examples exist of the credibility conferred to beneficiary CSOs, at technical level, as described below.

Some activities were not fully implemented as planned, notably the security service equipment of the ASADHO office or the strategic planning. At FFC, the training on Martus was not fully completed; support to advocacy at Embassy and diplomatic representations and advocacy simulation with diplomats could not be conducted. According to TCC, this is one of the issues between FFC / ASADHO's perception and the actual activities done by TCC. The Martus training did finish with all the sessions planned for FFC and ASADHO. TCC suggested that, if needed, it could create more sessions, to follow up and clarify questions on the usage of Martus. TCC never received feedback from the partners. The training on advocacy with involvement of the diplomatic community was also not clearly included in the project. Indicator 1.1.3b stipulated that TCC expected an increased intervention by the diplomatic community to

protect/prevent harm of HRD. Advocacy to Embassies was conducted when CSOs finished to draft the UPR shadow report.

For the training on resources mobilization, the number of days for the training was fewer than planned, and hence some issues were explained very rapidly. An English facilitator did the training on security and there were translation issues. Support to new members of FCC could also not be undertaken.

Efforts are being put in place to **better structure capacity building** efforts of TCC, as one dedicated staff has been hired. However, similarly to the capacity assessments and the lack of common standards in terms of organizational capacities, the different sub-programs used **various training modules**, including on organizational issues. This is a missed opportunity as efforts were duplicated. It is true, however, that the structures of the support delivered in the different sectors varied. Tools and modules are currently being revised by the capacity building expert.

▶ **Selected Congolese CSOs are able to carry out their technical interventions more effectively and with greater impact.**

The CSOs gained general capacities to improve their technical interventions, which are more credible and scientific. This includes data collection, analysis, and report writing.

In the three sectors, CSOs were able to conduct, or in some cases even started conducting, new research on key subjects and at a rather high level, with new approaches (analysis of the legal framework for example). In many aspects, CSOs **learnt new methodologies** (BRIDGE training and certification to CEJP, Human Rights Impact Assessment for mining governance), ability to work on new subjects, such as revenues and transparency, education, women's rights, legal or fiscal analysis. Hence, the program resulted not only in the improvement of some skills to be more effective and have greater impact, but also in the creation of new competences.

Some **examples of more effective interventions** are also visible. In the case of election observation, the implementation of the ELMO system to record the results contributed to improving the quantity and quality of data. In 2011, only 45% of the data were received. At that time, they were transferred by SMS and the government had cut the lines. In the end, CEJP had to wait for the manual delivery of the checklists[8]. In August 2015, during the pre-electoral study, the team received 50% of the data the first week, 70% the second, and 100% the third and fourth weeks, all the way to week 15, which was the end of the data collection. In 2006, there was no data report at all.

At the general level, partners are better able to engage in **national debates and gained recognition** owing to the outputs of the program. They are increasingly solicited by external stakeholders, indicating that they have gained credibility. Indeed, the CSOs are invited by the State institutions to give feedback on reports, for example, or by parliamentarians. Some CSOs are also consulted by extractive companies. For example, Total invited only CDC as CSO for consultation on corporate social responsibility studies. Some CSO partner staff were also selected to be in the Executive Committee of EITI, or in the CNDH. The Ministry of Women consult with the Women Thematic Group for the Universal Periodic Review.

ii. Reasonable timeframe

---

[8] Those checklists are used for election observation reporting, and contain the data collected regularly along the observation process.

Some delays occurred at the beginning of the program because of postponements in the partners' capacity assessment. The team at TCC was also young and had limited experience in program design and implementation. Some former staff indicates, notably, that the partners' assessments took six months instead of one. The situations differ across sub-programs however, as well as the extent of the assessments (in mining governance, assessments took place for the identification of partner at the beginning of the project).

Regarding the human rights sub-program, issues of delays occurred mostly at the stage when CSOs had to put in place the learnings of the trainings, such as drafting a Monitoring and Evaluation Plan or a Security Plan, which have not all been finalized.

On the election observation sub-program, the main constraint is the actual election calendar, which is all the more uncertain. The first stage of the pre-electoral observation was indeed completed, and the lack of clarity over the election timeframe preempts interventions in that sector.

In the mining governance sector, some delays in the implementation of the various studies were not adequately anticipated, due to logistics and security challenges or, in some cases, because of limited availability of the interview targets. This included preparation time before field visits, data collection delays, and seasonal logistical constraints (the roads to reach some of the mine sites are very bad, and no flights exist to those locations).

iii.   Capacity building

Human rights

The **thematic groups** were able to produce results and gained in independence, in the case of the Women Group, or organized themselves to produce interesting results, in the case of the Child group. At organizational level, the groups have a better sense of their mandate and objectives, as well as those of their different members.
The group dynamics also improved and they were able to develop a vision and action plan to strengthen coherence and impact. The groups are also more active, credible, and focused. In the past, they contained a lot of members (up to 50), who were minimally active. Roles and responsibilities have been clarified. Inactive CSOs have left and hence the groups are more focused, coherent, and efficient. At the institutional level, the functioning of the group is clearer, notably the governing bodies and the legitimacy of the head of the group have been set up, in a context where there is strong competition and rivalries amongst members, or ego issues.

The groups also gained advocacy capacity to relay their message to various Embassies, after being trained by an actual diplomat during preparation work by TCC. The scope of the research, however, was rather restrained. In the case of the Child Group, it was limited to primary education and school fees, and, in the case of the Women Group, to electoral law and review of the UPR.

At another level, tools for capacity building have been provided to a broad audience. The Human Rights House also provides a free space for all CSOs to conduct training, as well as a library, a cyber café, and a space for CSO to gather, work, and research. A significant number of structures actually use it, and, to some extent, it contributed to overall exchanges between CSOs, sensitization, awareness raising, and capacity

building on human rights issues. In a context where coordination in the human rights sector still remains weak, the structure offers the potential to strengthen its role as a human rights hub and sensitization, general meetings, awareness raising campaign could be promoted further there.

The **human rights defenders' system** in North Kivu, Synergie Ukingo Wetu, increased the CSOs ability to react and comply with security protocols collectively agreed upon. It also included **capacity to identify and assess cases**, verify them and put in place relevant solutions. It also strengthened linkages between different CSOs, and their ability to collect and analyse information at various decentralized level through the focal points. Five focal points are in Goma, 2 in Beni, 1 in Butembo and the network reaches out to the interior of the province with the creation of local protection coalitions, 12 of which have been created so far. The objective is to create 16 additional local coalitions. Since 2014, 70 cases of threats or aggressions have been addressed. The network can be seen as trust inspiring and increasingly effective as the number of cases reported augmented. An emergency protocol is also being drafted in order to ensure faster reaction in case of emergency and define the specific roles of various CSOs.

However, several limitations remain. The participants in the networks are not always the heads of the organization, which complicates a strong **corporate commitment**, and the design of longer term strategies or approaches. The action plan for 2016 for the Synergie could not be finalized, because of busy schedules of the members, whereas one could be done in 2015. Memorandum of Understanding and periodic meetings with the heads would be helpful in that respect.

