

EVALUATION REPORT:

**“PREVENTING TORTURE THROUGH THE PROMOTION OF
THE UN CONVENTION AGAINST TORTURE AND ITS
OPTIONAL PROTOCOL IN SIX TARGET COUNTRIES OF
FIVE WORLD REGIONS.”**

ASSOCIATION FOR THE PREVENTION OF TORTURE

**FUNDED BY THE EUROPEAN COMMISSION THROUGH
THE EUROPEAN INSTRUMENT FOR DEMOCRACY AND
HUMAN RIGHTS**

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January 2012

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EXECUTIVE SUMMARY

This is the report of a desk-based evaluation of the project “Preventing torture through the promotion of the UN Convention against Torture and its Optional Protocol in six target countries of five world regions.” This was a three-year project implemented by the Association for the Prevention of Torture (APT) in collaboration with local partners in the six countries, with funding from the European Commission through the European Instrument for Democracy and Human Rights.

The project aimed over a three-year period to reduce the risk of torture through the promotion of effective legal frameworks for torture prevention and effective detention monitoring. The six countries covered by the project were drawn from five world regions and were: Argentina, Brazil, Madagascar, Morocco, Thailand and Turkey.

The evaluation was conducted through a review of the relevant documentation, a questionnaire sent to partners in each of the six countries, interviews with partners, and interviews with all relevant APT programme staff.

- Argentina represented a considerable success, with progress made towards establishing local preventive mechanisms at the provincial level, and the almost complete passage through the legislature of a Bill establishing a fully independent national preventive mechanism.
- Brazil saw even greater progress at the local level, as well as the introduction of an NPM Bill into Congress and extensive training of local personnel.
- In Madagascar, APT overcame the obstacles created by a dramatic change in the political situation before project work even got underway, with an extensive training programme, including the development of training modules for the state training schools, and other important steps towards implementing the comprehensive anti-torture law.
- Morocco saw considerable steps towards implementation of the UNCAT, approval of OPCAT ratification, and the creation of a more independent national human rights institution with greater visiting powers – all prompted, in part, by APT’s work in the country.
- Political upheaval and other external factors has slowed the work in Thailand, which has focused on successful training activities, as well as creating some momentum for OPCAT ratification.
- APT has been able to act as a broker between civil society and government in Turkey, with a series of activities that seem to have contributed in an important way to the country’s ratification of the OPCAT in September 2011.

In all instances, APT’s work appears to have been highly relevant to the specific country priorities in relation either to the UNCAT or to the OPCAT and to correspond to local civil society and government priorities. It is clear that many of the objectives of the project have been achieved. Where they have not, this can be attributed more to over-ambitious targets than to any failure in the work itself – a lesson that the APT needs to learn.

Partners are, without exception, extremely positive about the APT as a working partner and the efficiency of the organization in delivering programme activities was apparent.

The APT is generally good at disseminating and replicating good practice between countries and regional programmes.

Measurement of the impact of the project is difficult, partly because this is inherently so (in common with all human rights work), but also because more attention could have been paid to the development of appropriate indicators of impact. However, questionnaire respondents and interviewees were unanimous in their assessment of the positive impact of the activities.

The sustainability of the project is maintained through the development of good quality laws and institutions, as well as the fostering of relevant skills and the ability of local actors to pass these on. To a very large extent the APT succeeds in making its projects sustainable, through attention to detail in its institutional advice and advocacy and in training trainers to pass on skills.

Key recommendations to the APT are as follows:

- That in formulating future projects, APT pay attention to formulating objectives that are specific measurable *results* of activity rather than the activity itself (eg OPCAT ratification, creation of an NPM etc).
- That APT strengthen its internal mechanisms for generating and replicating best practices between programme teams.
- That APT review the issue of how to create greater regional or country presence, in particular by considering extending the recruitment of part-time in-country consultants.
- That APT develop a protocol for handover of programme responsibility between staff, in order to ensure maximum continuity.
- That APT explore the development of methods for measuring the long-term impact of certain specific activities, notably training.
- That APT place renewed emphasis on developing capacity through the training of trainers, as an alternative to large-scale training programmes in the long term.
- That APT ensure that it avoid the danger of reducing preventive interventions merely to the promotion and implementation of the OPCAT, and give due weight to all other preventive approaches, as appropriate.

1. INTRODUCTION AND METHODOLOGY

This is the report of a desk-based evaluation of the project “Preventing torture through the promotion of the UN Convention against Torture and its Optional Protocol in six target countries of five world regions.” This was a three-year project implemented by the Association for the Prevention of Torture (APT) in collaboration with local partners in the six countries, with funding from the European Commission through the European Instrument for Democracy and Human Rights. The evaluation was conducted by Richard Carver, Senior Lecturer in Human Rights and Governance at Oxford Brookes University, United Kingdom. The terms of reference for the evaluation are contained in Appendix 1.

This report is structured as follows:

- Section 1 summarizes the project aims and objectives and describes the methodology used in the evaluation.
- Section 2 reviews project activities and outputs in each of the six countries.
- Section 3 draws some general conclusions on the quality of the project in terms of its relevance, effectiveness, efficiency, impact and sustainability and summarizes the recommendations contained in the text.

1.1. Project aims and objectives

The project aimed over a three-year period to reduce the risk of torture through the promotion of effective legal frameworks for torture prevention and effective detention monitoring. In effect, these two methods corresponded to the requirements of the United Nations Convention on Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its Optional Protocol (OPCAT) respectively.

The six countries covered by the project were drawn from five world regions and were: Argentina, Brazil, Madagascar, Morocco, Thailand and Turkey. The specific objectives were described as:

- Promotion of suitable implementation of the UNCAT in Madagascar, Morocco and Thailand;
- Securing the designation of suitable OPCAT national preventive mechanisms in Argentina and Brazil;
- Promotion of ratification and implementation of the OPCAT in Turkey.

In practice the objectives in each country were somewhat more overlapping and complex. The specific country objectives and expected outcomes are listed at the beginning of each of the country sections of this report.

1.2. Evaluation methodology

This evaluation was undertaken as a desk study, although there were two opportunities to conduct face-to-face interviews to supplement email and telephone contact with participants in the project. The main tools for the evaluation were the documentation generated throughout the project and interviews with participants, both at the national level and from the APT.

The APT supplied me with extensive documentation (fully listed in Appendix 3) including the original project documentation, the baseline study of the state of torture prevention in the six countries, interim reports, and internal reports on country missions (which were, in effect, interim progress reports for most of the six countries). In addition, since I had first-hand experience of few of the countries, I consulted documentation from other human rights organizations working in the anti-torture field to check the observations of APT and its partners against other assessments.

More detailed responses were obtained through questionnaires and interviews. A standard questionnaire was distributed to 33 people in the six countries, identified by APT programme staff as key partners. The questions were uniform across the six countries, although the introduction to the questionnaire varied in spelling out the objectives and expected outcomes specific to each country. (An example is included as Appendix 2.) Eleven completed questionnaires were received, a rather disappointing response overall, with another three responding but not completing a questionnaire.

