



APT Programme
'Promoting effective national measures and mechanisms, in developing countries, to prevent torture and other ill-treatment' 2006-2010

External Desk-based evaluation

FINAL REPORT

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Abbreviations

ACTV	African Centre for the Treatment of Torture Victims
ACSFT	Arab Council Supporting Fair Trial and Human Rights
APT	Association for the Prevention of Torture
CCDH	Conseil consultatif des Droits de l'Homme
CEJIL	The Center for Justice and International Law
CIHRS	Cairo Institute for Human Rights Studies
CINAT	Coalition of International NGOs Against Torture
CPCR	Centre for the Protection of Constitutional Rights
CSP	Country Strategy Paper (EC)
EIDHR	European Initiative for Democracy and Human Rights
ELSAM	Institute for Policy Research and Advocacy
ENM	Ecole Nationale de la Magistrature
EU	European Union
HRBA	Human Rights Based Approaches
HRD	Human Rights defender
ICCPR	International Covenant on Civil and Political Rights
ICEDAW	International Convention on the Elimination of All Forms of Discrimination against Women
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Covenant on the Elimination of Racial Discrimination
IRCT	International Rehabilitation Council for Torture Victims
HRW	Human Rights Watch
M&E	Monitoring and Evaluation
NCCM	National Council on Childhood and Motherhood
NGO	Non Governmental Organisation
NPM	National Preventative Mechanism (OPCAT)
OHCHR	Office of the High Commissioner for Human Rights
OMCT	World Organisation against Torture
OMDH	Organisation marocaine des Droits de l'Homme
OPCAT	Optional Protocol to the (UN) Convention Against Torture
PRI	Penal Reform International
SAHRC	South African Human Rights Commission
SALIN	Strategic Alliances with International NGOs
SPT	UN Sub-committee for the Prevention of Torture
UN	United Nations
UNCAT	UN Convention against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UPR	UN Universal Periodic Review
USAID	US Agency for International Development
WGAAT	Working Group on Advocacy Against Torture

1. Executive Summary

This report arises from a desk evaluation commissioned by the *Association for the Prevention of Torture (APT)* at the conclusion of its Project '*Promoting effective national measures and mechanisms, in developing countries, to prevent torture and other ill-treatment*' 2006-2010 (hereafter *The project*). The principle donor was the Netherlands' Ministry of Foreign Affairs with contributions from Belgian Aid, UK Foreign and Commonwealth Office, Swiss MFA.¹ The evaluation was conducted by The *International Human Rights Network*.²

The overall goal of the 5 year project (implemented in Armenia, Egypt, Georgia, Indonesia, Morocco, Uganda, South Africa) was "to improve national implementation of international human rights norms by facilitating the passing of measures (such as legislation criminalizing torture) and assisting in the creation of effective national prevention mechanisms with the authority to visit all places of detention"...³

The evaluation applied the evaluation criteria of relevance, effectiveness, efficiency, impact, and sustainability (including replicability) with inputs invited from project partners, beneficiaries, and other stakeholders familiar with the programme, and/or the programme subject matter in the target countries. In the context of APT's ongoing efforts to learn lessons from its work the evaluation sought to

1. analyse and assess the overall *strategy and approach* of the programme and its objectives in terms of the specific situation in each of the target countries.
2. analyse and assess the relevance, effectiveness and impact of programme activities in preventing torture in the target countries to the prevention of torture
3. identify *lessons learned* and present *recommendations* for the future.

This was important project, seeking to address the most fundamental human rights edict – that states prevent torture, cruel, inhuman and degrading treatment and punishment. The **relevance** of the project arises from the applicable law (including recommendations from key international mechanisms directed at the target countries) and the acknowledged progress required in the target jurisdictions. *Relevance* of the project also encompasses the Netherlands and other project donors as their own international treaty obligations require them to ensure that their external relations/overseas aid promotes human rights. Central to ensuring projects specific priorities and activities are relevant is APT's partnership approach, seeking to ensure local ownership, that activities are

¹ The total budget was some 1,000,000 CHF, 800'000 of which was provided by MINBUZA. With annual costs in the various countries ranging from 148'720 to 245'520 CHF.

² www.ihrnetwork.org

³ In August 2007, funder approval saw Morocco added as a target country (retroactively from 1st January 2007), in substitution for original project plans for Egypt. Activities related to Armenia were planned as follow-on to activities in Georgia.

targeted to beneficiaries needs and country context to maximise the likelihood of sustainable impact.⁴

Features of project **effectiveness** include some key steps taken towards achieving the core objectives of preventing torture. These include success in generating debate on torture in some countries where such debate has been, and still is, problematic. Such debate is likely to have prevented regression through more informed engagement on the issues by key actors, as well as the fostering of public political commitments by some high profile project events etc as well as keeping the issue on the agenda of actors of influence - national and international. The project also proved effective in facilitating cooperation between state and civil society actors (and between civil society) with resulting 'legitimising' of activity on torture issues. The projects collaborative production and translation of quality torture prevention tools for current use or as groundwork for future NPMs is a central element of its longer term contribution. While the need for awareness raising, capacity building etc is ongoing, there is scope for a more enhanced framework that explicitly seeks to measure activities and outputs as *means to an end* – the required changes to law/treatment/conditions/practices, required to prevent and address torture. With adequate resources, time and consideration organisational reviews underway within APT regarding the adoption of human rights based approaches as its guiding framework and systematic use of qualitative and quantitative indicators can take M&E to a new level. There are some acknowledged limitations inherent in so few APT personnel having responsibility for so many countries. Feedback to the evaluation highlights some expectations not being fully met as regards timing and duration of in-country presence.

Overall, taking account of project features (number of countries/partners, some new partner relationships) and the absence of an ongoing physical presence in the target countries) the project achieved a relatively good degree of **efficiency**. A significant percentage of project funding is allocated to APT staff costs whose experience and inputs (distance, in-country and via Geneva UN processes) are a key part of project activities. High-cost activities, such as country missions, appear well planned and intensive to maximise their relatively short duration. A permanent (even if part-time) APT representative in some target countries would have offered efficiency (and other) gains even without the cost of physical offices.

While the project's relatively limited scale of activities in each individual country is a factor, **impact** of activities, needs also to be considered against the protracted time line required to make progress on torture prevention (secure engagement, build capacity, deliver legislative enactment, treaty ratification etc. The appropriate emphasis on 'adding value' to partners activities etc have yielded what may be categorised as 'foundational' impacts, include enhanced awareness of torture prevention including OPCAT and NPM requirements; increased engagement between state and civil society actors around torture prevention; enhanced capacity to undertake monitoring; to engage in advocacy and engagement with international mechanisms. These various impacts provide an important foundation for future OPCAT ratification and NPM work etc.

⁴ With APT providing both direct in-country and distance inputs and local partners take the lead on specific activities according to individual Memoranda of Understanding between APT and key partners.

Both in terms of effectiveness and impact, a priority going forward should be **enhanced systematic efforts at measurement of effectiveness/impact** arising from project activities, (identification of baselines, use of appropriate human rights based indicators and methodologies etc). Fundamentally, the challenge for APT and partners (common to all capacity building programmes) is to approach the various identified outputs, raised awareness, enhanced capacity, advocacy, creation of tools, draft legislation etc as *means to an end* and not ends in themselves.

The **sustainability** test for a project in jurisdictions at various stages of progress on torture prevention, (including OPCAT ratification etc) is varied. A number of core project principles and features enhance the overall likelihood of sustainability in the longer term – notably the emphasis on ‘ownership’ of activities by in-country partners, the production of tools (including their replication/translation from one jurisdiction to another) and the projects contribution to *processes* - coalition formation or legislative drafting and advocacy campaigns. That a number of project partners (ACTV, CCDH, PRI etc) etc have other cooperation with APT and that all project partners responding to the evaluation express a desire for future APT cooperation is also important for sustainability.⁵ The project’s twin focus on legal duty-bearers and core state institutions (NHRIs, inspectorates, ministries) and rights-holders’ representative (NGOs, Networks) are also key to sustainability. Going forward, sustainability will require emphasis on targeted capacity building, in all the jurisdictions, including equipping a core group of trainers with necessary *skills* and *knowledge*. Certain elements of the project have been replicated across jurisdictions, training approaches and materials. More generally feedback identifies possible ‘domino’ impacts from country specific advances in other jurisdictions - such as the institution of an NPM in Georgia and the drafting of a comprehensive legally accurate bill against torture in Uganda.

Even though project activities did not see the rate of OPCAT ratification hoped for, the project is identified (eg in South Africa and Morocco) and having helped ‘shine light’ on OPCAT and ‘alleviate some unwarranted reservations’ about OPCAT obligations. Relations established with key actors in the course of the project can be complemented going forward by APT’s role in supporting SPT activities and in its role as coordinator of the OPCAT Contact Group.

Recommendations

- APT should continue to develop more systematic approach to measurement of its interventions, in particular the relationship between activities to outcomes/impacts, including baselines, benchmarks and indicators for tracking changes.
- APT might usefully formalise its Partnership approach (around the “right to participate”) as part of the explicit adoption of human rights based approaches as APT’s guiding framework. This should include more detailed memoranda of understanding that address what ‘partnership’ and ‘ownership’ and expectations on both sides.

⁵ In some case these plans are concrete, eg APT-CCDH project (2011-2013) to train African National Human Rights Institutions on torture prevention

- The dependence of progress on torture prevention on political will (as much if not more than enhanced awareness, capacity or legal instruments) means that APT needs to *systematically* draw upon all actors of influence in its target countries. This should include donors funding APT activities and other actors with legal and policy commitments to ensure that their assistance promotes torture prevention - European Union (both Brussels actors and EC delegations) UN country teams, development banks etc – even where actors might prefer to steer clear of torture issues so as not to ‘compromise’ development and other relations. APT should seek to input on torture prevention issues for all development actors preparing their Country/organisational Strategy Papers, development plans (UNDAFs) etc.⁶
 - Donors should continue to provide financial and political support to APT as a means of generating sustainable impacts in the fight against torture. As well as funding specific projects and activities, where possible, core funding has intrinsic merit. Support should include support for external *impact evaluation* (beyond desk review) where possible be done in conjunction with other contributing donors.
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⁶ Contrast the specific recommendations of the EU-Morocco Action plan (on which APT lobbied) on torture with, the case of the Egypt where the Action plan has the vaguer ‘Examine the possibility of accession to the optional protocols to international human rights conventions to which Egypt is a party’ but eschews any reference to torture.

2. Introduction

The *International Human Rights Network* (IHRN) is a non-governmental organisation based in Ireland. In December 2010 IHRN was commissioned by the *Association for the Prevention of Torture* (APT) to conduct an external desk-based evaluation of its 2006-2010 Programme '*Promoting effective national measures and mechanisms, in developing countries, to prevent torture and other ill-treatment*', which had had as a main project donor, the Netherlands' Ministry of Foreign Affairs funded MINBUZA's 2006-2010 SALIN funding scheme. The evaluation was led by IHRN Director Patrick Twomey.

Overall goal of the 5 year programme was:

- "*to improve national implementation of international human rights norms by facilitating the passing of measures (such as legislation criminalizing torture) and assisting in the creation of effective national prevention mechanisms with the authority to visit all places of detention*"...

This report seeks to contribute to APT's efforts to learn from its past work. To this end, inputs were sought from stakeholders familiar with the project and the issue of torture in the target countries more generally.

Objectives of the evaluation

- To analyse and assess the overall *strategy and approach* of the project and its objectives in terms of the specific situation in the target countries.
- analyse and assess the relevance, effectiveness and impact of project activities in preventing torture in the target countries
- identify *lessons learned* and present *recommendations* for the future.