In addition, the **level of capacity of the members** is still limited. For example, for what concerns the analysis of vulnerabilities and fragilities, although the staff indicates that most of the workshops have been conducted. The issue then is not only about doing trainings but also regarding the personality and level of competence of the individuals. As the system is still relatively new and the specific protection measures for human rights defenders are not all known, some reflexes on defender security also need to be put in place.

Furthermore, the system presents some **risks of deviation** from its original intent because individuals may seek incentives in being considered as a threatened HRD. To be eligible for the APS assistance, the following criteria must to be met: 1) the individual involved must have completed or contributed to an "act of human rights" in line with the 1998 Declaration on HRDs; 2) this act has generated a risk to the person or organization; 3) there is an undeniable link between the victim's activism and the risk generated by it; and 4) the alleged facts are true and verifiable. Once these criteria are confirmed and verified with the agreement of the victim, action can be taken via the APS. However, generally speaking, the **status of human right defenders** is not clearly defined and a number of individuals claim threats in order to get support or possibly to be able to enter Europe (this did not occur in the TCC assistance however). For example, a NGO indicated that individuals were offering him money to get an affiliation card to facilitate international administrative processes. The quality of analysis of the cases, the capacity to research for details and to verify the case appear crucial. Those steps also need to be clearly organized and transparent. The possibility of dividing assistance and analytical work in the Synergy network should also be considered so as to further specialize the roles of the members and increase the technical levels.

Partnerships have been put in place with other international CSOs such as Protection International, which should help the network with IT and security plans, or AEDH in France, who refer cases from the field. However, there are various funding mechanisms to support human rights defenders, by the UN, the EU (with 5 partner CSOs, and

concerning an early warning system, in North Kivu, South Kivu), possibly other donours and CSOs. The risk of funding duplication has been indicated by external stakeholders. This is especially the case at the decentralized level. Previous programs of a similar nature existed with BCNIDH and AEDH (Declik program) and CSOs who used to work with those networks continue, while others would refer the cases to synergy or submit it to synergy for verification. In Kinshasa, a coordination group notably exists between several international organizations: UN, TCC, 11.11.11, Avocat Sans Frontière… At the local level, there is nonetheless no clear mapping of the different stakeholders acting on human rights protection in the country, or a clear and extensive structure for coordination. TCC indicates that they operate only in Kinshasa and Goma and have monthly coordination meetings with other actors to ensure there is not duplication of efforts.

Mining governance

The different studies conducted testify to the knowledge and competences of the different CSOs supported, in a sector where TCC is both a primary and secondary actor, and the main actor in the country as few organization are addressing the subject. This research provided a better understanding of the **functioning, processes and regulatory framework for contracts, licenses, fiscal requirements, as well as the identification of human rights impacts.** CSOs learnt technical skills on the fiscal and contractual details of the mining companies in the DRC, as well as in depth knowledge of specific case and the challenges they pose at the community and governance levels.

The program contributed to **organizing the civil society** on mining governance by engaging in national debate about issues such as the reform of the mining code, or the comments to the EITI reports. This was done in a rather collective manner, involving coalition or CSOs platforms in various provinces, and to some extent by putting them in contact, which contributes to the networking of those organizations. External stakeholders indicated that a risk was to focus on methodological issues, while the actual issues raised in the content of the report were not addressed and limitedly followed up.

The activities reached **national level stakeholders** (SICOMINES, Kibali, CHEMAF, Banro…etc). The outreach of those activities is still limited however, in some areas, gaps of capacity remain. the CSOs do not cover strategic zones where mining companies operate. For example, the civil society of key locations, such as Kolwezi, which is the heart of industrial mining in the DRC, was not involved in mining code reforms, or comments on the EITI reports. Nevertheless, TCC worked formally with two CSOs in Kolwezi, IBGDH and ASIBOG, on HRIAs and worked with members of POM that includes member organizations from Kolwezi, including by providing technical support to POM on Mining Code reform work. Members of civil society from Kolwezi were sometimes, but not always, present. TCC now has a current project in Kolwezi working on fiscal issues and EITI-DRC participation with two local CSOs.
The selection of case studies was based on the choice of the partner, and major cases were targeted, such as SICOMINES or Kibali Gold. This contributed to ownership of the case studies by the CSOs. The program was also able to influence very strategic mining exploitations, such as SICOMINES, Banro, Kibali Gold, which places the research directly at high levels of interest and strategies.

Generally, the website congomines.org also contributes to transparency and accessibility of a number of key documents for mining governance, such as contracts, outputs produced, to CSOs and to a broader audience, as well as to promote the work of CSOs.

Electoral process

CEJP gained competencies to comply with international standards for electoral observations owing to trainings conferring international certification. The main output to date was the pre-electoral observation report, which received recognition from international and national stakeholders, according to various interviewees. Some limitations acknowledged by external stakeholders were the fact that some sections of the reports were copy/paste from previous electoral report (2011), or that references were erroneous. Though, this was not mentioned to TCC. According to TCC, CEJP has never drafted a pre-electoral observation report before. The 2015 report was the first one for CEJP/CENCO especially as it references international standards and obligations. All the data used in the drafting of this report came from the field - 26 provinces - and it was verified and cleaned prior to consolidation for reporting.

Two detailed capacity assessments were conducted in 2014 and in 2015, illustrating some of the perceived changes in capacities, which are clearer on the technical side.