In addition, I conducted four face-to-face interviews with APT partners from Argentina, Brazil and Turkey (in two instances these interviews were supplementary to the questionnaires, while in the other two they were alternatives – hence a total of 16 country partners were interviewed by one means or another).¹ Telephone interviews were conducted with APT programme staff for all six countries.

This report was submitted to APT in draft, in order to solicit the organization's response to the observations and recommendations contained within it. This final version reflects that response.

¹ Of the 16 responses, two were from Argentina, four from Brazil, three from Madagascar, two from Morocco, three from Thailand and two from Turkey. Contact with informants for Morocco and Madagascar was in French, for Turkey, Thailand and Brazil in English, and for Argentina in both Spanish and English.

2. COUNTRY-BY-COUNTRY REVIEW

2.1. Argentina

In Argentina the aims and objectives of the project were to:

- Facilitate a participatory and inclusive process to designate the NPM at the federal and provincial level through dialogue between state authorities and civil society;
- Ensure an NPM law which is OPCAT compliant and suitable for the complexities of the national context;
- Support the setting up of an effective NPM in practice, through orientation and advisory services and institutional set-up, training for members and staff, etc;
- Promote public debates about torture prevention and mobilize actors in all states of this federal country, to promote and draft provincial preventive mechanism proposals, which would collaborate with the central NPM;
- Build the capacity of various national actors to monitor places of detention and to contribute to the future NPM as independent monitoring schemes.

Expected outputs and results:

- Argentina will be better equipped to designate and set up an OPCAT-compliant, legitimate and effective NPM at the federal level
- A pool of national actors with strong skills on monitoring places of detention within and independently of the NPM will have been set up
- Local NPM proposals in some of the key provinces are expected to be approved
- Recommendations of the UN Special Rapporteur on Torture and the CAT will be better integrated in public policy and practice
- National civil society actors will have increased their awareness on the provisions of the OPCAT and the NPM's mandate and will collaborate with this new body whilst continuing to conduct their independent monitoring work.

The project activities in Argentina focused on the implementation of the OPCAT. While the country had taken historic steps to eliminate torture in the transition to democracy, observers have repeatedly noted its persistence. As one interviewee said: “the security forces preserve the memory of the dictatorship.” Argentina was an early party to the OPCAT and a strong proponent of the instrument – indeed it was the first state in Latin America and the first federal state to ratify. How to fashion a national preventive mechanism suited to the federal structure – and hence the division of responsibility for closed institutions between the federal and provincial levels – had proved one of the main obstacles to the implementation of the OPCAT.

In practice, developments in Argentina must be counted among the great successes of this project. While the federal issue had been the obstacle to the creation of the NPM, APT succeeded in turning this issue around and developing local preventive mechanisms at the provincial level. Although none of these is yet functioning, their emergence has clearly provided impetus to the development of a national mechanism and is likely, according to the Director of APT's Regional Office for Latin America, to have a "domino effect" in other provinces. One respondent commented:

We believe that the programme and activities of the APT have achieved the planned objectives to a highly satisfactory level. We emphasize that the process of discussion about the creation of the NPM has been very active and that the resulting bill, if approved, will be an appropriate model in terms of resolution of two issues of fundamental importance: the federal question and the issue of civil society participation.

At the end of 2011, a Bill establishing an NPM was before Congress. Although it was stalled by procedural issues, political consensus had been achieved on the form and structure of the NPM, on the basis of a proposal with wide support from civil society. The same respondent noted:

We believe that the activities in question were perfectly suited to the national context in relation to the prevention of torture in Argentina. The APT has played a key role to support civil society organizations and the Prisons Ombudsman to establish themselves as protagonists in the process of implementation of the Optional Protocol, which was essential in the years 2007-2008, because the discussions were at a standstill.

APT's partnership with civil society and other key actors such as the Procuración Penitenciaria is clearly the central element here. Another interviewee commented:

The important thing is that they support strategies [of their partners]. APT works in that way – that is why we keep working with them.

APT offered a distinct contribution by virtue of its international experience (although this was of course the first federal experience of a preventive mechanism) and connections. Hence, for example, APT was able to bring members of the UN Subcommittee for the Prevention of Torture to Argentina to lobby the government and Congress on the establishment of the NPM. It was also able to draw upon the experience of Brazil, where a similar approach has been taken in relation to the establishment of local preventive mechanisms. That the whole process was not completed within the envisaged timetable is not the fault of the APT:

We believe that the programme has been implemented effectively, bearing in mind that the APT has actively supported the process of social and parliamentary discussion of the bill creating the NPM. However, the time it has taken for the law to pass has obviously exceeded the work developed by the APT, which has nevertheless intervened effectively at the parliamentary proceedings, holding interviews and offering their opinion as international experts to various legislators.

Throughout the course of the various activities we have maintained a fluid contact with the APT, which has always shown the greatest willingness to answer questions and support internal processes related to the implementation of the Optional Protocol.

If the balance sheet on Argentina is overwhelmingly positive, one slightly critical note was sounded by an interviewee, who stressed that the OPCAT and the NPM was not the only issue in torture prevention in Argentina and that other issues such as penitentiary reform should not be neglected. (A similar point was made in a different context by another interviewee.) The establishment of the NPM and the operationalization of existing local mechanisms must clearly remain the strategic priority for APT in Argentina in the coming period. However, this should not be to the neglect of other preventive measures.

<p><i>Argentina will be better equipped to designate and set up an OPCAT compliant, legitimate and effective NPM at the federal level</i></p> <p>(Expected result)</p>	<p>The Bill creating a National System for Torture Prevention was unanimously approved by the House of Representatives in September 2011 and is under consideration by the Human Rights Committee of the Senate.</p>
<p><i>Local NPM proposals in some of the key provinces are expected to be approved</i></p> <p>(Expected result)</p>	<p>APT conducted OPCAT advocacy missions in several provinces. As of December 2011, laws creating a local NPM (or LPM) have been passed in the provinces of Chacó, Mendoza and Rio Negro. LPMs are under consideration in the provinces of Buenos Aires, Neuquen and Santa Fe.</p>

2.2. Brazil

In Brazil the aims and objectives of the project were:

- Facilitating a participatory and inclusive process to designate the NPM at the federal level through dialogue between the state authorities and civil society
- Ensuring an NPM law which is OPCAT compliant and suitable for the complexities of the national context
- Supporting the setting up of an effective NPM in practice, through orientation on advisory services and institutional set-up, training for members and staff, etc
- Promoting public debates about torture prevention, particularly around the recommendations of the UN bodies such as the UN Committee against Torture (CAT), and UN Special Rapporteur on Torture (SRT)
- Mobilizing actors in all states of this federal country, to promote and draft *local* (state) preventive mechanisms proposals, which would collaborate with the central NPM.
- Building the capacity of various national actors to monitor places of detention and to contribute to the future NPM as independent monitoring schemes

Expected outputs and results were:

- Brazil will be better equipped to designate and set up an OPCAT-compliant, legitimate and effective NPM at the federal level
- A pool of national actors with strong skills on monitoring places of detention within and independently of the NPM will have been set up
- Local NPM proposals in some of the key states are expected to be approved
- Recommendations of the UN Special Rapporteur on Torture and the CAT will be better integrated in public policy and practice
- National civil society actors will have increased their awareness on the provisions of the OPCAT and the NPM's mandate and will collaborate with this new body whilst continuing to conduct their independent monitoring work.