The report is structured according to the evaluation criteria of relevance, effectiveness, efficiency, impact, and sustainability/replicability with findings and recommendations made under each heading. For conciseness, recommendations that relate to more than one criterion are only outlined once (eg a number of recommendations relating to *effectiveness* are equally applicable to *impact*). IHRN wishes to acknowledge the inputs of all who completed questionnaires, participated in interviews and provided documents. Responsibility for the content of the report, including any errors or omissions, is solely that of the International Human Rights Network and views expressed are not necessarily held by the commissioning organisation, APT, or the principle funder of the Project, the Dutch Ministry of Foreign Affairs.

3. Evaluation Methodology

Evaluation inputs were requested between Mid November 2010 and early January 2011 and were received on the basis of non-attribution with APT as the commissioning organisation having ownership of the final report. To facilitate ongoing internal reviews and steps by APT some annexes elaborate some points made regarding the project.

Review of documentation included a selection of programme documents, internal mission reports; a selection of workshop power-points, handouts and tools produced during the time-frame of the project. All documents requested of APT, partners and independent experts working on the project were provided in timely fashion. A wider set of reports were also consulted - UPR submissions, treaty reports, country reports by relevant organisations.

Key interlocutors were proposed by APT and others were identified by project partners and by IHRN. All interlocutors were sent a briefing document outlining the key questions of the evaluation and the specific objectives in each of the target countries. Inputs were gathered by **individual telephone interviews** and **survey questionnaires** with responsible APT staff (past and present), project partners, and consultants. A wider cross section stakeholders (some not familiar with the project but working on torture in the countries concerned) completed **survey questionnaires** via SurveyMonkey. Where contact details were available project trainees were invited to offer views but only limited responses were received. Discussions were conducted on the basis of **non-attribution** and those submitting questionnaires had the option of doing so anonymously. Due to end of year commitments and holidays most feedback was received towards the end of the 2 month evaluation period and some interlocutors sent apologies due to time constraints. Findings and recommendations are framed in terms of the project overall, except where country specific issues were raised. Evaluation inputs on Egypt and Indonesia in particular was so limited as to mean that only very tentative findings can be framed. This report will be finalised after consideration of **feedback from APT on a draft report**.

Recommendations

- APT (in conjunction with implementing partners) should review planning for external evaluations (apart from any specific donor requirements) - including budgeting, timing (mix of mid-term and ex post facto evaluations, systematic collation of contact details, documentation of activities (workshop outlines, feedback forms etc). Partner MoUs and consultants terms of reference etc should stipulate engagement with evaluations. Publication of evaluation reports has merit but should be decided on a case by case basis. Clarity regarding the purpose and nature of evaluations with partners should be part of APT's capacity building focus (including joint planning for evaluations from the outset of projects, periodic joint review of progress, input by all into evaluations etc).
- Where possible donors should pool evaluation funding (in line with Paris Aid Effectiveness Principles and initiatives such as the UN's Delivering as One initiative) to allow APT to undertake organisation-wide or thematic evaluations (as opposed to project by project). This would minimise the time demands, allow some in-country evaluation and maximise lessons learned and yield more value for money to donors/funding tax-payers.

4. Context

This section briefly maps the context within which the project was undertaken. A specific strength of APT's work and this project is the extent to which it was explicitly grounded in applicable international law as well as a capacity-building focus on enhancing understanding of relevant law and mechanisms. In addition while a range of INGOs address torture issues globally (including impunity/accountability, rehabilitation etc) APT is a lead actor on prevention, in particular through engagement with state institutions.

Central to the legal context within which the project was undertaken is the human rights law framework governing torture prevention in the countries concerned. This framework includes a range of international treaties to which the target states are party, including several concerned primarily with torture, inhuman and degrading treatment and punishment, notably UNCAT, but also others that address torture in the context of specific groups/situations, ICCPR, ICESCR, ICERD, CEDAW, CRC and the Convention on the Rights of Persons with Disabilities, the Rome Statute of the International Criminal Court, 1951 Convention relating to the Status of Refugees, 2006 Convention for the Protection of All Persons from Enforced Disappearance.⁷ The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is a key addition to the 1984 United Nations Convention Against Torture entered into force on 22 June 2006 at the outset of the project⁸ and the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (members of which acknowledge the significant contribution of Apt to its work) became operational in February 2007 (midway in the current project timeline).

The Netherlands (and other subsidiary project donors) are also bound by these treaty standards - domestically as well as in their international relations and overseas donor assistance.⁹ CAT for example refers to the "obligation of States under the [UN] Charter, ... to promote universal respect for, and observance of, human rights and fundamental freedoms".¹⁰ In addition to its legal obligation, the Dutch Ministry of Foreign Affairs, MINBUZA, has made of the fight against torture one of its policy priorities, as outlined in the foreign policy human rights strategy "*Human dignity for all*".

⁷ In addition regional instruments also prohibit torture in European and African contexts. The Council of Europe Committee for the Prevention of Torture inspection system for places of detention in existence since 1987 is central relevance to 2 of the 7 target countries Armenia and Georgia.

⁸ By the end of the project in 2010 OPCAT had some 55 state parties (including 2 of the 7 project target states – Georgia and Armenia and a further 11 signatories - including South Africa

⁹ Thus, for example, Such as the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child obliges States to "undertake all measures for the implementation of the rights recognized in the present Convention"... "to the maximum extent of their available resources and, where needed, within the framework of international co-operation".

¹⁰ As stated in an OECD DAC update of April 2007: "The fact that both donor and partner countries have ratified the international human rights treaties provides a uniquely valuable reference point for harmonisation efforts. A mutually agreed, universal normative framework already exists, supported not only by political commitment, but also by the force of legal obligation."

The international law context also includes UN-system *Special Rapporteurs* and *Working Groups* monitoring states' legal obligations to address torture and several of the target countries have hosted visits by the UN Special Rapporteur on Torture (Georgia & Indonesia - in the case of Egypt a pending visit request), the Special Rapporteur on violence against women (Indonesia and South Africa) Some of the target countries were considered by the UN Universal Periodic Review (UPR) on the fulfillment of human rights obligations during the duration of the programme.

Domestic law forms a key part of the legal context with target countries variously having explicit reference to the prohibition on torture the Constitution, national criminal laws with torture definitions or prohibitions that fall short of what is required by international law (as in the case of Indonesia) and drafts of specifically outlawing torture in line with the international definition (as in the case of South Africa and Uganda) etc.

5. Overview of the project

The original project proposal was submitted in October 2005 by APT to the Dutch Ministry of Foreign Affairs (MINBUZA) in the context of a call for proposals on projects related to torture prevention. The final version of the proposal was accepted by MINBUZA in autumn 2006. An APT-MINBUZA grant agreement in November 2006 was retroactively valid from January 2006 up to December 2010.¹¹ The objective of the programme is to promote the creation of effective national measures and mechanisms in Georgia, Egypt, Uganda, South Africa, and Indonesia to better prevent torture and other ill-treatment, with the project proposal including an annex on specific plan of activities per country.

The project was formulated and proposed in the context of APT's 2006 multi-year plan whose main objectives were:

Objective 1: To Promote Transparency and Accountability of All Places of Detention, especially through independent visiting and other monitoring mechanisms.

Objective 2: To Enhance international, regional and national **Legal Frameworks for the Prevention of Torture**, including ratification of relevant treaties and adoption and application of national laws on torture

Objective 3: To Strengthen the capacity of national and international actors concerned with persons deprived of their liberty through increased knowledge about, and commitment to, practices for the prevention of torture and other ill-treatment.

Most of the activities outlined in the *ANNEX TO PART II – THE GRANT PROPOSAL* were delivered via a series of partnerships, some formal based upon MoUs and others more informal that arose as a result of identifying others active in some of the target countries (Ecole National de la Magistrature CHEMONICS in Egypt) or preexisting collaboration with APT (PRI in Georgia). A specific focus of Project activities concerned training of state institutions (NHRIs, judges, prosecutors) on their responsibilities regarding torture prevention. In parallel the project sought to civil society engaged in detention/torture monitoring and advocacy for legislative reform and OPCAT ratification.

While the limits of desk based evaluation needs to be considered and the more systematic ongoing collation of evidence by the project would have been advantageous, evaluation feedback is for the most part very positive – not least in the context of a subject matter that does not lend itself to instant or easy solutions. Returned questionnaire forms all score the project's various country elements as 'good' or 'very good' and interlocutors across the board - partners, ad hoc consultants and others - speak highly of the professionalism of APT and the project staff – utilising phrases such as 'diligent', 'professional' 'credible' 'important ally' 'serious' etc.

In 2005, the APT participated in 2 national events in **Armenia** promoting ratification of OPCAT, which took place in September 2006 and the Human Rights' Defender's Office was which designated by law as Armenia's NPM in

¹¹ SALIN contract No. DMV0086369

April 2008. In December 2010 and its partners launched an Armenian translation of the Essex manual *Guide: Combating Torture Manual for Prosecutors and Judges* and conducted training of judges, lawyers, and prosecutors. As Armenia activities commenced in parallel with the evaluation it was not a central focus of the evaluation though feedback was sought and some received.

Egypt activities included a needs assessment Mission, activities with the Egyptian National Council on Childhood and Motherhood, US firm Chemonics, IRCT and the National Council for Human Rights, including training on juvenile detention monitoring of judges and prosecutors; Production and dissemination of Arabic version of the APT *Guide on Torture Jurisprudence*.¹² Drawing upon its comparative analysis of supervisory systems elsewhere, APT provided a detailed set of recommendations to NCCM on the implementation of Egypt's 2008 Child Law provisions for judges and social welfare officers to monitor places of deprivation of liberty for juveniles. APT also provided recommendations for NCCM (substantive and methodological recommendations, details of international experts etc) as an aid to other project planning it was engaged in. Nevertheless, lack of momentum saw an amendment requested and approved in August 2007 to reallocate 50% of project funds originally budgeted for Egypt, to project activities in Morocco.¹³

In the case of **Georgia** activities ranged from advocacy and assistance regarding the nomination of an OPCAT national preventive mechanism; Translation/publication of 500 Georgian copies of the Essex university *Guide: Combating Torture Manual for Prosecutors and Judges*, a series of 1 day Seminars with Judges and Prosecutors on their role in the prevention of torture and creation/translation of materials for the purposes of training on monitoring places of detention (checklists, Q&As, workshop handouts), co-sponsored a one-day public meeting to discuss amendments to the Law on the Public Defender regarding its designation as the NPM under the OPCAT, ongoing advocacy, advice and support regarding the requirements of an NPM and its role on its designation.

Indonesia activities included high level seminars on OPCAT and NPM options for Indonesia, engagement with embassies, translation of APT's NPM Guide into Bahasa, workshop training of judges, prosecutors, police officers and defence lawyers.

In **Morocco** which was added as a target country in August 2007, activities included roundtable discussions in conjunction with Organisation marocaine des Droits de l'Homme (OMDH) and the Association prison-relais and others, on OPCAT and future NPM, training workshop on the criminalisation of torture and the 2006 Moroccan

¹² Other Arabic translations included the brochure on the role of doctors in monitoring visits; FAQ on the OPCAT; guide on National Preventive Mechanisms; as well as technical papers on NHRIs and Ombudsmen as NPMs, and civil society and NPMs.

¹³ The limitations of the project in terms of limited financial support to offer local partners may be a factor in terms of some loss of engagement, particularly with specific institutions that are 'popular' with donors or occupy a specific central role, eg NHRIs. In Egypt, for example, from where APT shifted its focus due to difficulties making headway the project was co-terminus with the BENAA project on Human Rights Capacity Building with a budget of six million US dollars

anti-torture law and advice to newly formed OPCAT coalition on NPM options. A training workshop on the preparation and implementation of the workshop on criminalisation of torture for judges and prosecutors and on detention monitoring for judges and prosecutors with the Moroccan Ministry of Justice, input of prevention of torture issues in training curricula of judges and prosecutors, collaboration with the Ministry expert group on a guide on the criminalisation of torture for the Moroccan judiciary and law enforcement services

South Africa project activities centred on support to the SAHRC Section 5 Committee on torture **with** workshops on the Torture Bill & UNCAT as well as a two day training on detention monitoring and participation in meetings including input on the strategy for OPCAT ratification and for legislative adoption of a Torture Bill, as well as participation by APT's country delegate in meetings of high level national stakeholders.