Figure 1: CEJP Technical and organizational assessments

Organizational Capacity Assessment Comparison 2014 - 2015
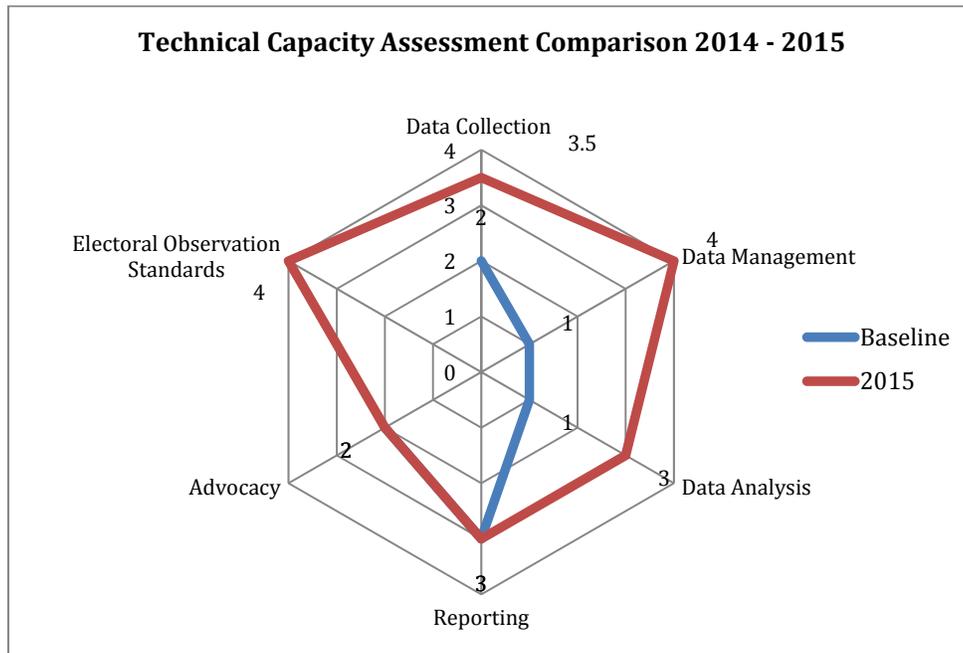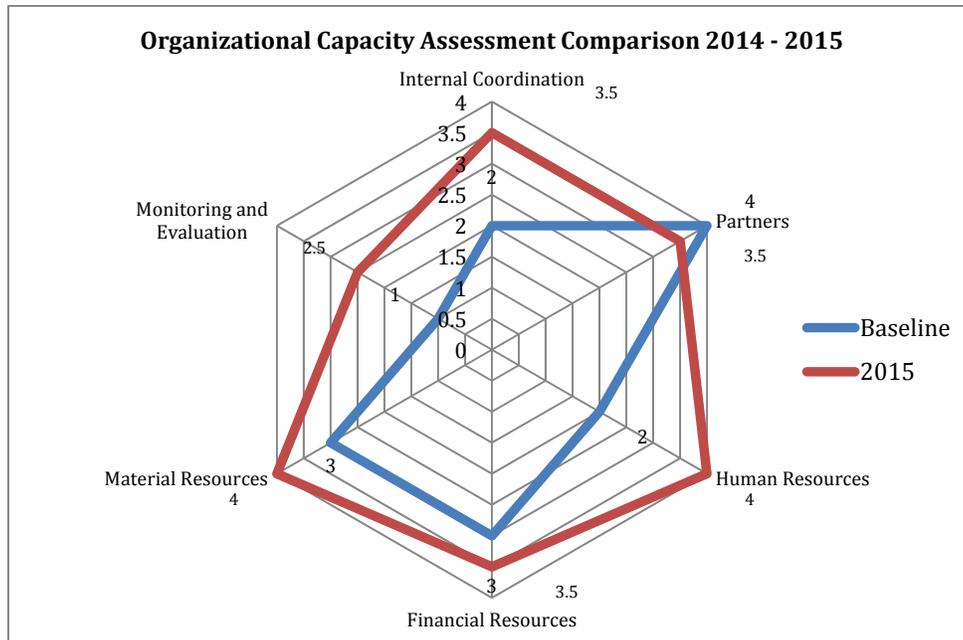
The program created a pool of trainers at the central level in charge of knowledge dissemination and of training of observers in the different provinces. The chain of training then passes by several levels of intermediaries. TCC support remains largely at the central level, although some TCC staff participated in decentralized training. So far, only CEJP in Kinshasa benefitted from training directly by TCC. According to TCC, CEJP in the 16 provinces benefitted from TCC training in the "Cascade Training" designed and monitored by TCC. There are 6 church provinces, which are a consolidation of all current 26 administrative provinces. CEJP works in all 6 of those provinces. There were also direct/indirect trainings and the analysis of the electoral law - where Ligue des Electeurs (LE) moderated over the debates, and the DOM exchange where CEJP invited participants from other religious organizations.

CEJP mentions that the added value is that all the trainings have concrete results. However, they also indicate that even if they have been trained, they are not autonomous yet. Some topics are also yet to be developed, such as analysis of the gender component and of the registered voter list.

The structure of the program, with quadrilateral support to CEJP between DfID, USAID, Dutch cooperation and SIDA via TCC also fostered information and resources sharing and the outputs of the program, such as the implementation of the call center, are used by everybody.

To date, there is no joint planning with the other donors acting on the subject. For example, the EU is also supporting CEJP along with 11 other organizations, and the mutualization of trainings has not been put in place yet. UNDP is also planning a program related to elections.

The future implementation of electoral observations faces several challenges. Indeed, so far there is limited funding to reach a minimum mass of long term and short term observers (there is funding for 500 when 30,000 would be required).

A potential limitation, while in the meantime an asset, is also the fact that CEJP is a religious organization, benefiting from a broad network and outreach in the population, but which is therefore also not fully representative of the Congolese society.

The level of coordination of the civil society is also still relatively limited, as result their capacities to act collectively are also limited. A structure was created for this on civil / voter education, through the CENI program "Educiel", and CSOs participated in the drafting of the ToRs for it, but a number withdrew progressively for institutional, political or personal reasons, hence the structure is not fulfilling its role. It also does not apply to election observation initiatives. Another coordination structure exists, AETA, but CEJP does not take part to it.

iv. Factors of achievements or non-achievements

Several constraints or factors of success can be identified at different levels.

Some **external factors** constrain the full implementation of the interventions. In the case of the elections, there has been no visible signal from the government on the possible timeframe and several scenarios are possible, from constitutional reform to transition period and/or planning of elections with or without revision of the registered voter list. Because of the political uncertainty on this issue and funding calendar and administrative constraints on disbursement, external stakeholders also indicate that it is difficult to plan for support / training to State officers on that matter, although technical assistance has been positioned.

The political space is also smaller and smaller putting more and more pressure on the human rights defenders, and hence activities related to lobbying, advocacy investigation are increasingly constrained and risky. For human rights defenders, in the first place, the number of arbitrary arrests in various areas of the country is also significant.
Human rights CSOs or networks also tend to get politicized or influenced more or less directly by politicians.

At the **program level**, the **commitment** of key partners was sometimes restrained. Indeed, because of the limited number of active CSOs in the DRC in specific sectors, those partners are sometimes solicited by a number of partners and donors, and their availability is reduced. It demands a lot of effort and time to try to work with some of them, raising questions about the added value of such types of collaboration. Possibly, an alternative would be to launch calls for tenders, including the writing of a full program proposal based on the perceived needs of the organization, which would allow them to see the motivation of the applicants, instead of identifying beneficiaries. In some cases, however, the issue remains even if partners have to first submit an Expression of Interest.

Partners and participants also face **budgetary constraints**. They are almost all volunteers and hence the participation in the different activities is sometimes difficult when they last several days. Hence, some trainings started with 20 participants and ended up at 4. Indeed, they have to provide for their families and carry on other activities in the meantime. Different approaches took place in supporting them, and while some sectors reimbursed transportation costs, others did not. Standardization of those practices between sectors, and possibly with the other international partners would facilitate the attendance and performance of the trainings. Participants in trainings are also often the head of the organization, without a corporate strategy to support the organization as a whole, and hence capacity building is, to some extent, done at the individual level, in a context where there is a lot of turn over amongst the CSO members. If they have sufficient competencies, the staff may tend to be hired by INGOs or the UN, and the CSO tend to remain weak.

The **administrative chain** needs to go to Atlanta, which can be a bit length according to CSOs, although it improved over time. In some cases, the lack of funding delayed the implementation of some research, which were also more costly than anticipated for some of the CSOs (in relations to the level of human resources required, logistics issues and data collection difficulties).

In the mining sector, **collaboration with the companies** was also sometimes difficult at the beginning. In the case of Banro, the research team was only able to meet with the company's representatives after an ex-employee joined the research team. State services also did not always respond to the questions of teams, although provincial authorities attended the research presentation. Access to information is also sometimes rather difficult, in particular for Congolese researchers. Information is in some cases only available in Kinshasa and not at the decentralized level.