Many of the same underlying issues presented themselves in Brazil as in Argentina: the long-term legacy of dictatorial police practices, as well as the problems of establishing an effective preventive mechanism in a federal state. Brazil had ratified the OPCAT in 2007 but at the outset of this project had not designated a national preventive mechanism. As with Argentina, OPCAT implementation was seen as the sole focus of APT's work.

APT's activity in Brazil under this project has consisted of extensive training activities in monitoring skills and methodology mainly with the National Human Rights Secretariat, promotion of local preventive mechanisms at the state level, and promotion of a national

preventive mechanism. In view of the first SPT visit to the country, the APT also raised awareness about the mandate of the SPT and organized a preparatory trip. The results have been similar to Argentina, with the exception that the proposed NPM, in a Bill currently before Congress, is seen as much weaker than that in Argentina and not fully OPCAT-compliant. However, the fact that there is such a Bill opens the possibility for further national discussion and amendment, which will clearly be a priority in the coming months. At the same time, greater progress has been made in the creation of operational local preventive mechanisms, notably in Rio de Janeiro.

One respondent commented on the overall level of progress that has been achieved:

When we look at the results, it is incredible how far the APT went in Brazil. When we compare the present time with ten years ago it is impressive how different is the country when it comes to awareness about the problem of torture. Before the UN Special Rapporteur on torture recommendations and APT work, along with other actions, public agents used to deny the existence of torture in places of detention, now the main problem is how to eradicate it.

A different respondent commented:

The activities must be seen as part of a continuing project of changes to be introduced to help design crime policies against torture. A relevant aspect is the inclusion of the issue of preventing torture on the political agenda of the country. The most effective is the referral of the bill to parliament, and the approval of several Bill at States level, creating local preventive mechanisms.

He added:

APT is the main source of information when it comes to the OPCAT. By compiling data, laws, jurisprudence and best practices from several countries in the world and making them available in many languages to the public, APT plays a fundamental role in the eradication of torture.

An interviewee remarked that the APT's role had been fundamental to the emergence of local mechanisms and that without the APT these "would not have happened."

One respondent commented that the project objectives had been achieved, while sounding a cautionary note about how far the national debate has filtered through into public consciousness:

I would say that almost all of them were achieved satisfactorily; dozens of courses were given to civil and public agents and it is now clear that; a pool of national actors was set up, in fact state human rights institutions integrated by public and civil agents were created to fight torture all over the country; the Rio de Janeiro preventive mechanism implementation exceeded expectations; local and national awareness on the provisions of the OPCAT were created; but I can't say that the UN Rapporteur Recommendations were integrated in public policy and practice. APT published a commentary on the Recommendations and used them during the trainings but it never became apparent to me that the public awareness about the OPCAT increased.

All partners consulted were extremely positive about the experience of working with APT:

(1) The implementation of the project by APT is previously negotiated with local partners, and APT has always taken into account local knowledge, adequately communicating developments and, when the case required, changes.

The dialogue with APT is a two-way street. It is really collaborative. One receives and imparts information, thus builds knowledge. APT has a dense knowledge on torture prevention and visiting mechanisms. Such expertise has shown to be invaluable, exceeding expectations. An initially unforeseen benefit was the establishment of a network of experts and stakeholders, making it possible to share experiences and good practices, thus replicating training programmes, etc.

(2) APT works very well together. They are very flexible and supportive towards local organizations. As APT cannot do advocacy, they were an important source of consultation when a civil or state actor had to make decisions.

However, an interviewee from Brazil, while entirely positive about APT's work, did raise some critical points. He remarked that APT needed to build its public profile in Brazil – people were not aware of who APT were. And he also commented on the lack of coordination between international NGOs working in the field of torture prevention in the country.

Another respondent is worth quoting because he set out a road map of future strategies and activities for APT in the country:

1 – Focus on the capacitation of potential torture perpetrators, like police officers and prison wardens, who were not prioritized during the last project and should be for the next one;

2- Find a balance between state authorities' demands and APT objectives and goals in order to satisfy the former and fulfil the latter;

3- Select strategic countries to promote the implementation of the OPCAT, Brazil should be one of them;

4 – In Brazil APT should join the efforts of other organizations to make forensic institutes independent from police departments as recommended by the UN Special Rapporteur;

5 – Once we pass the bill to implement the MPN, APT should be prepared to help the Committee to set up the mechanism according to the OPCAT provisions;

6 – As I said above, before APT along with other organizations started working on the prevention of torture in Brazil, the existence of torture was denied, now that public authorities assume that torture exists and it is a problem for democracy, it is time to take another step, it is time to help public agents to create standards, protocols, include to the formation of new guards and police officers the problem of torture and how to prevent it.

<p><i>Support the setting up of OPCAT compliant NPMs at federal and state levels</i></p> <p>(Specific objective)</p>	<p>A dynamic NPM establishment process emerged as part of the project, combining existing or new Committees to Prevent and Combat Torture with an additional institution focusing exclusively on prevention:</p> <ul style="list-style-type: none"> - At the federal level, the APT lobbied for the draft NPM Bill to be submitted to Congress, which took place in September 2011, following the SPT visit to the country. - At the State level, progress was noted following APT advocacy missions in a number of States: a law was passed in Alagoas, in Rio and in Paraíba during the project period. Processes have started in the additional States of Minas Gerais and Sao Paulo.
<p><i>A pool of national actors with strong skills on monitoring places of detention within and independently of the NPM will have been set up</i></p> <p>(Expected result)</p>	<p>More than 170 members of civil society, public prosecutors, public defenders, local preventive mechanisms across different regions trained in the methodology of preventive monitoring, during workshops organised by the APT with the National Human Rights Secretariat and other state institutions.</p> <p>A pool of three Brazilian expert trainers is now able to conduct detention monitoring training around the country</p>

2.3. Madagascar

In Madagascar the aims and objectives of the project were:

- Supporting Madagascar to effectively implement the UNCAT
- Encouraging Madagascar to ratify and effectively implement the OPCAT

Expected outputs and results were:

- Increased knowledge and use of the UNCAT and the law on criminalisation of torture, resulting in better prosecution of perpetrators
- Improved implementation of CAT recommendations
- Enhanced knowledge and capacity of local actors to implement the OPCAT
- Open national process (transparent, participatory and inclusive) resulting in the designation or establishment of an independent and effective NPM in Madagascar

Madagascar ratified the UNCAT in 2005 and had also signed (but not ratified) the OPCAT. The objective of the project in the initial proposal were laid out very simply: to assist the government with implementation of its obligations under the UNCAT and to encourage the ratification and effective implementation of the OPCAT.

In practice, the planned work was disrupted by the political crisis of 2009 and the overthrow of the government of President Ravalomanana and the constitutional order. The basis for APT's involvement had been a request from the previous government for support in domesticating the UNCAT. This had been achieved in 2008 with the passing of a comprehensive anti-torture law. The main focus of the project under review was the implementation of this new law – seen as important not only for Madagascar but for its implications for the region.