Uganda activities ranged from facilitation of networking between state and non-state actors via its main project partners, the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) and the Uganda Human Rights Commission (UHRC). This included engagement with the Anti-torture Working Group (AWG) established in June 2008; other input included guidance on the drafting of the Prohibition and Prevention of Torture Bill and support to a state/civil society network advocating for its enactment.

Overall evaluation feedback leads to an impression of the project as a series of related activities, taking place in parallel across seven countries. While some substantive interaction between them (in APT HQ discussions), and some 'cross-fertilisation' (using/adapting tools developed), there is only limited cohesiveness as a project *per se*. If a metaphor helps the project might be likened to an Archipelago – with individual 'islands' of activity connected below the surface.¹⁴ While a 'one-size-fits all' approach to torture prevention in different countries/regions is neither possible nor desirable core needs/barriers/solutions etc as regards torture prevention have common elements. In the case of some target countries (eg Morocco) activities with different key partners were 'isolated' from each other. This may offer some efficiencies in terms of planning activities, it is not optimum for the integrated approach torture prevention needs. At the very least monitoring institutions NHRIs/NGOs, for example, need to know what capacity building is being provided to other key actors (justice ministries, corrections departments etc) so that they can factor this into their monitoring.

Overall the project would have benefited from an enhanced approach on two interconnected fronts, though these are matters of organisational development currently under active review and change within APT and observations need to be read accordingly:

- i. The application of human rights based approaches as a conceptual and practical framework for the planning, delivery and assessment of activities.
- ii. More structured monitoring and evaluation to verify needs as well as which activities yield which impacts (including the use of tools such as LogFrames, baselines, indicators).

¹⁴ While not fundamental to effectiveness or impact project activities had only limited visibility as a project *per se*. More can be done by way of acknowledgment of which individual activities are funded by which donor.

Recommendations

- APT should continue to prioritise organisational learning and see that this receives the necessary time and resources to yield more evidence-based practice that in turn can result in more efficient, impactful torture prevention and also serve as a model for partners. It should continue to focus on its comparative advantage in the sphere of torture prevention, and the possibilities it has for 'flexible' responses.
- Donors should continue to prioritise funding of APT's work. Such financial support should facilitate the flexibility needed to address an issue that is intrinsically 'fluid'. Donors and APT should plan/finance lessons learning in the delivery of activities, including pilot testing of baselines/indicators, 'field-based' and mid-project M&E etc. Acknowledging the focus of development aid budget lines on *specific* activities, the potential impact of 'core' funding - of staff positions for a defined period, of internships and organisational learning cannot be overstated.
- Donors should systematically match financial aid for APT's work with strategic political support on torture prevention - bi-laterally with the target countries and via relevant fora and IGOs - in particular the EU.
- Donors need to balance the legitimate expectation of evidence of impact with realistic expectations regarding the time needed for treaty ratification, legislation, and most fundamentally changes of culture, mindset etc.¹⁵

¹⁵ Some pertinent points are made regarding pace/variables in public sector reform are as valid and even more pronounced in the case of torture Public Sector Reform: What Works and Why? An IEG Evaluation of World Bank Support 2008

5.1 Relevance

Findings & lessons identified

The original project proposal has as main objectives “to promote the creation of effective national measures and mechanisms in Georgia, Egypt, Uganda, South Africa, and Indonesia to better prevent torture and other ill-treatment” and “to prevent torture and ill-treatment in [each target country] through the development and implementation of national prevention measures and mechanisms.”¹⁶ The relevance of project activities to the each target jurisdiction, and the needs of the participating partners were aided by APT missions in advance of and at early stages of the project. In addition, APT had recent prior activities in the majority of the project countries, some of which were undertaken in partnership with actors with whom APT had a prior relationship (ACTV, UHRC, ELSAM etc.

Relevance

The extent to which the objectives of the programme are consistent with beneficiaries’ requirements, legal obligations, country needs, partners’ and donors’ policies.

The relevance of project activities was enhanced by flexibility and responsiveness to current developments some of which might not be predicted in 2005 when the project was designed. Thus, strategising and capacity building on a Torture Prevention Bill in Uganda made sense (as does donor accommodation) when a window of opportunity presented itself - even if it meant less specific focus on OPCAT.

As well as being fundamentally concerned with the country, partner and beneficiary needs it also requires consideration of the specifics of particular regions, groups, and contexts. As regards gender, while women are well represented within APT and include some of partners’ key active personnel on the project, gender has not been an explicit cross-cutting focus. Evaluation feedback highlights need for capacity raising as regards state’s positive obligations to prevent torture in the private sphere, including domestic violence. This is not to suggest a ‘mechanistic’ noting of women participants etc or that the project might have sought to address all groups and contexts of torture prevention but gender and more generally discrimination should be a qualitative and explicit consideration in activity planning (even if the lead is taken by other projects/organisations). Moves towards a human rights based approach to operationalise gender commitments in APT’s 2010-2012 strategic plan should aim to have gender as a ‘reflex’ consideration in all activities and partnerships.¹⁷

Recommendations

- APT’s partnership approach whereby local organisations take the lead in identifying activities, focus etc should be continued as best practice. More use of Logical Framework matrices and other planning tools can enhance the quality of these partnerships and ensure realistic expectations on all sides as well as clarity regarding time and other commitments required to meet those expectations.

¹⁶ With individual but broadly similar “*Specific Objectives*” framed for each individual target country.

¹⁷ Vulnerability to torture is not necessarily the same as vulnerability to other human rights violations. Typically, particularly vulnerable groups include political prisoners, detainees accused of crimes that society considers particularly heinous, and detainees denied or unable to afford legal representation migrants, the poor etc.

- Each activity stream in target countries should be subject to a “relevance test”. To the extent that a problem is due to lack of awareness or capacity training/tools/mentoring are relevant, but where the problem is lack of accountability, then *relevant* solutions include litigation and sanction (disciplinary and penal) which, while critical to torture prevention, may be outside APT’s prioritised focus.
- To safeguard APT’s credibility the various country elements of the project should be explicit regarding some key issues *not* addressed (security sector actors, rendition etc), even if these were being addressed by partners in other work.
- As part of human rights based approaches, gender and the specific situation of women and girls should see each programme activity systematically asks questions as to who are particularly vulnerable? What specific strategies are required to address that vulnerability? Etc.

5.2 Effectiveness

Findings & lessons identified

Assessing effectiveness of project activities against the common overall objective for activities in each target country (that of preventing torture) entails some degree of assumption given the scale of the issues involved and variable factors that determine progress.

Effectiveness: The extent to which the programme's objectives were or are likely to be achieved.

Measurement of the attainment of the project's '*Specific Objectives*' is somewhat easier if they are read literally - as many of these objectives are not *objectives* so much as *activities* and *outputs*. 'Advising', 'enhancing' 'production of tools' etc are not *objectives* in themselves, but more accurately *means* to achieving objectives. While the distinction is a matter of nuance, rather than 'To advocate for ratification of the OPCAT' (as in the case of Indonesia) the objective should be 'ratification of, or progress towards OPCAT ratification'. The activities (advice, training, advocacy etc) and outputs (manuals, advocacy strategies etc) then fall to be measured in terms of their contribution or likely contribution towards the actual objective. The evaluation therefore did not take a literal approach to these stated objectives but rather took a purposive approach.

Ratification of OPCAT was only attained in two of the project's target countries (Georgia and Armenia)¹⁸ with protocol signature by another (South Africa), though the timing suggests caution is needed in ascribing these steps to the project. That said there is widespread acknowledgment of the longer term contribution by APT to these developments, as well as feedback from stakeholders that 'without this project Georgia would not have an established NPM', 'APT contributed to ensuring inclusion of civil society experts in the NPM'. By the same token the non-ratification of OPCAT or the fact that NPMs are not established in some target countries does not equate with ineffectiveness. Instead, various project objectives need to be viewed in terms of torture prevention generally and treaty ratification/legislation as part of a protracted continuum.¹⁹ Some countries report a greater momentum towards OPCAT ratification as a result of the project (Morocco), in other contexts inputs suggest 'no significant steps' towards ratification (Egypt, Indonesia, despite commitment to ratify by 2008 in a National Human Rights Plan). In the case of South Africa, sources highlight a range of wider reasons for momentum towards ratification waning. Measurement of progress towards treaty ratification or legislative enactment remains a challenge, in terms of degree of progress and attribution. In some cases specific advances towards torture prevention are more readily identified. For example, in the case of the Torture Bill in Uganda, its development by the Anti-torture Working Group benefited from APT input both in terms of the comprehensiveness and legal accuracy of its content and as well as civil society collectively strategising for its

¹⁸ Taking place in August 2005 and September 2006 respectively, they are not results of the project as such but APT's contribution in the preceding years is acknowledged as significant.

¹⁹ Mindful that the degree of political will from beneficiary states that APT requires to justify engagement should continue to be under constant review - to protect APT's credibility and avoid torture-related activities becoming a substitute for meaningful change.

enactment. In several countries (Morocco and South Africa) evaluation feedback highlights examples of enhanced awareness, demand²⁰ and capacity²¹ to advocate etc.

The project's partnership approach (as well as being a matter of efficiency in the context of APT's limited direct presence on the countries concerned) is noted for fostering local ownership by civil society, and in particular state actors - critical to maximising likelihood of effective sustainable change. In some cases this has meant that the output (event, tool etc) may not be exactly what APT would have produced itself but the process of its planning/production is an 'output' in itself. The project was particularly effective in aiding coalition building, including state and non-state partners, and incorporating a range of professional disciplines relevant to torture prevention (lawyers, psychiatrists, journalists etc). Facilitating SAHRC's establishing a Section 5 Committee on Torture tasked with the coordination of the OPCAT campaign in South Africa as well as the draft Bill on Torture. Not an explicit project objective as such, but mentioned by a number of interlocutors, APT engagement in some countries has provided a 'safe framework for local NGOs' by legitimizing their work on torture prevention.

A key common objective of project activities in all target countries was to raise awareness about torture prevention. Feedback to the review suggests that various activities (training, round-tables, internships, publications etc) did enhance knowledge of the legal definition of torture, relevant mechanisms and monitoring and other prevention approaches. Calls for OPCAT ratification in annual reports of the South Africa Correctional Services Independent Judicial Inspectorate and CCDH in Morocco, for example, are indicative of raised awareness of OPCAT among key institutions. More difficult to determine systematically, without baseline and post-training follow-up, is the extent to which project capacity building activities translated into torture prevention. That said, some partners report enhanced capacity to monitor, to recognise the legally prohibited treatment and conditions, to input on legislative and policy debate, draft treaty shadow reports etc.²² Training participants' feedback to the evaluation is positive, though response to questionnaires is not of a scale to allow authoritative conclusions, particularly in the absence of systematic collection of trainee's post training feedback. On the positive side there is evidence of interactive, small group work, advance discussion between APT and trainers, preparation and compilation of materials, combination of host country and international experts etc, standard training best practices.

In addition to materials produced specifically in the course of project activities, a number of important tools, including briefings related to detention monitoring, legal, or OPCAT issues, have also been produced during the

²⁰ Project partners CCDH (Morocco) and Independent Judicial Inspectorate of Correctional Services (South Africa) calling for OPCAT ratification for the first time in their annual reports..

²¹ The projects contribution to stakeholders 'fluency' to engage in advocacy for torture prevention includes not only translation of documents (Arabic, Armenian, Bahasa, Georgian etc) but also enhanced fluency in the 'legal' standards and mechanisms. In the case of international actors in target countries the matter should not be assumed.