The **capacity of the structures** is also limited. They cannot always absorb the requests and support provided by the different donours, notably in terms of human resources. In the case of CEJP, for example, the same team is in charge of both electoral observation and civic education, or for the implementation of the call center, CEJP did not have the funding to recruit staff, and so the program was pushed back. While carrying out some of the analysis, the teams faced usual challenges in human resources, such as the commitment of the members, or staff turnover, after receiving a lot of trainings. On this, the human resources aspect is key. This contributed to delay the delivery of some studies.

The **communication, transparency** on the work plan and activities of TCC are also sometimes unclear for some partner CSOs, particularly also for non-partners. Hence, CSOs do not always know what to expect from TCC, what are the objectives, how partners are selected. They also do not always understand the rationales when case studies are carried out during a training course, and believe that participants provide TCC with information and research for free, though they should be paid when the work is significant. For examples, the training on revenues and fiscal analysis. The interest in a more participatory approach in the design of the programme, work plan, and monitoring systems was indicated.

Communication, and particularly consensual communication, was on the other hand indicated as a key factor of success in some cases. Indeed, the constant exchanges between the staff and the partners allowed for good collaboration and implementation of the different components of the program, especially when it was oriented towards a deliverable, in Mining and Elections observation, Human Rights Thematic groups and CSOs. The joint development of workplans in the election observation program also strengthened the collaboration and performance of the program. Some partners indicated, for example, that TCC offices were "like their office" and that they had daily contact.

A factor in success also appears to be using **local dynamics and networks** of CSOs to reach their goal. For example, the children thematic group could advocate its case at the Parliament because there was a very old connection with a parliamentarian, originating from the same province then a member of the group, who agreed to bring the case forward. Using local politicians to inform and relay findings thus appears possible and effective, even for small CSOs.

In addition, at the **internal level of TCC**, several aspects could be / are being improved to strengthen the performance of the organization.

In terms of **Monitoring and Evaluation**, the TCC system was not very functional and not much used by TCC or its partners. It is rather sophisticated and ambitious, based on a whole set of criteria to identify different aspects of capacity building, but the scoring of the different CSOs is complicated. TCC staff in the different sub-programs could not use it. In addition, the logical framework and indicators used were not clearly representative of the actual interventions put in place. For example, a strong focus was put on human rights. The mining governance project initially had three goal-level indicators, five objective-level indicators, and 19 outcome-level indicators. The PMP was then revised and simplified to include: two goal-level indicators, no objective-level indicators, and nine outcome-level ones. However, the majority of the mining governance project's activities are included in 3 Outputs (3.6, 3.7, and 3.8)

In addition, the requirements of the partners in terms of monitoring and evaluation or even reporting were rather limited. This limits the follow up and the visibility of some of the program results. The initial results framework, which included some more realistic or easy to follow performance indicators for the general and third objectives at least[9], has not been used. PMP was modified with SIDA consent as indicated above, and hence was not supposed to be used. Partners were also not informed on the M&E requirement or of performance indicators they would have to reach, meaning that the program design was also limitedly participatory. This hampers the actual follow up of the program performance, and also constitutes, to some extent, a missed opportunity of learning by doing in Monitoring and Evaluation.

Regarding **internal coherence**, there are no contradictions in the interventions across the different sub-programs. However, the different sectors are run totally independently and there are no synergies between the three sub-programs. They work in silos, though there are strong interconnections between the sectors, and TCC could offer the opportunity for an integrated approach in capacity building, at least regarding the organizational competences. In some cases, the staff even discovered accidentally that the same NGO was supported in two ways. There is no common approach to strengthening the civil society and workplans are not shared. The fact that the mining governance office is the only one located in Lubumbashi also complicates this. The communication / coordination issues were indicated by CSOs between the two offices, both asking the same thing for example, indicating that there was no internal system to share information. For example, administrative request between headquarters and Lubumbashi office were not always coordinated, and deliverables or reports were asked twice, indicating - minor - coordination issues between the two offices, and possibly delaying the payments.

Furthermore, like in many organizations, mechanisms to ensure **institutional memory and capitalization of knowledge** are not in place yet, such as a common database, frequent meetings, or exchanges of best practices and lessons learned. This is an issue notably as a number of staff left TCC to join a competing organization with which there is no coordination, highlighting a problem in staff retention. There is also no training / capacity building plan for the staff to date. This issue of institutional memory is also present at the partners CSO levels.

---

[9] Such as actions taken by the government to protect human rights defenders, reform of law and institutions related to electoral process, number of reference to CSOs partners findings in international community, CSO and media reports, number of recommendations from Congolese HRDs and CSOs incorporated into UN recommendations to Congolese government on implementation of CEDAW, CRC and UPR, increased number of contracts disclosed by the Ministry of Mines, increased number of measures taken by the government and mining companies to positively address the human rights violations outlined in the HRIA reports, increased frequency of communication between CSOs partners and actors responsible for disclosure of mining contracts and revenue information.

Key Findings:
- Strengthen organizational skills: proposal writing, project management cycle, finance and administration, M&E, human resources
- Some delays because of inaccurate planning
- Civil society more organized and structured, networking
- Lack of common standards within TCC and with other partners for capacity building, prioritization of cases, working practices in human rights protection.
- Technical competencies gained: new methodologies, approaches, subjects (unique skills) in the country, data collection methods, analysis, reporting
- Effective tools provided to partners
- Lack of clarity on the HRD status
- Some strategic gaps, limitations in the coverage
- Generally, coordination to be strengthened
- Commitment and absorption capacities of partners was sometimes an issue
- Communication and transparency a factor of success, variations across sectors / partners
- Interest to build on local dynamics and networks
- Work in silos at TCC, M&E not very used in the past, staff turnover, lack of systems to ensure institutional memory and capitalization of knowledge.

3. Impact

EVALUATION QUESTIONS
· What evidence demonstrates that the program' beneficiaries have been more successful in those endeavors? What factors served to constrain them?
· What evidence demonstrates that the program's implementation has contributed to the strengthening of CSOs to achieve policy and practice reform in the DRC?
· Are there other policy changes or debates that can be attributed to the program?

i. Success of program beneficiaries

The results of the program beneficiaries are particularly significant, notably as there are limited other interventions in some of the sectors covered by the sub-programs. This is particularly the case for CEJP, as there is no equivalent of such a thorough support to national CSOs for election observation. The EU is providing trainings but to 12 different organizations and, so far, this remains more general.

In the mining governance sector also, no other organizations conducted case studies in such a way, or contributed to structuring the CSOs involvement in the reform of the mining code or support to EITI, and there are very few other organizations working in this field. TCC is the only international structure on mining governance present in Lubumbashi and a key entry point for any stakeholders interested in the sector. CSOs supported also have limited other partners, meaning that the contribution of TCC to some of the impacts is essential.

TCC support also has comparative advantages, such as flexibility and a constant follow up of its partners, even if other structures are active on similar topics. In the case of human rights protection, TCC has the advantage of a limited administrative chain, making rapid response possible when support is required, compared to BNUDH, for example, which is also assisting HRD.

TCC is also one of the rare organizations funding local CSOs and working constantly with them with daily interactions. International donours cannot always do this, including the UN organizations.