APT responded to the political crisis by convening a seminar in September 2009 to review and adapt the project implementation plan according to the new national context. The seminar developed a concrete and realistic programme of implementation of the anti-torture legislation, including a plan of action. The focus of the programme was on training, both through workshops organized by APT and its local NGO partner, Action for Christians Against Torture (ACAT) in collaboration with the Ministry of Justice and the École Nationale de la Magistrature et des Greffes (ENMG) and by using regular training curricula of government training schools for law enforcement officials. Some 150 people passed through the training seminars and a module has been developed to be incorporated in the curricula of the main training institutions for law enforcement officials. The module can also be used during seminars and other pedagogical activities on prevention and prohibition of torture.

ACAT, in its questionnaire response, noted that at the time of the first APT-ACAT workshop, the senior leadership of the prisons, judges and the legal profession were not even aware of the existence of the 2008 comprehensive anti-torture law.

One of the outcomes of the workshops, unforeseen at the inception of the project, was the creation of *referents prevention de la torture* within the various state institutions. These will play a similar role, according to ACAT, to the *conseillers en éthique et déontologie* that already exist within the magistrature. These will be a source of advice and monitoring, as well as having the capacity to conduct future training activities, contributing in large measure to the sustainability of the project in Madagascar.

The indicators that were set for the component of the project dealing with training and implementation of the 2008 law may have been exceedingly ambitious, even without the political obstacles that were unforeseen when the project was formulated. It is not clear to me that the increased understanding of the 2008 law and the requirement of the UNCAT have yet been fed through into an increased reference to the law in court proceedings, or to the increased prosecution of perpetrators of torture. I suggest that this may have been excessive ambition at the outset rather than any failure of the project activities.

In relation to OPCAT ratification, little progress has been made. APT's initial judgment not to prioritize this issue, but to place emphasis on the domestication of the UNCAT has been proven absolutely correct by the unexpected turn of events. Given that OPCAT ratification has little significance in the absence of the political preconditions to establish an effective national preventive mechanism, the emphasis on UNCAT – and thereby developing a general awareness of torture prevention – seems to me to be the best way to lay the groundwork for the eventual creation of an NPM.

The response of national partners to the priorities identified in the project document, the execution of the activities and the experience of working with APT has been overwhelmingly positive. It was remarked how APT was a consistent partner, working over a period of several years:

A strength of the APT is that it helps its partners to a successful implementation of the activities that it designed together with the Ministry of Justice.

It did not abandon us half way, but continues to work with us. Indeed, some financial partners have asked us to make reforms and adoption of legislation, but as soon as this has been achieved, they leave us on our own when it comes to implementation.

This was combined with what was seen as a patient and respectful attitude on the part of APT:

The APT does not impose, but takes the time to explain why we have to struggle to prevent torture, and allows us to discuss and to see what activities are required.

<p><i>Training institutes for the members of the judiciary have taken necessary steps to ensure that all future Judges and prosecutors are properly trained on the prevention and prohibition of torture</i></p> <p>(Expected result)</p>	<p>As of end 2011, a training module on the prohibition and prevention of torture has been developed and dissemination to national training institutes for law enforcement officials. During an official meeting facilitated by the APT, the Directors of the main training institutes recognised their role as key actors for the promotion of human rights and the prevention of torture and adopted a joint statement committing their institutions to incorporate the module in their programmes.</p>
<p><i>Better understanding and increased use of the Madagascar law on all allegations of torture and other ill-treatment</i></p> <p>(Indicator of achievement)</p>	<p>120 judges, prosecutors, and prison staff trained on the provision of the national anti-torture law. Steps taken to widely disseminate the law nationwide, and train existing and future judges, prosecutors, and law enforcement personnel on its provisions.</p>

2.4. Morocco

In Morocco the aims and objectives of the project were:

- Strengthening the implementation of the law criminalizing torture through the training of magistrates and law enforcement personnel and provision of legal advice;
- Promoting the ratification and effective implementation of the OPCAT.

Morocco was selected for this project as a priority country for work with the Middle East and North Africa region. Having a history of extensive torture, Morocco has in recent years been committed to reverse this, ratifying the UNCAT in 1993. (However, there have been increased reports in recent years of torture in the context of “counter-terrorism” in Western Sahara.) OPCAT ratification was expected soon and has in fact taken longer than expected. As it happens, other countries in the region have outpaced Morocco in the steps they have taken in the past year, creating an impetus for Morocco to move forward. The government decided upon OPCAT ratification in September 2011.

The project activities in Morocco were designed along the two axes of implementation of UNCAT obligations on the one hand – a comprehensive anti-torture law was enacted in 2006 – and ratification of the OPCAT and preparation of an NPM on the other.

The principal activity in relation to the former priority was the development of a manual to develop the capacity of Moroccan lawyers in relation to the criminalization of torture and other aspects of the comprehensive anti-torture law and international standards. This proved to be a much longer process than anticipated. The original division of labour had been for APT to draft the sections on international law, while Moroccan partners in the Ministry of Justice would draft those concerned with the national law. In practice the Moroccan participants wished to be involved in the international sections, prolonging the process considerably. Although the APT Programme Officer remarked that they would probably not embark on this approach to drafting again, it seems to me that it could be important in creating local ownership of the manual and hence long-term sustainability.

An internal report of APT remarked:

The joint drafting of a publication is definitely a complicated project. Risks for delays and conflicting objectives are high, in particular if done jointly with a government agency. Working in two different languages puts additional burden on the project.

On the positive side, the project has definitely increased the knowledge about and appropriation of the international standards on torture prevention by Moroccan experts and practitioners. Thanks to the project, the six Moroccan drafters have now a very good knowledge not only of the Convention against Torture, but also of landmark interpretation of its provisions. They have become the national experts in the domain and will hopefully use this expertise in their daily work and in training they provide beyond the end of the project.

My observation would be that the positive aspects clearly outweigh the costs of the delay.

On the OPCAT, APT collaborated with a new civil society lobby group, pressing for ratification, which represented the achievement of an aim for which APT had been pressing for several years. APT helped this group to prepare a draft NPM proposal.

Morocco has a national human rights institution – the Conseil Consultatif des Droits de l’Homme – that has power to visit prisons, expanded under a recent new law to include psychiatric hospitals. APT maintained good relations with the CCDH, with whom it held a joint seminar on the implementation of the OPCAT and establishment of an NPM. This was well attended by various government agencies, as well as civil society bodies. According to the former secretary-general of the national institution, the seminar was influential in the reform of the NHRI, increasing its independence and expanding its visiting powers. It is to be expected that the government has an understanding of the implications of OPCAT ratification and that the CCDH and the civil society lobby group, with APT support, will be well placed to offer concrete proposals on implementation,

In September 2011, the CCDH and APT jointly hosted a conference in Rabat on the role of NHRIs in torture prevention in Africa. Although not within the framework of this project, it is clearly understood by the CCDH to be of considerable importance in relation to its own role in a future NPM as well as creating a programme of training workshops intended to develop monitoring skills and capacities.