²² APT engagement on the Egyptian child code which provides juvenile judges/prosecutors with increased responsibilities regarding monitoring the conditions of detention was followed by reports of visits by Prosecutors to police stations in order to ensure that children are separated from adult detainees.

granting period. While it is not always possible to determine what specific degree of funding of these tools is attributable to the project evaluated, they draw upon APT's experience on the ground and in some cases were 'road tested' in project activities. Several tools have been translated into national languages of the project countries, and may be accessed directly language from APT's website front-page. These publications address an identified need and are notable for the partnership process through which they are produced²³ (both as a matter of cost sharing and 'status' of the end products). Manuals and tools are lucidly written, legally accurate and reach an audience well beyond APT activities. The APT website serves to broaden the readership, though hard copies, including minority languages should continue to be a priority.²⁴

The relatively light 'footprint' of the project (in terms of scale of activities *in* each target country) meant that some training events were not of optimum duration nor part of regular sequential events. While feedback highlights most workshops as being well planned, interactive and employing a range of pedagogical techniques, Workshops of one or two day duration can only have limited impact in light of the needs of facilitated learning-participant input, small group exercises/role-plays, structured recapping of key lessons etc.²⁵ The utility of occasional workshops of even longer duration is also limited if not part of a series of training or some follow up contact with participants. The Indonesia ELSAM example where a project activity was incorporated into longer term ELSAM training project is an example of targeted added value by APT. There appear to have been some weaknesses in terms of advance notice for workshop trainers of the target group they needed to plan for. Some feedback notes that participants in some workshops did not all stay for the duration and in some cases trainees were interns who then moved on from the institution concerned. Suggestions that residential workshops are optimum (allowing more informal interaction and ensuring attendance for entire event) have merit but need to be weighed against extra cost. Whatever format is possible the expectation should be that places are reserved for the most relevant participants, that each participant is available for the entire event; do some degree of advance preparation; that trainers have advance knowledge of participants' profiles/needs etc. All these elements will not always be possible but should be the planning starting point. As regards assessment, which should be routine, the test needs to be higher than whether participants rate the training as 'interesting' etc. Post workshop reviews by trainers and APT focal points need to be more formalised with more to be done on

²³ Preventing Torture: An Operational Guide for National Human Rights Institutions The multi-media guide is the outcome of cooperation between the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Association for the Prevention of Torture (APT) and the Asia Pacific Forum of National Human Rights Institutions (APF); Jurisprudence guide: produced in conjunction with the Center for Justice and International Law examines how major international and regional tribunals interpret the crime of torture; In addition, the project produced Indonesian and Bahasa versions of the University of Essex Human rights Centre manual "Combating Torture: A Manual for Judges and Prosecutors.

²⁴ Key tools include: APT's OPCAT database with country level information on the status of ratification and implementation of OPCAT (includes most of the project target countries) while Torture law compilation offer detailed information on national legislations related to torture in most states; The OPCAT implementation manual and NPM guide; The 2007 publication 'Defusing the Ticking Bomb Scenario; Why we must say No to torture, always'.

²⁵ The issue is different where short duration workshops are linked to a wider training project or sequence, as in the case of Indonesia.

training assessment (The useful template covering content, delivery, materials, structure used in Indonesia activities does not appear employed as standard) and, more emphasis on measuring actual outcomes of training in the longer term - changed capacity/abilities/behaviour etc.

Feedback on language interpretation of project events is generally (but not uniformly) positive, but not comprehensive enough to make definitive conclusions. No issues were raised regarding project translation of documents. There are, some basic steps to maximise the effectiveness of workshop interpreters, whether by APT (or partners when they have responsibility for organising interpretation/translation), including seeking references for related work for new interpreters, providing advance reading and ensuring they can engage with facilitators in advance to raise any queries etc.

While some of the objectives of the project present a measurement challenge, there is still scope for improving efforts made, the indicators used etc, in particular, efforts to distinguish "activity"/"outputs" from "effectiveness/impact". 'Indicators of success' mentioned in the project proposal do not distinguish project activity from objectives achieved eg 'high seminar turn-out of Judges and Prosecutors', whereas "increase in visits to places of detention and production of quality recommendations" or "increased cooperation between NHRIs" are more accurately classified as outcomes (which in turn need appropriate indicators). In general, indicators of activities or outputs are easier to formulate (eg 100 judges /prosecutors in Georgia trained in 4 one day workshops) than indicators of outcomes/impacts. Indicators for the former are necessary but ultimately not as important as indicators of the latter. The misstatement of the generic 'SMART' acronym in the original project proposal suggests a need for more attention on these issues (as is currently underway within APT). This project would have benefitted from a logical framework matrix (for each of the target countries) finalised with input from key implementing partners, and reviewed periodically as part of ongoing M&E.

As evaluation interlocutors highlight progress on torture prevention is intrinsically dependent upon political will. Enhanced awareness/capacity does not guarantee progress such as OPCAT ratification or appropriate NPM designation. The *Policy Framework for Strategic Alliances with International NGOs (SALIN)* for 2006-2010 identifies as an overriding factor in selecting INGOs to receive funding – "the strategic added value of the partnership for Dutch development cooperation". Linked to the policy states that "[F]unding an INGO should entail more than just supporting an activity. The grant relationship is characterised by frequent, intensive policy dialogue." Evaluation feedback suggests mixed levels of success as regards successful engagement/support by key international actors in the target countries – Netherlands Embassies, other donors and EC Delegations. Suggestions that keeping torture prevention on donors agenda as being unduly dependent upon personal motivation of individual officials are reported by a range of interlocutors as a challenge not just faced by APT.²⁶ Nevertheless, there would appear to be steps that APT can take. The EU's lead donor role and political influence means that plans for a specific APT EU focal point should be a priority. If an office in Brussels is not feasible then regular presence there seems to be a natural complement to APT's Geneva and New York activities.

²⁶ APT's Strategic Plan for 2011-2012 recognises that torture prevention also requires "that international and national actors have the necessary determination and capacity to prevent torture" – italics added.

Recommendations

- APT should continue to focus its efforts to build effectiveness around its comparative advantages (its focus on prevention, ability to engage state actors and good standing with other organisations etc). It should draw upon torture networks (such as CINAT, the OPCAT Contact Group²⁷) but also others outside the torture/civil and political human rights sphere, for tools and collaboration in enhancing measurement of effectiveness/impact.
- APT should involve all partners in reviewing understanding and expectations of “effectiveness” and means by which it can be measured. This should include tools such as logframe matrices (detailing “risks” and “mitigation strategies” for each activity/impact). The test of ‘effectiveness’ needs to incrementally increase from awareness to knowledge to capacity to results with awareness, knowledge, capacity etc clearly understood by all involved as *means to an end* and not ends in themselves.
- Capacity building (on monitoring, advocacy etc) needs to be incremental and take account of the time required to develop effective skills and knowledge. Ideally sequential capacity building should be based around an identified core group of repeat participants. As a matter of routine, trainers should be provided with key information on all participants (their responsibilities, experience, needs etc) to gauge appropriate training levels and maximize participants’ input, etc. This took place in *some* training but would benefit from more consistency. Workshops might include the compilation of a ‘key points/next steps’ note (for evaluations and lessons learning by APT and partners) as done for an Indonesia seminar by the *Community Legal Aid Institute* in June 2010. This rapporteur role might undertaken by a participant or partner representative.²⁸ Each training event should involve compilation of power-points/handouts, participants contact details, feedback etc. The ‘occasional’ nature of project training in the target countries means that training institutions with ongoing responsibility for torture prevention should be systematically targeted. APT’s international trainers might use project workshops to identify effective local trainers (as with ELSAM Indonesia training) or other participants with potential as trainers. New trainers could, for example, ‘shadow’ more experienced international/national trainers – with the experienced trainers tasked specifically with building the skills of new trainers.
- Given the fundamental importance of political will for torture prevention, donors (in their bi-lateral and multi-lateral relations) should *systematically* match funding support with targeted diplomatic reinforcement.²⁹

²⁷ Tactical Mapping by the New Tactics in Human Rights Project & the Center for Victims of Torture (CVT) is one subject specific example.

²⁸ This assumes that the nature of particular training is suitable for such an approach. Some training or brainstorming discussions (eg monitoring or advocacy strategies) may need Chatham House rules, for example, and sharing of all contact details may not be appropriate.

²⁹ The rationale for project M&E applies no less to diplomatic interventions. On this see Würth/Seidensticker of the German Institute for Human Rights, developed Indices, Benchmarks, and Indicators: Planning and Evaluating Human Rights Dialogues 2005. Was developed at the request of the Swiss Federal Department of Foreign Affairs

5.4 Efficiency

Findings & lessons identified

Efficiency of project activities is both a matter of accountability to the taxpayers of donors states as well as a being priority for relatively small organisations with a global remit – such as APT.

Efficiency: The extent to which resources/inputs (funds, expertise, time, etc) were cost effectively translated into activities and results.

The evaluation did not encompass a financial audit of the project, but makes observations where issues of cost were raised, the nature of the activities undertaken, as well as the implementation model. The project's geographical spread (including multiple (some new) partners), institutional changes (within APT and partner institutions etc) posed some efficiency challenges,³⁰ and some issues around delivery of activities to agreed timelines. As might be expected with a 5 year project over 7 countries some activities were delayed, including the Moroccan manual on the criminalisation of torture, the Arabic translation of the jurisprudence Guide and time gaps between some workshops and resulting reports also suggest some loss of momentum. As noted above, a certain sense of the project as a series of parallel micro-projects can be learned from. While there is some sharing of plans, lessons learned and tools (external trainers 'transferred' from work in one country to another) more could have been done in this regard. A potentially important step is the establishment in September 2009 of the post of Chief of Operations within APT. Provided this role has a designated time and resources for M&E it can be central to ensuring greater lessons learning and more cohesiveness across APT activities – as a central 'hub' coordinating sharing of information, tools and experiences – internally and with other organizations.

On the efficiency 'plus' side, the evaluation feedback highlights a general awareness of costs (in terms of balancing venue/event costs and the 'protocol' requirements of high level events. In addition some project elements, capitalized on other projects and events maximizing the return on cost of country missions – including APT contributing to another ELSAM project (with the Institute for Criminal Justice Reform and the University of Berkeley War Crimes Study Center) on training of judges and prosecutors in Indonesia and inputting into CHEMONICS USAID-funded work in Egypt as well as collaborative missions (eg with OMCT) and events eg a regional workshop on the methodology of detention visits by NHRIs for Asia-Pacific Forum for National Human Rights Institutions (with OHCHR and Komnas HAM) or simply contributing to seminars by others (eg OSCE OPCAT 2008 seminar in Armenia). In a subject area not lacking manuals and publications, the project's plan to translate the Essex University *Combating Torture: A Manual for Prosecutors and Judges*, rather than producing an APT equivalent represents best practice.³¹ Wider project cost-consciousness also included in kind contributions of partners, travel planning and the fact that office costs were borne by APT's own budget.

³⁰ The second year of the project also coincided with APT establishing two 2 new geographical programmes, Asia-Pacific and MENA.

³¹ In the event plans were overtaken by events with translation being done by the Raoul Wallenberg Institute and the Public Defender of Human Rights with UNDP and SIDA support.