Further approaches and interventions could be developed further based on the project success. They concern the **coverage** of the program and stakeholders' involvement. As the context evolves, and building on the first steps reached by the program, some areas or specific approaches could be extended further. The extension could include new sectors, new geographical areas, new companies and new stakeholders. Using the technical capacities of the project beneficiaries, an increased coverage would not always require significant budget expenditures.

Given the extent of the needs, it is difficult to prioritize some interventions over others. Obviously, the size, value and number of community members involved, as well as expected results, are key criteria in assessing the priorities. Also putting in place a mechanism in which CSOs would identify the immediate or longer term priorities - first in their province, but also any area in which significant issues arise - and the best approaches to attain them, could also form part of the prioritization process. This approach could also take place in other sectors, foremost in human rights, where civil society is particularly scattered.

No research has been carried out yet on **oil tax system**, and no CSO works on the issue. TCC has carried out initial internal research as the program begins to expand to cover the oil sector (hence the name change to the Extractive Industries Governance Program or EIGP) and sometimes addresses some limited fiscal questions about the hydrocarbons sector in EITI. The research also concentrates on industrial mining, as per the content of this SIDA project, and does not concern artisanal mining, for which a number of organizations are active. Sometimes address artisanal issues in EITI with partners, based on their interests. This is a strategic decision that TCC has made following careful consideration of both its unique value added and gaps in the sector. The approach and technical expertise are more geared to work on industrial mining and there are many, many civil society actors and supporting organizations engaged in the artisanal sector – though not so much on the revenue and fiscal research or HRIA in Katanga - and a much more limited on the industrial side. North Kivu is then not included in TCC work on mining governance. However, MMKi looked at the transparency and accessibility of information for the Alphamin project at Bisie, which is the only industrial miner active in North Kivu. The linkages between industrial and artisanal mining, such as authorization of artisanal exploitation on industrial concessions were discussed with staff from companies including MGM (with CdC), TFM, MuMi, and SEK, and others. Currently innovative approaches to mediating such conflicts are being considered at MGM and a few other sites.

Related to this, the organization and work of cooperatives, or how industrial companies work with their partners and cooperatives is an area minimally covered. This includes notably farmer's cooperatives, with the objective of sustaining livelihoods. According to interviewees, however, USAID wanted to put in place pilot and model cooperatives.

The **outreach of the EITI** review focused mostly on Lubumbashi. TCC indicates that they worked with partners in Bunia, Bukavu, Kinshasa, and Lubumbashi and is now work with partners in Kolwezi and Sakania as well. Kolwezi is of particular significance, as the hub of industrial extraction in the country. EITI scope is being extended to **artisanal mining**, but so far its coverage is limited in terms of tax and revenues or HRIA analysis.

Overall, the level of decentralization has been logically more limited and the project remained at central level regarding human rights - except for the Synergie network -

and elections, although internally decentralized training process ensured involvement of CDJP. Similarly, involvement of the **communities** is also restrained, although in mining governance community members were included in some of the research. In the mining sector in particular, they do not know what the obligations of the extractive companies are or their rights. This is a cause of human rights violations. For example, mine royalties, which are fees paid by the mining companies to the State for the natural resources exploitation need to be shared at three levels, national, provincial, and local, and the redistribution is rarely done. If the population starts asking for this, the situation may evolve in that respect. There is also a lack of tools for the community detailing the procedures in case of issues, such as who to contact, for what, how etc.

Government officials would also need some support to be able to exert their duties. There are still strong antagonisms in the human rights section in particular. In the mining sector, they are not always aware of all that a company is supposed to pay and their control over the mining sector faces limitations. This also constitutes a limit to accountability within the State institutions, notably for the redistribution of salaries. For example, there are hardly any inspections of water pollution and demand for accountability of the mining companies. Some State officials even ask CSOs for support. Joint workshops between State officers and CSOs could be an option to increase experience sharing and mutual understanding of key points. State services have been limitedly involved in the program, despite results in terms of improved collaboration between CSOs and them. Notably, they did not participate in trainings. In the case of human rights protection, however, the coalitions are starting to draft a strategy to address public policies, including how to work with State services and the implementation of a consultation framework was planned.

Related to this, **universities** so far, have been limitedly involved in the interventions. The mining governance project worked with the University of Lubumbashi (UniLu) on environmental analyses on the HRIA TCC produced on Ruashi and Chemaf just prior to this SIDA project. They also consulted with UniLu since, particularly in Year 3. Obviously, involvement of the various types of stakeholders should be based on expected results and their positioning in the social tissue at various levels. That said, the involvement of universities would be of interest to reinforce sustainability of the program. This would strengthen and create a pool of knowledge, as well as ensure awareness raising for a broad range of stakeholders. CSOs could therefore facilitate some lessons or workshops in universities, or use students as interns to increase the coverage of their interventions, or implement some surveys. This is more relevant now than in the past, because of the capacities gained by CSOs.

ii. Policy changes or debates attributed to the program

The program contributed to some changes of practices and supported ongoing reforms in the three sectors, at different levels, and with various successes depending on the partners. Broadly speaking, the results of the program remain relatively limited in use, given the number of studies carried out. They constituted a first step in data collection and analysis, regarding mining governance or the work of thematic groups in particular, but the findings have not always been widely communicated or used as part of advocacy strategies or to leverage interest of other players on specific topics.
Several effects are visible in terms of governance, which indicate potential for expansion and replication.

Elections

The collaboration improved with the State services and recommendations of CEJP on the electoral process were **acknowledged by CENI**[10]. It is not clear, however, to what extent they can / will implement them and there was no follow up on this (CENI could not be met during the visit) or indications that actions were taken as per the recommendations.

The process contributed to increased transparency on the electoral process and provided tools for an active role by national CSO. However, they could not impact the actual electoral constraints, and could not mobilize a broad range of stakeholders to bring common proposals and advocacy concerning the elections. The issue is also possibly too sensitive to be addressed by the Carter Center.

Mining governance

In terms of mining governance, CSOs could also **engage constructively in discussions with the State institutions and mining companies**, which was also acknowledged at national level. CSOs learnt to listen to different points of view instead of accusing directly the State, and thereby be seen as State enemies. Thus, they have a more collaborative approach. They involve the three types of stakeholders—companies, State, and communities—and results are shared before they are published. The different types of structures know that they have been consulted, which facilitates acknowledgement and ownership over the results. The project also contributed to increase the involvement of local authorities in national debates regarding mining companies operating in their geographical area of responsibility, such as SICOMINES.

A key result to which the program directly contributed was the **validation of the DRC participation to the EITI**, because the quality of the reports produced by the DRC increased thanks to TCC's partner's feedback. There is advocacy regarding parliament in relation to fiscal analysis for the retrocession of taxes to the provinces, which is barely or irregularly done. In South Kivu, two researchers involved in the program found that the provincial budget had some abnormalities and that some amendments were not applied. Parliamentarians consequently refused to approve the budget.

CSOs could also play an active role in the consultation for **the reform of the mining code**, and raise their concerns jointly with a good understanding of the challenges, although the process is still ongoing – and rather suspended in the current context. Some recommendations formulated by the civil society, however, were taken into account, such as the increase of the mining royalties.