Moroccan respondents to the questionnaires have been highly positive about the experience of their collaboration with APT:

Our contacts in the APT have always shown a great responsiveness and have been extremely proactive in the preparation, conduct and monitoring of these activities.

However, one respondent was particularly critical of the content of the materials developed by APT as lacking an Arab/Muslim perspective in relation to both law and ethics on the one hand and institutions on the other:

Orient the efforts of the APT to those Arab countries that offer a favourable terrain for the work, strengthen the work with regional Arab and Muslim institutions, and develop a reference guide for wide dissemination that includes good practice in the field.

However, I agree with the APT Programme Officer that it is neither possible nor desirable to develop a position on such potentially controversial issues and that APT should confine itself to promotion of international law standards and the relevant practical skills attached to them.

<p><i>Recognition of improvements in implementation of UNCAT by CAT</i></p> <p>(Indicator of achievement)</p>	<p>Morocco's fourth periodic report to CAT (CAT/C/MAR/4, 2009, § 88) makes reference to activities undertaken jointly with APT regarding training of law enforcement officials and lobbying on OPCAT ratification.</p> <p>In its final observations on the examination of this report (CAT.C.MAR.CO.4), the CAT acknowledges improvements in the area of legal reform (§B.4.b) as well as the establishment of a new NHRI in 2011 (§B.4.c). The APT played a role in both these positive developments.</p>
<p><i>Headway on ratifying the OPCAT and setting up a suitable NPM</i></p> <p>(Indicator of achievement)</p>	<p>Morocco's Council of Ministers approved OPCAT ratification on 9 September 2011, following a Council of Government approval on 26 May. This decision comes after years of preparatory work, in particular by the National Council for Human Rights (CNDH) and a platform of NGOs established by the <i>Organisation Marocaine des droits humains</i> (OMDH), in collaboration and consultation with the APT.</p> <p>Furthermore, at least three national events undertaken during the project period addressed the issue of OPCAT implementation and the future NPM in Morocco, and contributed to the amendments in the mandate of Morocco's NHRI towards compliance with OPCAT standards, which took place in March 2011.</p>

2.5. Thailand

In Thailand the aims and objectives of the project were:

- Helping the Government of Thailand to implement effectively the UN Convention against Torture (UNCAT)
- Raising awareness on the OPCAT among relevant stakeholders in Thailand and promoting its ratification and effective implementation

Expected outputs and results were:

- Increased knowledge and use of the UNCAT and the legislation on criminalisation of torture, resulting in better prosecution of perpetrators
- Improved implementation of CAT recommendations as well as increased quality of reporting to the CAT by governmental and civil society actors

Enhanced knowledge and capacity of local actors to implement the OPCAT

The proposed work in Thailand focused on the twin aims of implementation of the UNCAT at a national level and ratification of the OPCAT. Thailand had acceded to the UNCAT in 2007 and, prior to the inception of this project, the APT had already begun collaboration with the Thai government on national level implementation and reporting to the CAT. Despite apparent political will on the part of the government, torture continued to be reported as a serious issue, especially in the context of counter-insurgency activities in the southern provinces. Similarly, although civil society organizations are relatively weak, there is a strong will to develop capacity and expertise on torture prevention.

In practice, progress has been slower than anticipated through a combination of external and internal factors. Political instability and inertia has slowed developments from the side of the Thai government – the first report to the CAT, anticipated three years ago at the inception of the project, has yet to be submitted, although it is believed to be completed and awaiting translation. Hence the planned workshop for civil society on shadow reporting was postponed in favour of other activities, although the workshop will take place in January 2012. Equally, problems within the National Human Rights Commission, envisaged as a key partner on account of its legal mandate to visit prisons, have hampered progress both on the visiting issue generally and progress towards OPCAT ratification and implementation.

Internal factors affecting the execution of the project included the departure of the previous Asia Programme Officer from APT, as well as the change in head of one of the key partner organizations, the Bangkok office of the International Commission of Jurists. These factors have not created delays, in the same sense as the external constraints have done, but have contributed to a sense that the programme of work has been somewhat disjointed and activity-based.

Notwithstanding these problems, however, significant progress has been made during the life of the project, particularly towards the first set of objectives related to UNCAT implementation. Much of the activity of the programme has focused on developing local

capacity through training. A series of workshops aimed at lawyers has had the welcome effect of creating a core of local experts who have participated in the formulation of a civil society draft law on the criminalization of torture (as opposed to the approach favoured by the government, which is amendment of the criminal code).

On monitoring, the translation of APT's monitoring manual into Thai has created an important resource that can be used for reference and by both civil society and government trainers.

Questionnaire respondents had very positive assessments of the impact of APT's work, as well as suggestions for future directions. A government respondent emphasized the importance of APT's awareness raising for government officers:

Since CAT convention is quite new for Thailand, a number of government officers do not recognize of the existence of CAT Convention, do not know how to apply in national context, and have no knowledge and understanding on the Convention, thus, the activities help raising awareness and knowledge of government officers especially legal enforcement officers.

Discussion on domestication of the UNCAT was also seen as helpful:

Additionally, the meeting to discuss on legal amendment is also very helpful for my work and the need of country to follow CAT Convention obligation. APT share its experiences and a number of ways to amend/draft law by showing examples of other countries in many regions which is help broaden vision of mine and related officers.

The same informant commented on the catalyst effect of APT's role in promoting discussion on OPCAT ratification:

The latest activity is a very good initiative because it is the first time of discussion among stakeholders about OPCAT in Thailand. It is a good start for Royal Thai Government to consider involvement as a state party in OPCAT... It is very helpful for Thailand to start thinking of becoming a party to OPCAT. Similar to the UPR recommendations, Thailand is now planning to study the appropriateness of Thailand to become a party to OPCAT.

An NGO respondent noted that legal training had already filtered through into increased prosecution of perpetrators "but still in a very small scale comparing to the problem in Thailand." The same person identified some shortcomings:

[W]ith lacking of funding to produce more local language material, the distribution has been limited and only advanced knowledge and legal knowledge on CAT is available. It should be more material on easy text and campaign materials for wider audience.

The somewhat sporadic nature of activities was identified as a problem (echoed by the APT Programme Officer). It was also recommended that APT should expand the scope of its activities, working directly with law enforcement officers rather than just the Ministry of Justice and perhaps also with universities and law students.

The government respondent remarked that more effort was needed in relation to the situation in Southern Thailand, although this was not the same as the approach of the APT Programme Officer, who commented that the work had been marked by an over-emphasis on the south.

The critical comments seem to reflect a problem common to other Asian countries, where there is a degree of isolation and general lack of fluency in major international languages and hence a large amount of ignorance of the requirements of human rights obligations. It seems to me that the request for APT to become more involved in training exercises should be resisted, with an emphasis rather on developing local capacity to meet such needs and to improve the continuity of its own engagement with Thailand. However, it should be noted that respondents from both government and civil society were extremely positive about APT as partners:

APT has been very good at communicating developments and changes in the project. The project has been positively developed. APT listens to our needs and try to fulfil our weakness. In addition, APT staffs are polite, compromise and always give us prompt respond.