Without a permanent APT presence in the target countries, the project approach of short events by APT personnel (and contracted experts) has obvious limitations even with densely packed visit agendas. The spread of countries within the remit of each APT geographic officer makes frequency and flexibility in the timing of country visits problematic.³² This sees some partners highlight the challenge of accommodating the necessary intensity of APT visits around their other work commitments and some issues of some meetings requiring more senior APT personnel than were present for visits. Capacity also means that APT country presence is generally confined to capital cities (Indonesia being an exception) though country-wide activities by APT is not necessary so as long as it is facilitating partners in their coverage. In addition, some evaluation feedback highlights 'cultural' limitations of short term presence on issues that would benefit from the personal interaction that is only possible over extended time. Otherwise, the project's 'distance support' appears to work well when partners call upon APT for input, but less so when partners were not proactive in seeking regular APT input. Varying degrees of partner engagement may be linked to some partners broad remit (beyond torture), having multiple projects and perhaps a tendency to prioritise projects that include provision of funds for staff an ongoing activities). In several countries elections (or forthcoming elections (South Africa, Indonesia, Uganda) are cited as a factor in delaying movement on torture legislation or OPCAT ratification.³³

Some APT staff turnover during the project is cited in evaluation feedback as impacting on engagement with partners as is staff turnover among partners and the principle donor. In some cases this led to periods where the focal point in some partners was not clear. Over a 5 year period staff turnover is unavoidable but it is also predictable. Going forward APT should put in place a handover protocol (especially where overlap of outgoing/incoming personnel is not possible). More systemic clarity regarding nominated project coordinators/focal points within partner organisations is likely to have enhanced project efficiency (and the evaluation). APT mission internal and periodic reporting (to donors) is generally detailed and insightful though there is room for it to be more systematized (a draft APT activity template is a starting point).

Recommendations

- An adequate amount of the Chief of Operations time should be ring-fenced for the specific purpose of lessons identification and replication, continuing to develop systematic use of templates (logframes for country/thematic plans, workshop feedback forms) ongoing activity monitoring as well as mid-term and ex-post facto evaluations. In these initiatives APT should proactively seek input from the 'anti-torture community' but also from development practitioners in sectors where more work has been done on Results Based Management,

³² In addition to country visits a key APT role during the project was engagement with states and non-state delegations in Geneva processes, eg Eg Egypt's UPR review in Geneva in February 2010.

³³ Without suggesting that the project or APT could do anything that eliminated these barriers, it is worth reflecting on whether the planning and design of this 5 year project had a specific plan for national elections (as 'impediments' or windows of opportunity for the projects objectives).

Outcome Mapping, M&E etc.³⁴ This process needs either core funding or to be built into project funding but costs can taper off in intensity once templates are tested and all staff are aware of their role in APT's ongoing organisational learning.

- APT's approach in South African of having a part-time delegate (during 2010) is a model worth considering for replication, (and possibly a regional role) subject to a given country context and the appropriate person being identified. Representatives should be mandated with clear contractual terms where an individual divides their time between APT representation and other work/organisations. Use of 'Distance interns' would allow APT be present at events in countries where language or distance barriers arise (a postgraduate student without substantive 'speaking' authorisation might act as event reporter for APT). Any advantages of permanent offices in target countries are outweighed by the financial and administrative issues involved, though more APT presence in Brussels should be prioritised as part of strategic advocacy of EU institutions/Member State Permanent Representations.³⁵ Geneva internships also offer an opportunity for staff of key partners to gain insights into Geneva mechanisms, while adding to APT capacity in terms of language, country knowledge etc ³⁶

- The evaluation identifies scope for APT activities in different countries/regions and within countries to be more integrated. Monitoring findings, for example, should determine capacity/legislative/procedural changes to be prioritised etc. If awareness/capacity are identified as lacking then monitoring results should help inform training design – including determining whether knowledge/skills gaps relate to day-to-day implementation or management. As part of such a cyclical integrated approach to activities – Project Logframes should specifically help plan to measure change, eg the prevalence or risk of torture before and after training of key personnel, or monitoring visits etc.

³⁴ De Coninck and others, *Planning, Monitoring and Evaluation in Development Organisations: Sharing training and facilitation experiences* (2008), for example, draws together a range of experience and suggestions to support Planning, Monitoring and evaluation. Though, reflecting the human rights-development divide, no 'human rights' organisations were involved.

³⁵ This might be usefully linked to APT membership of the EU-level NGO groupings such as the *Human Rights and Democracy Network*.

³⁶ While funded by a different (Australian) project, the Indonesian internships seem to have been a low cost practical means of increasing capacity for that specific country. More APT office space in the near future may allow this to be replicated where language barriers/distance/visit frequency present a problem. Internships and staff secondment between APT partners might also be explored as a means of 'cross fertilising'.

5.4 Impact

Findings & lessons identified

Whereas effectiveness involves the intended outcomes of a project, impact involves looking at broader consequences and effects, both for the intended beneficiaries and others. In the context of overlapping torture-related activities, by a range of different actors, assessment of impact poses particular attribution challenges, aside from the challenge of measuring what may have been *prevented*. The conclusions and recommendations to the target countries from key torture related mechanisms are a central test of the programme's impact.

Impact: The positive and negative, primary and secondary long-term effects produced by the programme interventions, directly or indirectly, intended or unintended.

No evident *negative* impacts from project are reported to the evaluation.³⁷ Positive impacts apparent or reported include facilitation of national debate on torture and enhanced awareness of reforms (legislation, policy and practices) needed for institutions to prevent torture in line with international human rights law obligations, enhanced ability to network for torture-related advocacy³⁸ and more informed engagement with international treaty reporting mechanisms. Partners and others speak of the project's contribution to a greater willingness to engage in public dialogue on the issue of torture, varying by country and with some fundamental differences of opinion as to the scale and root causes of the problem or proximity of OPCAT ratification. These impacts might be categorised as 'foundational', but are important in terms of future work.

However, caution is required regarding assumed impact, not least in the context of acknowledged weakness regarding systematic M&E. Training, advocacy campaigns, raised awareness or monitoring skills, the creation/translation of guidelines/tools etc and other activities may, cannot be presumed to have, resulted in torture prevention- without a systemic plan and methodology for measuring their impact. The project would have benefited from a Logframe matrix (for each target country) detailing expected impacts (including risks and mitigation options) of each stream of activity and appropriate indicators to measure such impacts.³⁹ The original project proposal confirms a need for indicators of *activity* and indicators of *impact* to be clearly distinguished, and more detailed consideration of the objective of each activity 'stream' and possible tracking of that activity against the intended change. All indicators need to meet the criteria captured by the acronym "SMART" (*Specific, Measurable, Achievable, Relevant, Time-bound*)⁴⁰ and be framed accurately in human rights terms. In this context indicators that distinguish changed treatment/conditions or underlying contributing/preventative factors, as opposed to, say, numbers of tools produced, individuals trained etc.

³⁷ The importance of this starting point that project activity should not to be presumed to be positive is reflected in the Istanbul Protocol which addresses the risks associated with, for example, unprofessional monitoring visits.

³⁸ ACTV in Uganda, for example, has not engaged in any systematic advocacy prior to the project.

³⁹ Along the lines of the country LogFrames in the APT's EC-funded Baseline Survey project 2009-2011.

⁴⁰ The original project proposal deviates from the generally usage of the acronym using 'acceptable' and 'realistic'.

Where lack of political will is the key barrier to torture prevention impact of project activities are inevitably in question. Awareness can be raised, capacity built, tools developed, analysis undertaken even laws amended but without appropriate political will (at the relevant points in the state architecture) the overall situation is likely to remain unchanged and be made worse if activity 'cloaks' lack of progress. While APT capacity (in the context of some 60 countries targeted overall) is understandably an issue, and in some countries Dutch, Swiss and other embassies made key inputs into APT work, the project could have included more planned emphasis on steps to ensure an united front on torture prevention by key actors of influence in each country.

Recommendations

- APT should continue its plans to systematically and explicitly adopt 'human rights-based approaches' as the unifying framework of all its work and its internal functioning. This can help link 'supply' (capacity building/awareness raising, new policies/laws etc) and 'demand' (monitoring, advocacy, litigation etc). Provided HRBA goes beyond changes in language, with the process and resulting changes documented, this can have wider implications for APT impact, and ability to reinforce the work of partners, influence others etc.
 - as part of its commitment to HRBA, APT should continue its partnership approach, and seek to enhance the frank exchange with partners regarding expectations, commitments to timely co-operation, information exchange etc. Without seeking to become exhaustive, partnership MoUs can be more detailed and functioning of partnerships should be reviewed as part of scheduled mid-project review.
 - APT should pursue its steps towards more systematic measurement of impact, in particular, use of project-cycle management tools for design, implementation and M&E. The design of each 'stream' of activity should include discussion with partners on specific needs, change envisaged, and indicators to measure that change. Enhanced focus on measurement can foster accountability, and planning for sustainability/replication as well as contributing to partners' development. Existing templates (now used for reporting on all activities) and trainee feedback form (annexed to Indonesia Mission report (2010.07.08), work underway on indicators following APT's 2009 thematic meeting on measuring impact of torture prevention and planned briefing note on the topic. However systematic measurements is needed with external input - from other torture specialists as well as a development specialists with experience in measuring overseas development/technical assistance.⁴¹
 - continue to expand sharing lessons and materials with other actors – UN Country teams, Donor Coordination Groups, EU External relations Service, Human Rights Working Group COHOM, EU CSDP missions, EC Delegations, embassies etc. Partners might routinely be asked to assist in 'mapping' institutions/people through which APT tools can be shared (Ministry training units, resource centres, etc) to widen the circle of users.
 - APT's focus on impact should continue and develop its emphasis on *demanding* fulfilment of applicable legal obligations of donor state and IGOs to actively support torture prevention.
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⁴¹ While tools and indicators from any one sector or theme cannot simply be 'transplanted' for application to torture prevention – many are readily adapted, especially where they involve common activities, advocacy, capacity building etc.

5.5 Sustainability

Findings & lessons identified

Sustainability is fundamentally a matter of the endurance of project results, including the capacity of partners and others to sustain the advances made, replicate activities without dependence on donor funding etc. Focus on sustainability is required as a matter of development best practice, for accountability to Dutch and other tax payers funding the project and a matter of common sense for an organisation of APT's capacity in the face of the global scale of the challenge of torture prevention. Central to sustainability efforts is APT's commitment to partnership with organisations in its target countries. Equally so is its focus on *state* institutions (and the legal principle that the State is the primary duty bearer as regards treaty obligations) - donor projects and NGOs should reinforce and not supplant this obligation.⁴²

Sustainability: The extent to which the benefits from programme activities and outputs are likely to continue after programme completion.

A central positive element to increasing the likelihood of some sustainability the project is the process by which its objectives and activities were planned – Partners highlight APT'S respect for local ownership⁴³ and prioritising links with state institutions. Elements enhancing likelihood of sustainability identified to the evaluation include greater awareness among participants of international standards relating to torture prevention, enhanced levels of engagement between state and non-state actors (the project has been instrumental in triggering or aiding coalitions in Uganda, South Africa and Morocco), and dialogue on issues that heretofore were not openly discussed. Feedback to the evaluation suggests that other activities (eg preparation of shadow report in Indonesia) have raised familiarity with international mechanisms that will continue to be utilised post-project. Some activities are of such limited scale (eg short series' of workshops) that it is not realistic to expect real sustainability without in depth follow-up activity. In other cases it is not readily established by way of clear evidence that knowledge gained is being applied.

Linked to sustainability is the issue of replicability – the extent to which experienced gained, outputs developed etc can be repeated or transferred for application in other contexts. Beyond the project a feature of APT's work is its development of substantively accurate, targeted training materials and monitoring tools that find global use. This extends beyond APT's own work with a range of stakeholders highlighting that APT tools (informed by the experience of this project) are used regularly in training, advocacy etc.⁴⁴

⁴² For example Article 10 CAT obliges each State to ensure that "education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment."

⁴³ Though some would like more awareness by APT and donors of the challenges of balancing work on torture prevention with other commitments.

⁴⁴ The UNDP-POGAR programme has, for example, published an Arabic version of APT's *Monitoring places of detention: a practical guide*.