The program contributed to increased **transparency in the sector**, by communicating contracts documents, or analyzing revenues and tax payments or impacts on the community. It documented and led to more awareness on those issues, and geared requests for **more accountability by State services and corporate, sector** as well as in the redistribution of natural resources exploitation benefits. In the case of SICOMINES, the government accepted to launch an audit of the facilities built by the company. However, a lot still remains to be done in that respect, given the extent of the needs in the DRC.

Several **mining companies changed their approach**. SICOMINES revised some aspects of its relations with the communities, such as an increase in the grants paid to the communities following the recommendations on resettlement, and consultation with the population in the case of social project. In the case of SICOMINES, the project

---

[10] http://groupelavenir.org/processus-electoral-c-nangaa-a-dit-prendre-acte-du-rapport-dobservation-de-la-cenco/

allowed also the visit of community representatives in Kinshasa. After a report indicated pollution caused by CHEMAF, the national government sent a team on the ground to conduct an audit. Results are still unknown but compensations was paid to some of the victims. BANRO also put in place a community forum, supported the health centres, which were not functional before that, and gave grants to the teachers.

Community members also **realized that they have rights**, and that they can act to claim them, as well as the compliance of mining companies with certain standards in terms of social responsibility from the national and international regulatory framework. Cases of fraud or inconsistencies were also identified. They have not all been resolved, and the follow-up on some inconsistencies identified, including potential trials, faced some limitations. Nevertheless, an example of direct effect is that DGDA agents were fired because discrepancies in the transfer of taxes were noted, which was relayed by CSO to EITI Secretariat. A number of DGDA agents were fired afterwards.

Some **claims were filed in justice** during the research, notably concerning the impact of mineral exploitations, such as crop destruction or concessions limits. In other cases, however, there was no follow up of some issues identified, whereas civil society is the only one who could actually have this type of action. In the case of SICOMINES compensation for crop destruction, only one cultivator was reimbursed and the judicial case could not be finalized.

Human Rights

Little progress was made regarding the general human rights defender situation in Kinshasa. The reforms were limited and HRD remains strongly vulnerable.

Thanks to the program, however, some human rights defenders are better protected in North Kivu. But it is too early to determine if this has had effects on the level of activities of human rights CSOs and reports. This point has also been not monitored to date.

The **thematic groups** could also have some impact, even when they started almost from zero.

Indeed, the **Children Thematic group** could influence the share of the primary education budget in the State budget, even if the evolution was rather modest. While 15% of the State budget is allocated to education generally, the primary education only represented 0,11% of the budget. It increased to up 0,19% owing to advocacy by Parliamentarians. The Group could also raise awareness of the parliamentarians on the actual revenues generated by the education sector. Those revenues[11] are not integrated in the State budget. Those parliamentarians then asked the Minister for it, and they had a big success with this request. The Group also gained diplomatic support for the free education over the country (so far school is free in only 9 provinces out of 26), several countries supported the message. Despite their interest, those findings, however, have been only minimally relayed by other stakeholders.

The **Women's Group** could gain international recognition and be invited independently to international meetings for the universal periodic review. They worked on the political participation of women and reform of the electoral law, as well as gender based violence. No success was however noted on the reform of article 13 of the electoral law, and the level of registration of women on registered voter lists did not increase, it remains at 11%, because of the social and cultural constraints. A candidate to parliamentarian election indicated also that she would not have continued to be a

---

[11] This includes 7000 F / student in sixth grade paid by 1,991 million student, 35 000 F / student paid by 593 000 students following the State exam, and 150 F / student for the end of the year note bulletin for each student. In addition, VODACOM has the exclusivity for advertising when results are published by EPSP.

candidate without the training of TCC, which allowed meeting other women and better understanding of the opportunities and constraints.

ASADHO could conduct some studies on hassles by the police, which led to reactions by the hierarchy and official reprimands of those behaviors. Other thematic were also approached such as gender based violence and support to 12 human rights defenders in Bandundu province. They contributed also to the results in the SICOMINES case. With parliamentarians, they could also call the infrastructure minister on the SICOMINE cases.

Key Findings:
- Increased general awareness as well as transparency and accountability in government and companies
- Better understanding of their rights by the rights holders
- Some changes of practices by companies and State institutions
- Cases raised at the national political level
- Some institutional changes and reforms: DRC participation to EITI validated, ongoing mining code reform, budget of primary education reviewed.
- Increased protection of human rights defenders
- Better collaboration and more constructive approaches between civil society and State institutions
- Limited progresses on the legal framework
- Lack of coverage of some strategic areas and stakeholder engagement to be broadened

---

4. Sustainability

EVALUATION QUESTIONS

· To what extent did the benefits of a program will continue after Sida's funding cease?

· What were the major factors that influenced the achievement or non-achievement of sustainability of the program?

Capacities of the CSOs largely remain weak, as does the international funding to a structural support for CSOs capacity building. This limits the sustainability for civil society in its role of counter power and whistle blower.

Several aspects, however, indicate that the program has generated some sustainability and increased autonomy of the CSOs.

First, CSOs gained independence for the implementation of some data collection tools, as well as research and analysis. In the mining sector, CSOs indicate that, because they developed the methodology for EITI review, they are now able to do the analysis of the EITI reports independently. Efforts for sustainability were reportedly made in the CongoMines.org website with local actors involved in the updates of information.

Partners also trained people from the communities around mine sites on their rights in the project, indicating a good level of appropriation of the knowledge. For example, they worked with people around Mongbwalu. Those types of activities had results and in an other case, the mining company changed its approach and way of interacting with the community.

At the election level, the sustainability is a longer-term process, and would require several elections so that CEJP become fully independent (five elections are usually the way to independent observation).

Indeed, some organizations were able to leverage funding on their own afterwards, such as the Thematic Groups.

TCC is implementing more work with other donours, for example with CEJP under the funding of DFID and Dutch Government.

Processes for knowledge dissemination and replication are nevertheless still restrained. They were not formally designed and included in the program. Hence the level of dissemination and potential for replication of the technics learnt is not institutionalized and thus remains uncertain. For example, the beneficiaries were not requested to teach back or do a restitution to the different members of their organization and of the platform (except CEJP). There was no requirement for this. However, in some cases, this happened nonetheless. For example, with EITI, partners began to lead their own EITI workshops for civil society in their communities without TCC presence and with reduced support at a distance.
There was also no work plan drafted to promote such practices. Furthermore, no additional training material was available for the various members of the platforms. There was also limited control on who is participating in the activities, if they represent the different members and if the participants in the training vary. Hence, the intervention logic of supporting coalitions / platforms faced limitations.

Similarly, the outreach of the interventions is also limited, generally speaking, to the same structures, in particular concerning human rights CSO, and not to potential relay of sustainability. There was no integration of new human rights defenders or of citizens (youths, communities), though they represent a major player in the future debate and some of them already have started to raise their voices in the social and political debate.

Regarding mining governance, the involvement of communities living close to mine sites still has to be engaged and mobilized. This could be the role of the CSOs supported by TCC, with various degrees of technical or organizational support for collaboration by TCC with those communities.

Besides, except in the election sub-program, trainings of trainers have been relatively limited, including in the human rights section, and for what concerns support to the coalition.

Civil society tissue is still very fragmented. Competitions and rivalries – following the CNDH nomination notably have not been mitigated yet, weakening the overall CSO tissue on human rights in the capital.