<p><i>Level of advancement of national debate on OPCAT: understanding of positive implications of the instrument by relevant actors; assessment of existing monitoring mechanisms, etc</i></p> <p>(Indicator of achievement)</p>	<p>In November 2010, the APT gathered 120 representatives of relevant government agencies, NGOs, other civil society organizations and international organizations to introduce the OPCAT and lobby for ratification. It was the first time a national workshop was convened with such a wide range of Thai actors to discuss OPCAT. It is believed that the workshop contributed in building momentum around the OPCAT in Thailand.</p>
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2.6. Turkey

In Turkey, the project proposal envisaged the following outcomes:

- Increased awareness of the benefits and implication of the OPCAT by relevant Turkish actors
- Enhanced knowledge about the implications of putting in place a National Preventive Mechanism by civil society and governmental actors
- Turkey will be better equipped for an open and inclusive process leading to the establishment of an effective National Preventive Mechanism

Turkey has followed a rather different path in relation to torture prevention by comparison with the other five countries in this project. From the 1980s, torture was an extremely serious problem. Yet the country ratified the European Convention Against Torture at an early point, as well the UNCAT. For whatever reason – connected at least partly with the long-term aim of European Union membership – the political will exists in Turkey to reduce the risk of torture and considerable progress has been made in this regard, through legal reforms, procedural changes and training of personnel. However, existing monitoring or visiting mechanisms remain extremely limited in their powers and effectiveness – discussions on the establishment of a national human rights mechanism having proceeded at a glacial rate. Also, the government is disposed to collaboration with non-governmental organizations, national or international, to a far lesser degree than the other five governments in this project.

The aims of the project focused on the OPCAT: increasing awareness of its importance and knowledge of the requirements for a national preventive mechanism. In a far less favourable environment than some of the other countries in this project, Turkey has somewhat exceeded expectations, since it ratified the OPCAT in September 2011. The effectiveness of the groundwork done by APT and its partners will be tested over the next couple of years by the quality and pace of the establishment of an NPM.

The structure of the work has differed from most of the other countries, in that formal partnership has not involved the government but the APT and two Turkish civil society organizations: one a human rights NGO, the Human Rights Foundation of Turkey, the other an academic institution, the Ankara University Faculty of Political Sciences Human Rights Centre. While the two Turkish partners have both experience and expertise, both the APT Programme Officer and representatives of the two partners felt that APT's presence in this partnership provided the crucial influence on the government:

We thought that APT's international reputation and experience and our local expertise would perfectly match for an effective discussion of the OPCAT implementation for Turkey. My personal feeling is that we were not mistaken... I would rate the programme positively. I guess this partly results from partnership of three different organisations: APT an international NGO, HRF a national NGO and, HRC an academic institution. It is difficult to envisage whether this would work in all environments, but should be kept in mind for a viable alternative.

The same respondent also pointed out that one of the longer term benefits of the project was that the Turkish government would now be aware that the OPCAT process will be monitored:

[T]he government now knows that national and international NGOs will be monitoring the establishment process. This, hopefully, will require them to act in a more responsible manner. I regard this as the most effective aspects. However, we expected the government to be more transparent in the process which would enable civil society actors and organisers of the programme to have a better idea on how the OPCAT would be implemented in Turkey. Unfortunately we couldn't achieve this.

Lack of government responsiveness was responsible for the decision to modify project activities in 2010 to focus on developing a common civil society position on a common proposal for a monitoring mechanism. The assessment of both the programme officer and the respondents is that this proved a successful approach. According to one respondent:

- We have made joint activities for the implementation by Turkey of OPCAT and in particular the establishment of a NPM with civil organisations and persons working in this field. We have created opportunities to share and reproduce knowledge on this topic.
- As a result of our cooperation with researchers/academic centres, we have contributed to putting OPCAT on the agenda of the academic world in Turkey.
- There has been significant media attention about OPCAT, and other NGOs have started to work for establishment of the NPM, which strongly indicates that the activity has reached its objective in raising awareness on OPCAT.
- Negotiations, correspondence with the MPs and Parliamentary Commissions, and especially written proposals for enactment of the law for the ratification of OPCAT submitted by the members of the Parliament have been important steps towards ratification of OPCAT.

It remains to be seen, of course, whether these results of the project will translate into an independent and effective mechanism (not to mention the importance of maintaining a focus on other aspects of torture prevention). However, APT envisages continuing engagement with this process.

As elsewhere, respondents were particularly warm in their praise of the quality of APT's inputs, as well as the timeliness and politeness of all communications.

<p><i>To advocate towards and strengthen the capacities of relevant actors on ratifying the OPCAT</i></p> <p>(Specific objective)</p>	<p>The three workshops organised by the APT over the course of the project, brought together representatives of government, civil society and academia to exchange and discuss about OPCAT ratification and implementation. These activities directly contributed in the ratification of OPCAT by Turkey on 27 September 2011.</p>
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3. CONCLUDING DISCUSSION AND RECOMMENDATIONS

The following sections attempt to draw out some of the common themes that emerged in each of the six countries and to evaluate the project overall against the five criteria of relevance, effectiveness, efficiency, impact and sustainability.

3.1. Relevance

The relevance of the project is the extent to which its objectives are consistent with the beneficiaries' requirements, legal obligations, country needs, and partners' and donors' policies.

The original objectives in the project proposal are extremely broad in general terms – essentially torture prevention through the promotion and implementation of the two UN treaties – but reasonably specific in relation to each country. Hence, Argentina and Brazil, which had each ratified both the UNCAT and the OPCAT had a priority of designating an appropriate national preventive mechanism (with the subsidiary aim of developing local mechanisms). Madagascar, Morocco and Thailand had the principal aim of implementation of the UNCAT, but also to a greater or lesser extent promotion of OPCAT ratification. Turkey was focused on ratification and implementation of the OPCAT.

In each instance APT had prior involvement with the countries and at least some of the partners who were to take part in the project – a very long-standing connection in some instances. The differing objectives were hence fashioned on the basis of a thorough understanding of local conditions and priorities.

The questionnaire contained a question about the relevance and appropriateness of the project objectives, which was answered positively in all cases. However, one critical point did arise in an interview in relation to Argentina, where it was suggested that future work would need to address a broader range of prevention issues than just the OPCAT and visiting mechanisms. (This was not raised as a criticism of this project as such, but merely making the point that prevention interventions were not confined to visiting mechanisms.)

The APT succeeded in maintaining the relevance of the objectives by being flexible and responsive to developments. An example would be Madagascar, where several of the assumptions underlying the attainment of the project objectives were overturned before implementation had even begun. Similarly in both Brazil and Argentina, the elevation of the objectives relating to local preventive mechanisms was not only valuable in itself, but also helped create momentum on the issue of forming a national preventive mechanism.

3.2 Effectiveness

The criterion of effectiveness measures how far the project succeeded in achieving its objectives.