Within the project, examples of replicability include activities in Georgia informing Armenia with Armenians attending activities in Georgia (and project training more generally). 'Cross-fertilisation' from in Egypt and Morocco across the MENA region,⁴⁵ and exposure by South African decision-makers to New Zealand's NHRI and Indonesia institutions to East Timor Human Rights Commission (facilitated by the project), a representative of Moroccan partner CCDH contributing to activities in Egypt are also mentioned. Other replication examples include knowledge gained on torture monitoring informing plans for implementation of the UN Disability Convention in the case of Morocco. The Uganda Torture Prevention bill is also regarded as a model that can be used in other jurisdictions to seek optimum legal accuracy and comprehensiveness of comparable legislation.

Ultimately sustainability of relatively small, time-bound projects depends upon their ability to generate a multiplier effect among longer/larger/ongoing reform efforts. 'Sensitive' human rights issues such as torture can sometimes be left to others by donors who prioritise 'good' relations with host states. In other cases it can be a matter of development actors not seeing the connection between development sectors such as education, health etc and torture prevention (as HRBA would frame it the *interdependence* of human rights). While APT is acknowledged by other 'stakeholders' as being collaborative and open to networking, more could have been done in this project to inform and seek to influence some key development actors. Some key actors in some of the target countries, eg EC Delegations, UNDP etc are not aware of APT's specific country activities.

Recommendations

- APT's partnership approach to the design and implementation of projects should be continued as best practice to enhance the likelihood of sustainability. Such partnerships should continue to involve both state institutions in their role as the primary duty bearer to prevent torture and non state-actors in their 'demand' side role.
- While ongoing APT engagement will continue to be needed in all the target countries in the medium term (and in several cases is either requested, planned or underway), sustainability will benefit from more explicit emphasis at project design stage. Partnerships and MoUs should specify how APT/partners, will carry forward results, how networks will be maintained, how materials/tools developed will be embedded into training institution curricula/applied, how knowledge gained from training will be applied, integrated institutionally, etc.
- "Training of Trainers" should be prioritised targeting relevant personnel within partner institutions, local experts (eg those trained by other projects - journalists by UNDP in Georgia, justice sector personnel by UNDP POGAR etc) for the added value they offer to APT's work and to widen the pool of users to APT tools.

⁴⁵ 1500 copies of the Arabic version of *Torture Jurisprudence* guide produced as part of Egypt activities were disseminated across the Arabic speaking region.

6. ANNEXES

Annex I A Human Rights-Based Approach to Torture Prevention

Many of APT's core principles are inherent in Human rights-based approaches - including clarity regarding the legal framework and participatory design and delivery. There is scope for HRBA to be more systematically and explicitly used as the unifying framework for all activities and partner relations as recognised by current review within APT.

An internal draft document on this was shared with the evaluation and while the issue is addressed here in an annex it is seen as offering a fundamental and constructive framework for taking forward some of the recommendations made in this report. Firstly many of the core principles APT espouses and seeks to apply are at the heart of HRBA. More can be done to operationalise the commitment bring this to the fore across *all* activities and to apply HRBA as a framework for ensuring that development and other actors reinforce APT's work on torture prevention – as a matter of their legal obligations.

The clarity that HRBA offers regarding duty bearers and rights holders can be used to raise awareness of APT's dual approach - of 'Supply' (capacity building of state institutions to establish and run necessary prevention mechanisms and institutions) and 'Demand' (capacity building of civil society to undertake advocacy/monitoring), in particular distinctions between various partners that are legal duty-bearers (Ministries, NHRIs as state institutions) and NGOs and other civil society as a representatives of rights holders.

Accurate use of human rights language and norms, is of fundamental importance (and is consistent in APT's work) to applying human rights based approaches to projects. States and state institutions have a legal obligation to apply human rights-based approaches in all aspects of their exercise of state power. This is none more so than in the case or torture, given its specific features, the absolute non-derogable nature of the prohibition, the status of torture as *jus cogens* and a crime of universal jurisdiction etc.

The international law obligations involved extend beyond what states do directly (or indirectly) to individuals, but extends to their relations with other states, including an obligation to ensure that development assistance is human rights-based.⁴⁶ This applies both to the states providing and receiving the assistance. Thus, in addition to its direct treaty obligations to prevent and address torture, the target countries have a legal obligation *to refuse to accept* assistance from other states that might undermine the human rights of those in its jurisdiction. Accompanying these obligations aid 'donor' and 'recipient' states alike have self-standing obligations to systematically measure the human rights impact of their development relationship so as to guard against any unintended negative human rights effects of aid programmes.

Non-state actors (such as some partners in this project) are *free to choose* to apply human rights-based approaches in their work. Some organizations, for example, choose to base their work on religious or moral

⁴⁶ International human rights treaties must also be respected by states when they act collectively, through entities they have created, such as the EU.

principles, charity/humanitarianism etc. Clarity regarding this *political* choice is important.

The momentum around human rights-based approaches can be traced to an event involving multi-lateral and bi-lateral donors UN agencies and others and what has become known as the **Stamford Common Understanding on HRBA**, namely that

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

HRBA is deliberately used in the plural ('approaches') as effective human rights change requires different approaches, according to the sector/issues being addressed, social and political context and the different actors involved etc. However, certain minimum requirements regarding both process and result (which are themselves core legal principles) are common to approaches that qualify as being human rights-based. Thus, a human rights-based approach to torture prevention is one that:

Is explicitly based on the international human rights law framework;

Involves policies and practices that seek to empower all stakeholders and beneficiaries, as a matter of human rights;

Involves policies and practices that promote the right of all beneficiaries to "active, free and meaningful" participation;

Addresses discrimination (across all grounds prohibited by human rights law) and prioritises groups that are vulnerable to having their human rights violated, and;

Subjects reform processes and actors to human rights accountability, through clarity regarding rights and duties, rights-holders and duty-bearers.

Each of these has consequences for how programme activities are planned and delivered. The first principle, for example, requires recognition that all internationally recognised human rights are universal, inalienable, interrelated, and interdependent. Universality means that they are to be enjoyed by everyone, without discrimination. Inalienability means that they are inherent in each individual, not a gift or privilege given by authorities and they cannot be taken away. Inter-dependence and inter-relatedness of rights recognises that the full enjoyment of a particular human right depends upon the enjoyment of others. For example, the right to humane detention treatment and conditions is fundamentally dependent on rights such as health, food, exercise, access to a lawyer and education (eg regarding ones rights etc) and other legal principles such as the 'best interest' of the child. The right to equality and non discrimination underscores all of these rights.

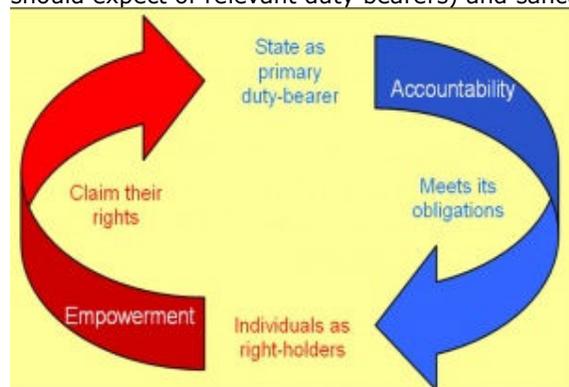
By definition HRBA requires as much attention be paid to **the process** as to **the outcome**, Sometimes described as "**obligation of result**" and "**obligation of conduct**". In the context of preventing torture, for

example, this means not only that treatment and conditions etc should prevent torture, but that that all concerned be made aware of the rights and duties that underscore such treatment and conditions and be empowered to demand them. Thus, awareness raising about torture is not just as a means of reducing the risk of torture, but is also as a self-standing treaty obligation - to actively inform the public regarding the content of human rights, the recommendations of treaty bodies and of the availability of remedies etc.

Central to the process requirements of HRBA is the obligation to ensure 'active, free and meaningful' participation by all stakeholder (whether rights holders or duty bearers⁴⁷) and the associated challenges of planning participation from the outset, time, material and human resources involved. Key issues need to be addressed, including:

- who participates?
- on what issues?, at what stages?, with access to what information?
- to what degree of influence?
- who decides the answers to these questions? – and how?

For example, in the context of torture prevention, participation that is "active, free and meaningful" may be very different for detainees (and for different categories of detainees) as compared to corrections personnel, for example. What is clear, however, is that detainees are not just potential victims of torture, a source of information etc, but have a legal right to input into treatment and conditions that affect them and which may be in breach of international law. Human rights-based approaches do not come as a "one size fits all" model – the right to participate does not, for example, mean that training or monitoring procedures should necessarily be accessible to all. However, human rights base approaches to torture prevention not only require training of relevant personnel and appropriate sanction of transgressors etc; but also that the public, detainees etc (the rights-holders) be aware of such capacity building (ensuring, for example, awareness regarding what they should expect of relevant duty bearers) and sanctions (so that they can see accountability in action).



The HRBA 'Demand' - 'Supply' Cycle

To take an example linked to APT's emphasis on production of manuals and tools, a human rights-based

⁴⁷ These status' are not fixed - police officers corrections personnel have rights. for example. of due process where torture is being investigated and can also themselves be the victims of torture where the various elements of the violation are present.

approach entails not just dissemination to relevant professionals (Judges, prosecutors, police, corrections etc) but also that the public at large be made aware of the tools so as to foster 'demand' for compliance with the standards they contain. In contrast, an approach that trains state personnel but does not empower rights-holders with the knowledge they need to *demand* compliance would *not be* human rights-based. In similar vein, monitoring of places of detention *might* be introduced, to improve the image of detention authorities, or as a 'gift' from somebody in a position of power etc, but monitoring is only human rights based when it is approached as part of the state's obligation to prevent torture.

Applying human rights-based approaches to torture prevention also highlights key linkages between different 'sectors' and institutions. For example, awareness of rights involved in torture prevention (central to demand for reform and accountability) is dependent upon the efficacy of the education sector in delivering empowerment/literacy. Justice sector institutions have educational responsibilities (both of their personnel and detainees eg juveniles) and justice/health roles overlap in various contexts (criminal justice detainees health and welfare, detention in psychiatric hospitals etc). The point is made here to highlight the artificiality (and legal inaccuracy) of distinguishing 'development' from 'human rights'.⁴⁸ Awareness of this can be enhanced by strategic advocacy targeting influential actors - some of whom still do not (or choose not) to understand this point but which have legal obligations in this regard. The legal principle of the inter-relationship and inter-dependence of human rights emphasises the connection between the human right to freedom from torture and socio-economic rights (eg education, health). It also raises fundamental issues for mapping of root causes, monitoring and ensuring that the multiple legal obligations are captured in advocacy etc.

There is a small but growing set of guides to HRBA,⁴⁹ either generic (as opposed to specific to torture), of focusing on socio-economic rights. They represent key starting points for organisations developing their own approaches and measurement methodologies and tools, LogFrames etc, that are human rights based.

⁴⁸ Typically assuming that only the latter is 'political' or failing to acknowledge the rights that are involved in typical 'development' sectors health, education, water etc.