Key Findings:
- Some examples of increased autonomy of local CSOs
- Added value of the intervention logic, support to coalitions and platforms, not leading to sustainability yet
- Lack of processes to ensure sustainability
- Limited integration of external stakeholders as sustainability relays
- Civil society still fragmented

V.   Some lessons learned and best practices

General
- Need to involve partners more in the program, including at the identification and planning phase.
- Interest of some autonomy of the CSOs in the selection of subjects (Education Working Group for example), so that they can use their own resources.
- Added value of mapping and using CSOs network to leverage political support.
- Need to plan specifically for deployment in provinces and in the districts, and the linkages with local structures.
- Interest of community involvement during the research to raise their awareness, implication in the work, and potential role in monitoring and asking for accountability to State authorities, politicians and mining companies.
- A common framework with minimum standards on CSOs capacities, with related tools, should be set up at TCC level and be implemented across sub-programs.
- Interest of mixing national and international researchers. In some cases, TCC staff could relay the request for information and have more success in this, hence the need that civil society is supported by international organizations.
- The analysis of the partners' capacities needs to take into account in the program design and partners selection phase, and include the different requests they receive. As such, coordination prior to program design and partner's selection could be supported.
- Needs should be identified jointly between CSOs and TCC to ensure a good understanding of TCC workplan and strategy, as well as to increase ownership of CSOs.
- Actual capacities and motivation of the partners are key to ensure efficiency of the organizations, and should be carefully considered while setting up partnerships.

Human Rights
- Difficult commitment of the partners affecting changes, indicating an insufficient commitment of the organizations, or limited ability of the participants to lead changes.
- Numerous rivalries and divisions affecting the functioning of the platforms and CSOs, which weakens the overall human rights civil society strength. They have to be overcome to ensure effectiveness of the civil society in human rights. Professionalization of the coalition constitute a first step in that respect but the more communication on the professionalization practices to increase the outreach to other CSOs could be considered, in particular to ensure that the CSOs representing a risk – for themselves or for the general human rights CSOs network – have some basic understanding of do and don't and related risks.
- Some stakeholders are particularly at risks or represent specific vulnerabilities and should be reached out to. This concerns first CSOs in Kinshasa, as well as youth CSOs or newly created / active CSOs.

Elections
- Daily interaction and communication with the structures are a key factor of success and are necessary for effectiveness.
- Needs for coordination with other stakeholders during the project design
- Need for coordination with other stakeholders operating in the field, not only with CEJP partners, notably because of the limited visibility on electoral agenda and lack of clear signals by the government. This indicates difficulties to contribute to political decisions in that respect.

Mining governance
- A number of outputs were delivered owing to the learning by doing approach, focusing on technical results, as well as involvement in larger national debates for reforms such as EITI and the mining code.
- Coordination and exchange of experience between platforms of different provinces contributes to the strength of the CSOs.
- Lack of international organizations operating in the sector limits the ability to have relays for change contributing to advocacy and follow up of certain cases.

VI.   Conclusions

In the DRC, TCC plays a key role in supporting civil society, at the technical and organizational levels, on sensitive subjects, not always addressed by other structures, in an increasingly difficult political context. TCC is one of the few actors supporting national CSOs, with constant assistance so that CSOs can deliver outputs. The open door policy provided an opportunity for barely existing structures to produce results.

The results are visible at various levels. At the CSOs level, they gained credibility and legitimacy through increased - and in some cases unique in the country- technical skills, and stronger internal processes. TCC also contributed to the visibility of those organizations in the international community and with potential donors, as well as in the dissemination of the results on the web platform of the HRH and congomines.org sites. The support provided also contributes to better protection of the human rights defenders, as well as of the communities around mine sites. The effects concern different stakeholders: increased connectedness between CSOs, with international structures and diplomatic missions, in addition to sensitization and collaboration with State authorities and corporate actors, which in both cases led to changes in policy and practices. At the overall governance level, there is more awareness, increased transparency and more accountability. Owing to the project, progress of the DRC in meeting international standards (such as for EITI or elections) are also noticeable. Improvements thus concerns the implementation of the rule of law, justice, and anti-corruption, as well as human rights respect and better living conditions for the population. However, gaps in those areas clearly remain huge.

The support to coalitions include clearly defining their roles and responsibilities as to the CSOs, which compose them in order to structure further civil society, and ensure accountability to its members. Corporate commitment of the beneficiaries also remains key for the project dynamics and efficiency of the funding.

A first step in terms of technical and organizational capacities, the results of project should be supported further by pursuing awareness raising on the outputs of the research, advocacy, and functioning of the justice system. The coverage of the interventions should also be extended to conduct new case studies and support CSOs in other strategic organizations, based on identified priorities. Stakeholders' engagement could also be extended by CSOs, to leverage effect to communities, universities, and youth organizations.

Risks for CSOs remain particularly high, as does the need for constant work to support constructive collaboration with the State services, and possibly limit the politicization by setting up clear codes of conducts and joint approaches.

Human Rights

Technical research carried out by human rights CSOs shows great potential for success so building their capacities in that respect is then of particular significance to report abuses, increased information level and transparency, and request for accountability by politicians, other CSOs, and international stakeholders. CSOs have gained in autonomy.

Challenges in terms of coordination of the multiple ambitions of scattered CSOs and networks still have to be overcome, as structural support to civil society remains limited, and in view of the increased pressure on the CSOs, which increases the need for a strong and unified civil society. Common codes of practices and standards should be promoted, so that supported structures focus on analytical work and avoid being perceived as political opponents.

Elections

The support provided offers promises of success as CEJP is the first national organization involved competent for elections observation, and gained the support of various donours. Nevertheless, despite strong coordination, those efforts have proven unable to date to influence the electoral calendar. Huge International funding is required for the election implementation and election observation, and research for innovative solutions to maximize efficiency and reach minimum standards with minimal funding should be considered, as it may not be possible to meet funding expectations. Quality of the knowledge replication mechanisms through training of trainers and of the CEJP network all over the country will be key in that respect. CEJP has already had difficulties to address all the solicitations and hence, its capacities to absorb and allocate sufficient human resources to perform their duties will also be a key consideration for a successful election monitoring.

Mining governance

CSOs in various provinces gained key competencies, which are vital and strategic for the development of the country and the governance mechanisms. The sustainability of those competencies should be also be ensured through capitalization and they could be replicated further. This could involve a more active role of the CSOs, especially the platforms, in training of trainers, knowledge dissemination, including for outreach to new categories of stakeholders, such as including grassroots communities, youth in universities, politicians, in first place members of Parliament at national and provincial levels, as well as State services.

The results of the research should also be used further through follow up over the implementation of the recommendations, especially when it concerns compliance with the legal framework, including potential judicial consequences, and advocacy. Also, new case studies should be conducted based on the analysis of the priorities and challenges in mining governance, including oil sector and artisanal mining, or new geographical areas. In those strategic sectors, CSOs should also be involved, starting in Kolwezi for example.

VII.   Recommendations

To TCC & SIDA
1. Ensure long term planning of the expected results on the civil society and effects of supported CSOs.

To TCC

2. Support partners in advocacy and judicial claims as a follow up of the results.

3. Extend the coverage of the interventions: new strategic geographical areas, follow up of major cases, new researches, potential new partners.