I would echo the point made by the International Human Rights Network in its external evaluation of the APT dated January 2011. The IHRN points out that many of the

objectives in the project it was reviewing were incorrectly formulated as activities or outputs, rather than outcomes of these activities. Hence, for example, promoting ratification of the OPCAT is not an objective but a means to the end of ratification. The point is well made in the IHRN evaluation and there is no need to labour it here. For the purposes of this section, I will understand the objective to mean the eventual aim of each component of the project: ratification of the OPCAT, creation of an OPCAT-compliant NPM, etc.

It is apparent from the preceding country sections that many important objectives of the project have been realized: creation of local preventive mechanisms in Argentina and Brazil, drafting of a good NPM law in Argentina, greatly increased awareness of the comprehensive anti-torture law in Madagascar, awareness of the anti-torture law in Morocco and significant steps towards OPCAT ratification, increased awareness of the OPCAT in Thailand, and OPCAT ratification in Turkey. The extent to which credit for these developments can be claimed by the APT and this project decreases in proportion to the scale of the achievement since OPCAT ratification, for example, is going to be the result of the sum of several different factors (see the discussion of impact below).

It is equally clear that several of the objectives of the project have not been achieved. For example, no NPM has been designated in Brazil, while in Turkey ratification has only just taken place, so the process of NPM designation has barely begun. In Morocco, OPCAT ratification has not taken place (and hence not implementation either), although it seems imminent. In most cases the trajectory of developments has been positive, but the timescale envisaged in the initial project document proved over-optimistic. I hardly think APT can be criticized for these delays, which result not from its own programme failures but from other factors (just as it cannot claim sole credit for positive outcomes). I think that there is a lesson in formulating objectives in future projects. Although convention wisdom talks about indicators being timebound (within a SMART framework), actually objectives such as treaty ratification, passing a law, or creating an institution are often very lengthy ones. In the case of drafting laws and creating NPMs it is actually important that the process not be rushed and that priority be given to the quality of the outcome rather than its achievement according to an artificially imposed deadline. APT is of course well aware of this in its activities, but objectives need to be formulated to reflect this.

3.3. Efficiency

Efficiency refers to the extent to which resources, both financial and human, are used most cost-effectively to create activities and bring about outcomes.

This evaluation did not include a financial audit and financial aspects were not addressed specifically. However, the management of human and other resources was a thread running through all consultations during the evaluation.

APT uses several techniques, apparently as a matter of course, to maximize the efficiency of its project work. One of these could be described as multi-tasking missions. APT is a relatively small organization with a high international reputation and the very success of its torture prevention agenda has increased the demands on its staff. Expansion of the staff and core budget has been considerable but cannot keep pace with that demand. (Indeed, APT has taken a conscious decision not to expand too fast, but to consolidate –

a correct approach in my view.) Hence it becomes extremely important for all time spent in-country to be maximized. It is clear from study of the mission reports (as well as the accounts of partners) that it is usual practice for country visits to be used for multiple purposes.

A second technique is replication. APT has developed a number of high quality reference materials, as well as workshop outlines, which can be used repeatedly for training purposes. While it is taken for granted that all project activities should be tailored to the particular needs of partners and participants, the reality is that many materials can be reused and activities repeated with only minor modification.

Replication also involves the dissemination of best practices. A good example from this project has been the use of the Madagascar comprehensive anti-torture law as a model or template for the development of similar proposals for law elsewhere, for example in Uganda and South Africa. This was able to happen easily because the same programme staff are involved – the same can be said of the cross-fertilization between the work in Argentina and Brazil.

A Chief of Operations post was created within the framework of this project, with the purpose, among others, of increasing the exchange of information and best practices between the different regional programmes. The open organizational culture of the APT creates a positive environment for such exchanges and the role of the Chief of Operations has supplemented this.

An issue that arose in both Argentina and Brazil was that of the Latin America regional office. The perception from the APT side was that the opening of the regional office made contact and intervention in the region easier and more frequent. The perception in Argentina was that Panama was too far away and that a South America regional office was required (with an offer to support its location in Buenos Aires!). In Brazil the point was slightly different, in that Sylvia Dias as regional director had actually left Brazil, where she had been a delegate, for Panama. So, the point was that APT now felt more remote. I understand that there are no short-term plans to open further regional offices and fully appreciate the great administrative burden imposed by this sort of decentralization, even in an age of highly efficient communications technology. (In addition, decentralization would be an obstacle to the sort of cross-fertilization between programmes discussed above.) On the other hand, there is clearly a benefit from greater geographical proximity. Given the success of the country delegates in Brazil and South Africa, I suggest that consideration be given to extending this practice in other key countries.

An issue noted in the IHRN evaluation that also came up in my consultations was the impact of staff turnover. Aside from the move of Sylvia from Brazil to the regional office, the country affected by this was Thailand, where it does seem to have contributed to the slightly episodic nature of the activities and a certain lack of continuity in relations with partners. Although staff turnover is a fact of life, it is always going to be more difficult to manage in a smaller organization.

Finally on efficiency, it should be noted that all questionnaire respondents and interviewees were unambiguous in their praise for the efficiency with which activities were carried out and the timeliness and quality of communication between the APT and its partners.

3.4. Impact

Impact refers to the longer term effects, intended or unintended of the programme and its activities. This is somewhat distinct from the criterion of effectiveness, which measures intended outcomes.

The impact of activities related to human rights is notoriously difficult to measure, in no area more so than torture prevention. The obstacles include the difficulty of determining which of a number of factors have contributed to changes that are known to have occurred (such as ratification of a treaty or passing of a law). In the case of torture prevention there are the additional problems of counterfactual assessment of a negative (the reduction of risk or incidence of torture) and the inherent unreliability of data on the incidence of torture.

I consider that within the context of any given project certain assumptions have to be made about the likely impact of torture prevention activities. These assumptions must, of course, be empirically based, but the testing of such assumptions needs to be the subject of separate research – as indeed the APT is planning to do – rather than being built into the process of project design and review. The point here is simply not to burden already busy programme staff with more box-ticking exercises.

However, it should be said that not all the indicators in the project document are very well conceived. Many of them are reasonable in all respects except that they are not timebound. Hence we are asked on several occasions to use numbers of cases or judicial decisions as indicators of effective preventive activities, yet it is hopelessly unrealistic to expect that this would happen within the lifetime of the project. In some instances, it would be reasonable to expect to wait several years before the impact would feed through into measurable indicators. It is for this reason that I have not systematically gone through the logframes, ticking a positive or negative against the indicators. Rather I have relied on a qualitative assessment from partners and participants, country by country, which seems to me more reliable.

Indicators could also have been improved in some areas by building in longer term measurements of impact. For example, given that much of APT's activity involves training, it would be helpful to have indicators not only of outputs (numbers of training events and trainees) and performance (participant questionnaires), but also impact, which would require researching the role of trainees over time and the long-term utility of the training that they received. This *would* require additional work on the part of programme staff, but it would be useful in my opinion for the insights that it would give into the functioning of the institutions concerns – NPMs, NHRIs, other visiting bodies, prisons etc.

It is also important to emphasize that all respondents were unanimous on the positive impact of APT interventions and, despite being invited to identify negative impacts, could not do so. Many respondents stated that APT's role was essential to the positive outcome of the project in their country.