⁴⁹ UN Common Learning Package on Human Rights-Based Approach (HRBA), UNDP Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide

FIVE CORE PRINCIPLES OF HUMAN RIGHTS-BASED APPROACHES (with reference to torture prevention) ¹

Core Principles	Application in Practice
1. Expressly apply human rights framework	<ul style="list-style-type: none"> Define goals in terms of the relevant international human rights commitments of the state – as legally enforceable entitlements on the national level. This necessarily includes determining whether the sector: Explicitly takes human rights obligations into account at every stage of its processes (from the identification of needs through to policy and programme identification as well as implementation, monitoring and evaluation) and across all institutions. Addresses the full spectrum of human rights as being indivisible, interdependent and interrelated: civil, cultural, economic, political and social, with attention to related interconnection between sectors (eg justice & education). Buils the capacity of legislators, civil servants, officials to apply human rights in their work (e.g. through appropriate recruitment, promotion, training, specialised support).
2. Empowerment	<ul style="list-style-type: none"> Ensure activities promote, and seek to measure empowerment. This means ensuring people have the power, capacities (including education and information and access) needed to engage in decision-making regarding the international standards regarding treatment and conditions. Ensure that rights holders and duty bearers share a common understanding of human rights framework applicable and the duties to respect, protect and fulfil them. This means that design and delivery of objectives and activities should both contribute to and measure the extent to which responsible institutions systematically educate and raise awareness of all actors (duty bearers and rights holders) according to their specific roles and capacities (from political and operational management level to day-to-day supervision).
3. Participation	<ul style="list-style-type: none"> Ensure participation in torture prevention activities and reform efforts is “active, free, and meaningful” according to the legal definition of that human right – adjusted according to appropriate limitations and needs (detainees, minors etc), including through representatives of those for whom meaningful participation can be impeded. Ensure that sector processes and institutions are accessible and that information is transparent and timely to facilitate optimum participation.
4. Non-discrimination & vulnerable groups	<ul style="list-style-type: none"> Identify, plan for and address, as a priority, discrimination and the protection of vulnerable groups in context where torture is a risk – typically particular subgroups of detainees, but noting that who is vulnerable within the sector is a question to be answered on national and local levels and varies overtime. Ensure data is disaggregated, by race, religion, ethnicity, language, sex, migrants, age and any other category of human rights concern relevant to the context (remand/convicted, juvenile/adult, male/female etc). Ensure gender-proofing is part of the wider human rights-proofing of all programming (noted in principle 1. above). Gender-proofing assesses the implications for women and men of any planned action, including policies, legislation and practices.
5. Accountability	<ul style="list-style-type: none"> Apply human rights impact assessment to relevant plans, proposals, policies, budgets etc to determine the positives and negatives in human rights terms and policy/practice options that maximise positive human rights outcomes. Identify claim-holders (and their entitlements) and duty-holders (and their obligations) at each stage of the detention process and other contexts where torture is a risk. Communicate both positive obligations of duty-holders (to protect, promote and provide) and negative obligations (to abstain from violations) of the full range of relevant actors, including executive authorities and any relevant private companies. Translate universal and relevant regional standards into benchmarks and indicators for measuring progress. Develop effective laws, policies, institutions, administrative procedures, and mechanisms of redress that ensure rights are guaranteed including effective response to allegations of violations and redress where violations are found.

1. Table 1 is distilled and adapted by International Human Rights Network as a working tool from the work of the UN Office of the High Commissioner for Human Rights.

Annex II Measuring Torture Prevention Efforts

A specific monitoring and evaluation challenge for all organisations and projects concerns the identification of baseline levels of awareness, capacity building/training needs and the monitoring and evaluation of the impact of activities (training, seminars, publications etc) undertaken to address those needs. Measuring a negative (as torture prevention entails) makes for additional challenges. The fact that measuring needs, effectiveness/impact is not an exact science should not detract from the priority that organisations & projects seek to identify what *can* be measured, and how. In Albert Einstein's words "*Not everything that counts can be counted, and not everything that can be counted counts.*" The project and APT's work generally is characterised by a mixture of advocacy and what is generically termed technical assistance (including building capacity of others to monitor, undertake advocacy/lobbying for treaty ratification, legislative enactment and other changes to law policy and practice for torture prevention.

An example of an sector/right where much work has been done developing indicators and methodologies for their application and which is of direct relevance to torture prevention is that of the right to education - insofar as education is central to raised awareness, 'demand' etc.⁵⁰

In addition to the ongoing need for training (using that term generically) on advocacy and monitoring etc, new and planned NPMs (and monitoring of them by others) sees a need to establish that the specific training needed is being delivered, and is *contributing* to improved/changed behaviour and practices etc.⁵¹

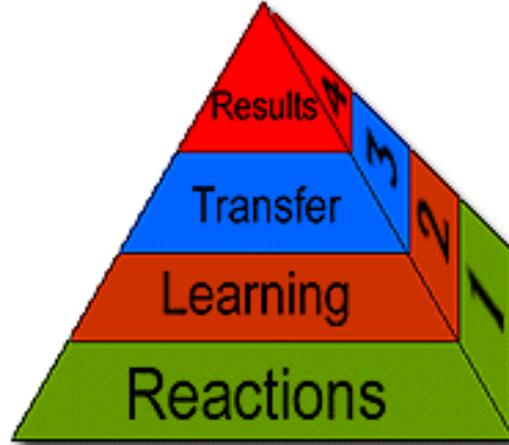
In much development assistance that involves training, assessment (if done at all) is over reliant on end of workshop responses of participants. One of many training evaluation models, the Kirkpatrick evaluation model categorises this as the "Reaction of trainees", ie what they thought and felt about the training. This 'Reaction' is the first of four Kirkpatrick levels of assessment. The others being 'Learning' 'Behaviour' and 'Results'. The SMART criteria used for indicators provide a useful starting point. This level of evaluation is a minimum best practice requirement for all training and should address planning, advance information, methodologies/delivery, materials etc) and should include a plan to review such feedback and act upon it.

More challenging and time consuming, but nonetheless necessary, is the need to measure "Learning" (the resulting increase/changes in knowledge or capability), "Transfer/Behaviour" (extent of behaviour and capability improvement and implementation/application) and ultimately "Results" (the effects on the institution/sector resulting from the trainee's performance). Illustrative means of undertaking the 4 levels are

⁵⁰ An example of an initiative that has the merit of being both practical and legally accurate (ie human rights based) is that of a Special Rapporteur on the Right to Education, the late Katerina Tomaševski, <http://www.right-to-education.org/>

⁵¹ INTRAC, *Monitoring and Evaluating Capacity Building: Is it really that difficult?* 2010.

outlined below. These would need to take account of the specifics of each particular training (of personnel from a specific institution - an NHRI or NPM or wider cross section from civil society & the state). Pre-existing audit and inspection processes in some institutions may be of use as part of such a process but they rarely seek to measure progress in human rights terms or as a matter of substantive progress.⁵²



Kirkpatrick Training Evaluation Levels

Level 1 (Reaction)

- completed participant feedback questionnaire
- informal comments from participants
- focus group sessions with participants (at workshop conclusion)

Level 2 (Learning)

- pre- and post-test scores of knowledge/awareness (training 'application' forms etc)
- on-the-job assessments
- supervisor reports

Level 3 (Behavior)

- completed self-assessment questionnaire (post training)
- on-the-job observation
- reports from stakeholders, peers and participant's supervisors etc

Level 4 (Results)

- Audit inspections
- interview with stakeholders
- Reviews of decisions by training participants

Measuring training impact in the context of relatively short training events involves specific challenges as impact is not necessarily immediate and attribution is difficult where (as in the case of torture prevention) participants take part in multiple parallel projects. However, with proper planning changes can be discerned even from relatively small or brief capacity building events. Essentially the measuring of the impact of training needs to receive as much attention as the training event itself. Impact may be subjective - with trainees detailing examples of how training was later applied by them, or more objective with other actors contributing to tracking changes (eg by independent monitoring). End of training evaluation forms might, for example, seek feedback as to how participants expect to apply the knowledge/skills gained and then follow up after an appropriate interval to assess if that has taken place. This is only possible if training participants leave training workshops with a specific plan to document how they will apply the knowledge/skills over a specific period. In addition, training evaluation can be linked to review by target institutions or other monitoring stakeholders.⁵³

⁵² Examples from Turkey, Jordan, Ukraine, for example, include tracking of increased reference to human rights by Judges in judicial decisions. On its own an imperfect, but nonetheless valid, indicator.

⁵³ Even if combined training is not desirable or possible, defence lawyers and others in a position to monitor change should

It goes without saying that training cannot be assumed to automatically lead to changes in practice and yet most human rights training does not go beyond gathering end of training impressions. Donors should require those proposing projects for funding to evidence how they expect to do qualitative and quantitative measurement. In turn donors should be prepared to fund the additional time and inputs required to do such measurement effectively and take account of the fact that torture prevention cannot be measured *in the same way* of say the qualitative and quantitative measurement of crop yield or availability of potable water.⁵⁴

APT has taken steps towards enhanced capacity to measure effectiveness, efficiency, impact and sustainability *in human rights terms*. Partners in this project and other stakeholders also identify this as this an organisational need beyond the specific project. Most fundamentally, if effective ongoing monitoring of torture prevention efforts do not accurately capturing progress made/ongoing problems etc, then the risk is that effort and resources are not optimised (awareness raising that is aimed at those who do not lack awareness, capacity building events that not reinforced by necessary work place/policy changes etc). More fundamentally, training or other efforts on torture prevention that are not measured for impact places credibility of those involved at risk. Moreover, it may see public scepticism or cynicism (by the funding tax payers and population of beneficiary countries) regarding the efforts and actors involved – with consequences for the Rule of Law, and for public support for overseas development.

HRBA requires that international law standards serve as the starting for developing operational tools for planning, monitoring and evaluating. Some of these tools take decades of jurisprudence and interpretation of treaty standards (on fair trial, judicial independence, humane treatment etc) and distil from them questions to be asked or indicators to be used in measuring whether a situation is improving, regressing or static.

Acknowledging steps take and underway by APT, the project evaluated saw all partners providing feedback as acknowledging lack of *systemic* use of appropriate baselines/benchmarks, indicators, means of verification etc or setting the threshold too low ‘participants found the training rewarding’.

An array of “soft law” UN sources (many relating directly or indirectly to torture prevention) supplement the core provisions of treaties offering key standards to assist developing of *legally accurate* indicators.

UN Basic Principles on the Independence of the Judiciary;
UN Basic Principles on the Role of Lawyers;
UN Guidelines on the Role of Prosecutors;
UN Standard Minimum Rules for the Treatment of Prisoners;
UN Code of Conduct for Law Enforcement Officials;
UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
UN Basic Principles for the Treatment of Prisoners

know what training police or corrections staff have received if they are to effectively monitor.

⁵⁴ That said measuring torture prevention it is *no more difficult* than legally accurate measurement of say the right to education (ie whether education is *Available, Accessible, Acceptable, and Adaptable* (as elaborated by Treaty bodies and others) and delivered on the basis of non discrimination etc).

In addition to case law, a range of authoritative elaboration of international treaty standards also exist, eg *ICCPR General Comment No. 13: Equality before the courts and the right to a fair and public hearing by an independent court established by law (Art. 14)*. Further principles flow from international conferences such as the *Basic Principles on the Independence of the Judiciary*, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders 1985 and recommendations adopted by the various meetings of the UN Congress on the Prevention of Crime and the Treatment of Offenders, eg in Cairo 1985 concerning the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of criminal justice, Vienna 2002 concerning Reform of the criminal justice system: achieving effectiveness and equity Use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform Commission

While Council of Europe standards are not applicable law in all APT's target countries they offer a range of relevant substantive norms and guidelines eg *Recommendation No. R(94) 12 of the Committee of Ministers of the Council of Europe to Member States on the independence, efficiency and role of judges*, to *European Guidelines on Ethics and conduct for public prosecutors* (the Budapest guidelines) (2005) etc. APT personnel and the external experts they engage are very conversant with these standards and going forward they can be systematically linked to Project Cycle Management tools and M&E methodologies. Some of the manuals below address the legal framework of specific countries and some (by World Bank and some US sources) do not base themselves on the international law framework, but each of them merit consideration for different strengths. Other more generic development PCM manuals etc are also relevant, though most are not framed in human rights terms.⁵⁵

The selection here is listed to highlight that organisations can benefit from work already done by adapting, learning from other jurisdictions/contexts etc.