To TCC and partners

4. Reactivate the protection alert system in Kinshasa.

To TCC

5. Strengthen accountability of the coalition / platform to CSOs (internal reporting, accountability to members, synergies with member's interventions).

6. Foster coordination of human rights NGOs, CSOs and partners using the Human Rights House.

To TCC and partners

7. Contribute to the design of common standards of practice for further professionalization of the CSOs, definition of the roles and responsibilities (including challenges of politicization, definition of human right defenders status, engagement with the authorities).

8. Set up a general framework for capacity building of the partners. Clarify and strengthen expectations and workplan in order to measure progresses. This could be used also in the prioritization of the interventions, along with an analysis of the priorities in each sector, potential opportunities to support reforms, target the most strategic stakeholders and reach specific objectives at short, medium and long term.

9. Ensure corporate commitment of the partners at the selection process, their availability and adequate planning of resources, meaning that the head of organizations should take responsibility to ensure adequate resources are allocated to implement changes and that the support received meets the organization's priorities.

10. Ensure motivation / accountability / availability of partners or tailor partnership / activities consequently.

To TCC

11. Increase internal coordination between sectors (joint planning, M&E, coordination conference calls), and maximize synergies within the sectors, on training and security planning within HRH. This could consist in frequent meetings, sharing of plans and resources, joint development of capacity building tools.

12. Ensure appropriation of the M&E system, which could be developed with partners, and ensure that it is representative of the program, as well as, based on SMART indicators.

13. Support training of trainers in the various sectors as well as knowledge replication / dissemination, notably by setting up processes within the different structures.

14. As part of the efforts for transparency of work plan, budget management, i.e. expense tracking, pipeline, among others could be done jointly and more transparently.

To TCC, SIDA and partners

15. Support security planning in the different coalitions and partners.

16. Strengthen joint planning and communication with donours, INGOS, CSOs partners on the content of the program, opportunities, and results, which should

be relayed or possibly investigated further.Support integration of youth organizations and community based structures in existing frameworks, in the latter case via CSOs supported.

17. Increase exchanges with State services, possibly joint trainings on basic concepts, further define cooperation processes with them and expectations based on regulatory framework.

Annex 1 - Field work schedule

	Morning	Afternoon
Wednesday 20 Jan.	Arrival at midday	TCC briefing, Office Field Director, Jean Baptiste, Synergie Manager
Thurs. 21 jan.	Child Thematic Group	Elysee HRH Flore HRH Claire HRH
Friday 22 jan.	Claire HRH Voix des sans Voix	DES CEJP
Sat. 23 jan.	Travel to Lubumbashi	Daniel, TCC Lubumbashi director for dinner
Sunday 24 jan.		
Monday 25 jan.	Rose (Admin.) EIGP Briefing Grégoire, MMKI Baby	Revenues: Nicole, Boniface, Fred Fabien Jimmy, CdC Magali Mander, GIZ
Tuesday 26 jan.	Antenne EITI Donat, IBGDH Focus Group with POM	Emmanuel, AfriWatch & POM Ismael Georges, DEDQ Debriefing Jean Pierre Okenda, NRGI Daniel
Wed. 27 jan.	Return to Kinshasa	
Thursday 28 jan.	DES Christian Women Thematic Group MP Candidate	UNJHRO Me Beaupaul
Friday 29 jan.	11.11.11 Chiara ASADHO	FFC USAID
Sat. 30 jan		
Sunday 31 Jan.		
Monday 1 Feb.	DES Parfait DfID	European Union / Jane & Carmen
Tuesday 2 Feb.	Debriefing	

Annex 2 – Main documents consulted

Publication year	Organization	Name
2013	SIDA/TCC	SIDA / TCC Grant Agreement
2015	SIDA DRC	Risk Analysis
2015	TCC	Annual Results Progress Report
2014	TCC	Annual Results Progress Report
2014	TCC	Let's Talk about TCC in the DRC
2014, 2015,2016	TCC	SIDA DRC PMP
2016	TCC DES	CEJP Assessment Report
2014	TCC DES	DRC Political Assessment
2015	TCC	Quantitative Data Collection ASADHO
2014,2015	TCC, KPMG	External Audit Report
2013,2014	TCC	SIDA Annual Financial Report
2015	FFC	TCC Narrative Report
2015	ASADHO	TCC Narrative Report
na		Evaluation des formations organisées à l'attention des GTDFVS, GTDE, FFC et ASADHO sur le Suivi et Evaluation
2015	TCC	Recommandations suite à l'évaluation sécurité des bureaux : FFC
2015	TCC	Theorie du changement du FFC
2014	FFC	Evaluation organisationelle
2013	ASADHO	Evaluation organisationelle
2014	ASADHO	Technical evaluation
2014	TCC HRH	HRH ME
2014	TCC	Cas de protection des defenseurs en danger
2014		Analyse du cas de C.Ngoy
na	TCC HRH	Code des alertes
2013, 2014, 2015	TCC	Fiche synthèse des cas de protection
2014	TCC	Compte rendu de l'atelier de la synergie Ukingo Wetu
2015	TCC	Compte rendu de l'atelier de la synergie Ukingo Wetu
2015	TCC	Rapport de formation des membres de coalitions locales de protection
2015	TCC	Plan d'action SUWE
2015	Synergie	Fiche de documentation de cas de defenseurs agressés
		Liste des CLPS dans le Nord Kivu
2014	Synergie	TdRs Synergie
	Synergie	Critère d'évaluation du contexte
	Synergie	Analyse du fonctionnement du SAMDH
	TGWR	Cadre de suivi du plan d'action 2014, 2015
		Argumentaire plaidoyer loi electorale
		Activités 17,18,19 et 20
2015	GTDE	Intervention de l'honorable Lubaya
	GTDE	Budget et plan d'action

	GTDE	Lettre du GTDE au president de l'Assemblée Nationale
	GTDE	Activités 17,18,19,20
2015	GTDE	Rapport d'analyse des données de l'enseignement primaire, secondaire et professionnel
	TCC GovMin	HRIA ASADHO
	TCC GovMin	HRIA CDC
	TCC GovMin	MMKI Rapport Fiscalité minière de Twangiza Mining
	TCC GovMin	NMTCC Revenues Modules Bunia
	TCC GovMin	Concept note on advocacy for local community's human rights protection
	EITI	Reports 2013, 2014, 2015
	Civil Society	Analysis by civil society on 2012, 2013 and 2014 reports
2015	TCC GovMin	Qui cherche ne trouve pas

Annex 3 - Map of partners

Human Rights

In Kinshasa
- Platforms: Children and Women Thematic groups
- Two core partners : ASADHO and FFC
- Other human rights associations benefitting from the Human Rights House
  Coordination with international partners, including for the cases identification and referral

In North Kivu
- Members of the Synergie Ukingo Wetu

Elections

- In Kinshasa, CEJP, in charge of decentralization to CDJPs and election observers all over the countries
  Coordination with donors, and CRS as the other implementing partner

Mining Governance

Platforms:
- In South Kivu : MMKI
- In Ituri : CDC
- In Katanga : POM, ACIDH, ASADHO, IBGDH & ASIBOG