- UNODC, Compendium of United Nations standards and norms in crime prevention and criminal justice (2006) and Criminal Justice Assessment Toolkit
 - USAID Guidance For Promoting Judicial Independence and Impartiality (2002)
 - American Bar Association, World Justice Project Rule of Law Index
 - The Judges' Council (UK) Guide to Judicial Conduct (2004)
 - DCAF, OSCE/ODIHR and UN-INSTRAW Justice Reform and Gender (2008)
 - European Network of Councils for the Judiciary Working Group on Evaluation of Judges Final Report (2005)
 - World Bank, Diagnosing Judicial Performance: Towards a Tool to help Guide Judicial Reform Programs (2002)
 - International Centre for Criminal Law Reform & Criminal Justice Policy (ICCLR & CJP) and the International Association of Prosecutors (IAP), Model Guidelines for the Effective Prosecution of Crimes Against Children
 - Indicators of Safety and Justice: Their Design, Implementation and Use in Developing Countries *Summary of a Workshop Held at Harvard University, 13-15 March 2008*
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⁵⁵ OECD, *Managing for Development Results Briefing* (2009). UNIFEM's *Results-Based Management in UNIFEM – Essential Guide* (2005) briefly addresses the elements required for a human rights based approach to Results-Based Management.

- OHCHR *HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: A Manual on Human Rights for Judges, Prosecutors and Lawyers* (2003). One of a number of manuals from the OHCHR Professional Training Series at www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx
- IFES, *Indicators for a State of the Judiciary Report: A Standardized Tool for Monitoring and Reporting on the Implementation of Key Judicial Reforms* (2003)
- UNODC, *ACCESS TO JUSTICE The Independence, Impartiality and Integrity of the Judiciary Criminal Justice Assessment Toolkit* (2006)
- Trial observation manuals by International Commission of Jurists, Amnesty International, Lawyers Committee for Human Rights, Norwegian Institute of Human Rights, and OHCHR
- UNODC/UNICEF, *Manual for the measurement of juvenile justice indicators*
- USAID, *VIOLENCE AGAINST WOMEN AND GIRLS A Compendium of Monitoring & Evaluation Indicators*
- US State Department, *CRIMINAL JUSTICE SECTOR ASSESSMENT RATING TOOL: Interagency Framework to Assess the Capacity of International Criminal Justice Systems* (2008)
- Vera Institute of Justice, *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector* (2003)

As well as being accurate in law, indicators must be of practical use. The acronym SMART is commonly used to capture the necessary qualities of Specific, Measurable, Achievable, Relevant, and Time-bound. Another set of criteria for indicators is captured by SPICED (subjective, participatory, interpreted, cross-checked, empowering and diverse). Many of these attributes are a matter of degree and generally no one indicator alone measures the connection between say activity and impact. For example, commonly cited indicator in the context of torture prevention is the number of independent visits to places of detention made by authoritative bodies. To frame this as "X% increase in visits in year A compared to year B would result in an indicator that *is Specific, Measurable, Achievable, and Time-bound*. A question remains as to its *relevance*. As an indicator of activity it clearly is relevant, but *relevance* to effectiveness/impact regarding torture prevention requires more analysis and other indicators. For example, it may be that increased visits indicates the visiting mechanisms are less challenging of inappropriate conditions and are therefore allowed access more readily by authorities keen to show their engagement. Similarly, an increase in complaints filed regarding torture *might* be indicative of growing violations, but *could* be a sign of greater awareness of required standards, of complaints mechanisms etc among lawyers and alleged victims. A fuller and even then incomplete picture may come from a survey that identifies an 'X% increase (in year A compared to year B) in numbers of defence lawyers familiar with the torture definition express more confidence monitoring mechanisms'.

A useful checklist for assessing whether an indicator is SMART is provided by the UN Development Group.

CHECKLIST FOR VALIDATING INDICATORS (from UN Development Group Technical Brief http://www.undg.org/toolkit/)	YES	NO
✓ The indicator describes how achievement of the result will be measured		
✓ Each and every variable included in the indicator statement is measurable with reasonable cost and effort		
✓ The indicator is clear and easy to understand even to a lay person		
✓ The indicator lends itself to aggregation		
✓ The indicator can be disaggregated by gender, sex, ethnic origin, social condition		
✓ A baseline (current) value can be provided for each and every variable included in the indicator statement (except for Yes-No indicators)		
✓ There is a target during a specified timeframe for each and every variable included in the indicator (except for Yes-No indicators)		
✓ The indicator is not repeated in any of the results below or above in the results framework		

The limitations of “number of cases filed” as an indicator above do not invalidate the relevance of statistics, but do highlight the need for multiple, reinforcing indicators (and sources) and the fact that no one indicator alone fully measures progress towards reform. This is a good example of the need to combine statistical analysis with substantive expertise regarding factors underlying complaints being filed.

Human rights-based indicators (ie indicators that accurately reflect international human rights law) by definition must also be disaggregated to ensure that the trends regarding all discrimination prohibited by international law are also captured.⁵⁶ Thus tracking torture complaints made/deemed admissible/upheld by gender, age, sexual orientation, ethnicity etc is a *more* valid and useful than just the overall number of cases. Again with the caution that fewer cases concerning complaints, say by women, needs to be accompanied by measurement of awareness levels, access to courts, willingness of lawyers to take cases regardless of gender etc. Typically

⁵⁶ In this regard see EU indicators in the Gender Action Plan (2010-2015) as an example of efforts to measure integration of gender in development (parallel efforts relate to EU CSDP policy) though it is not without critics (even among those inputting in their development) regarding the focus on numbers and risk of fostering a ‘tick box’ exercise. http://ec.europa.eu/development/icenter/repository/SEC_2010_265_gender_action_plan_EN.pdf

justice systems track *some* types of discrimination, but rarely do they comprehensively document the full list required by international law.

In addition to actual indicators, applying them to measure activity, impact etc involves project implementation and M&E methodologies – of which there is no shortage (Results Based Management, Appreciative Inquiry, Participatory Impact Monitoring, Outcome Mapping etc) and templates.⁵⁷ The essential point is that while such models and tools are needed to plan and measure projects (with all implementing partners understanding *why* and *how* they are used), they take time and expertise to apply, do not offer a ‘magic’ means of identifying success, and even then will not eliminate some degree of speculation as to what caused a particular step forward or backwards, etc.

⁵⁷ The Logical Framework or LogFrame approach (also called Goal Oriented Project Planning or Objectives Oriented Project Planning is but one tool for this purpose and the proliferation of LogFrame models and accompanying guides has become somewhat of an ‘industry’ – and risks confusing as much as it helps. BOND, Logical Framework Analysis (2003) <http://www.gdrc.org/ngo/logical-fa.pdf> has the merit of being simple and clear. Led by the International Development Research Centre (IDRC) in Canada and partners, ‘Outcome Mapping’ www.outcomemapping.ca/ was developed a decade ago in response to weaknesses some see in Logframes which are also highlighted in SIDA/Bakewell & Garbutt “The Use and Abuse of the Logical Framework Approach” 2005, and more recently, The Foundation for Advanced Studies on International Development, “Beyond logframe: Critique, Variations and Alternatives” 2010 <http://www.fasid.or.jp/shuppan/hokokusho/pdf/h21-3.pdf>

Annex III. Documents Consulted

Documents reviewed included

- Original project proposal and activity plans
- Internal APT Mission reports
- APT Project progress reports to main donor
- APT Policy documents during and subsequent to the project period
- training materials (a selection of power-point presentations, workshop outlines, handouts etc) provided by trainers and partners.
- APT tools and manuals 'informed' by and field tested in project activities.
- a number of draft documents relating to APT's ongoing work on HRBA and development of indicators
- Project Partnership MoUs and partners websites

A range of available documents were also consulted as part of background to the issues in the target countries including country and thematic reports by IGOs and INGOs active on torture issues; state and shadow treaty and UPR reports during the project period etc.

Annex IV *Sample Questionnaire form*

Variations on this form used via SurveyMonkey adjusted for different country objectives and for donors

External Desk-based evaluation of APT Programme

'Promoting effective national measures and mechanisms, in developing countries, to prevent torture and other ill-treatment' 2006-2010

Evaluation Questionnaire (Partners & other Stakeholders)

The *International Human Rights Network* (IHRN) has been commissioned by the *Association for the Prevention of Torture* (APT) to conduct a desk-based evaluation of the above Programme, which has had as a main project donor, the Netherlands' Ministry of Foreign Affairs. The evaluation will be led by IHRN Director Patrick Twomey.

The overall goal of the 5 year programme (implemented in Armenia, Egypt, Georgia, Indonesia, Morocco, Uganda, South Africa) was "to improve national implementation of international human rights norms by facilitating the passing of measures (such as legislation criminalizing torture) and assisting in the creation of effective national prevention mechanisms with the authority to visit all places of detention"...

The *specific objectives* of programme activities in Indonesia were:

- To advocate for ratification of the Optional Protocol to the UN Convention against Torture (OPCAT)
- To provide practical tools in the national language (Bahasa Indonesia)
- To enhance the capacity of civil society and national human rights institution to monitor places of detention

The evaluation aims to

4. analyse and assess the overall *strategy and approach* of the programme and its objectives in terms of the specific situation in Indonesia.
5. analyse and assess the relevance, effectiveness and impact of programme activities in preventing torture in Indonesia to the prevention of torture
6. identify *lessons learned* and present *recommendations* for the future.

Inputs are sought from project partners, beneficiaries, and other stakeholders familiar with the specific programme, and/or the programme subject matter in the target countries. Completed questionnaires are confidential to the evaluation team and any feedback received is not attributed to individuals in the report. We would appreciate receiving completed forms as soon as possible, but **no later than Friday December 24th**. Please complete the form at <http://www.surveymonkey.com/s/IHRN-APT-Evaluation>

Please complete any of the **8 questions** that are relevant.

Your assistance to this evaluation is greatly appreciated as part of APT's ongoing efforts to learn lessons from its work.

If you prefer to complete a word version of the questionnaire please request a form from me at pharney@ihrnetwork.org with "APT Evaluation 2010" in the subject line.

1. Your connection with the programme

Please describe your involvement in or connection with the programme and the nature and extent of your involvement (programme management, programme partner, facilitator, workshop participant etc), or other stakeholder (funder/implementer of other related project or activities etc).

2. Your overall impression of the programme. How would you grade the programme overall?

1. *Excellent* 2. *Very Good* 3. *Good* 4. *Poor*

Given the programme objectives above, please comment on what, in your opinion, were the most useful features of the programme? Why?

What were the least useful features of the programme? Why? What steps might be taken to address these in the future?

3. Relevance

Please comment on the extent to which the programme appropriately targeted

- a. the country context and situation of torture
- b. the specific needs of the programme beneficiaries

Any suggestions as to how the relevance of future programmes could be enhanced? (Planning/Delivery/Follow-up, inputs of donor/partners/experts etc).

4. Effectiveness

Please comment on the extent to which the programme achieved its intended results. Any suggestions as to how effectiveness of future programmes could be enhanced? (Planning/Delivery/Follow-up, inputs of donor/partners/experts etc).

5. Efficiency

Please comment on the extent to which the programme was implemented efficiently in terms of use of resources, time, organization of activities. Any suggestions as to how efficiency of future programmes could be enhanced? (Planning/Delivery/Follow-up, inputs of donor/partners/experts etc).

6. Impact

What would you identify as the programme’s impact in terms of its objectives? What were the most/least significant impacts? Why? Any suggestions as to how impact and impact measurement of future programmes could be enhanced? (Planning/Delivery/Follow-up, inputs of donor/partners/experts etc).

7. Sustainability

How would you assess the sustainability and potential for replication of the programme’s efforts? Any specific examples? Any suggestions as to how sustainability could be enhanced? (Planning/Delivery/Follow-up, inputs of donor/partners/experts etc).

8. Any additional observations or recommendations (These may directed at APT, other project partners, stakeholders, donors etc)

Name.....
Organisation
Position.....
Email.....

These details are optional but may assist the evaluation if any clarification is needed