3.5. Sustainability

Sustainability is about whether the positive outcomes of programme activities will endure or can be replicated. In the case of some outcomes – such as the ratification of a treaty or the passing of a law – the outcome is sustained by its very nature. In the case of the establishment of a preventive mechanism, or other concrete measures to implement treaty or legal obligations, the issue will be one of sustained quality. This can be measured partly in terms of institutional design – does an NPM meet OPCAT criteria, for example – but also in terms of capacity.

Ultimately the sustainability of a large part of APT’s work is dependent upon the political will of governments and other state actors. This is something that APT can influence but not determine, so the question really becomes whether the outcome of the work is capable of being sustained, rather than whether it actually is. In other words, does APT help its partners develop the capacity to sustain the work?

I suggested in the previous section that more work could be done to research this question, particularly in relation to the long-term impact of training activities. More broadly, however, it is apparent that APT has a highly collaborative approach to its work with national and local partners and is keen to promote local ownership of all activities. This was specifically remarked upon by several respondents, as well as being apparent in discussions with APT staff.

The key to sustainability in many instances will be the development of local skills and capacity. This project has been full of good positive examples: from the development of local preventive mechanisms in Brazil to the collaboration with Moroccan government lawyers to produce a manual on implementation of the anti-torture law.

However, a trap that APT needs to beware of – as I am sure it is aware – is the demand for ever greater involvement in training activities. This can be seen in demands from Brazil and Thailand, for example, for greater involvement in training law enforcement personnel. (Respondents seemed unaware of the inconsistency of this with their demand for local ownership of projects.) It is crucial that APT be strategic in its training activities, prioritizing “training of trainers” and the development of local capacity. Madagascar provides an excellent example of good practice, where APT drafted a training module and pushed for its inclusion in the curricula of various training schools, as well as conducting training of trainers. Otherwise, the effect will be that APT’s success in promoting anti-torture laws and preventive mechanisms will generate an insatiable demand for more training – the very opposite of sustainability.

It should be noted that respondents were close to unanimous in their positive answer to the question about the sustainability of the project activities.

3.6. Recommendations

Various suggestions have been made throughout the text of this report, both in relation to specific countries and more generally. Despite following the conventional practice of heading this section “recommendations,” I would prefer that they be read in the less dogmatic style of suggestions. The following few points are extracted from the text

above where my suggestions are of general application rather than particular to country situations:

- That in formulating future projects, APT pay attention to formulating objectives that are specific measurable *results* of activity rather than the activity itself (eg OPCAT ratification, creation of an NPM etc).
- That APT strengthen its internal mechanisms for generating and replicating best practices between programme teams.
- That APT review the issue of how to create greater regional or country presence, in particular by considering extending the recruitment of part-time in-country consultants.
- That APT develop a protocol for handover of programme responsibility between staff, in order to ensure maximum continuity.
- That APT explore the development of methods for measuring the long-term impact of certain specific activities, notably training.
- That APT place renewed emphasis on developing capacity through the training of trainers, as an alternative to large-scale training programmes in the long term.
- That APT ensure that it avoid the danger of reducing preventive interventions merely to the promotion and implementation of the OPCAT, and give due weight to all other preventive approaches, as appropriate.

APPENDIX 1: TERMS OF REFERENCE FOR EVALUATION



Publicity

Association for the Prevention of Torture (APT)

Seeks: **External evaluator – evaluation of a 3 year project**

Deadline for application: 12 October 2011

Start date: as soon as possible

Deadline for submission of evaluation report: 31st December 2011

Organisation

The APT is a human rights non-governmental organisation advocating worldwide for the prevention of torture over the last 30 years. The APT is the leading organisation behind the Optional Protocol to the Convention against Torture (OPCAT) which creates a system of national and international preventive bodies, who visit all places where persons are deprived of their liberty. See www.apr.ch for more information on the APT's mission and work.

Background

The APT initiated the implementation of a 3 year project in 2009 entitled "Preventing torture through the promotion of the UN Convention against Torture and its Optional Protocol in six target countries of five world regions".

The project focused on the following six target countries:

- ✓ Argentina
- ✓ Brazil
- ✓ Madagascar
- ✓ Morocco
- ✓ Thailand
- ✓ Turkey

The project duration is of 3 years and in accordance with the main project donor, EuropeAid (EIDHR), the APT is commissioning a near end-term external evaluation of the project.

Evaluation methodology

The APT seeks to commission an evaluation of the project, which included an important amount of in-country activities as well as production of tools which were of use to actors based in these countries. A baseline survey was undertaken upon initiation of the project and identified benchmarks and indicators for progress in project countries. The evaluator will be requested to assess progress achieved over the 3 year period by the APT project in comparison with baseline survey data.

The external evaluator will be provided with additional data and information relevant to the project, including mission reports, project documents, annual reports, reports from partners, memorandum of understanding, etc. Additionally, the evaluator will be expected to have bilateral discussions with APT officers and management in charge of the implementation of the project by telephone/Skype. The evaluator will also be required to interview APT partners and project beneficiaries, as well as other relevant stakeholders, by telephone/skype as far as possible. The evaluation should not involve international travel, in light of the restricted funding allocated to the evaluation.

Professional requirements

- o Postgraduate degree in human rights, law, social science or development;
- o Professional experience in project design, implementation, and evaluation;
- o Previous experience in desk evaluations of human rights projects a plus;
- o Demonstrable report writing competencies;
- o Fluency in English and French. Spanish and Portuguese a plus.

Remuneration

CHF 7'000 gross

To apply

CVs should be sent by e-mail to jobs@apt.ch, quoting the following reference "Evaluation of 3 year project". CVs must be sent at the latest by close of business on 12 October 2011.

Please refer to our website for further information about the organisation: www.apt.ch

26 September 2011

APPENDIX 2: SAMPLE QUESTIONNAIRE

This questionnaire has been prepared as part of the external evaluation of a project carried out by the Association for the Prevention of Torture (APT) with funding from the European Commission, entitled “Preventing torture through the promotion of the UN Convention against Torture and its Optional protocol in six target countries of five world regions.” This evaluation was one of the terms under which the grant was made, so your collaboration is greatly appreciated.

In Argentina, the initial project proposal envisaged the following activities:

Facilitate a participatory and inclusive process to designate the NPM at the federal and provincial level through dialogue between state authorities and civil society;

- Ensure an NPM law which is OPCAT compliant and suitable for the complexities of the national context;
- Support the setting up of an effective NPM in practice, through orientation and advisory services and institutional set-up, training for members and staff, etc;
- Promote public debates about torture prevention and mobilize actors in all states of this federal country, to promote and draft provincial preventive mechanism proposals, which would collaborate with the central NPM;
- Build the capacity of various national actors to monitor places of detention and to contribute to the future NPM as independent monitoring schemes.

o *Outputs and results*

- Argentina will be better equipped to designate and set up an OPCAT-compliant, legitimate and effective NPM at the federal level
- A pool of national actors with strong skills on monitoring places of detention within and independently of the NPM will have been set up
- Local NPM proposals in some of the key provinces are expected to be approved
- Recommendations of the UN Special Rapporteur on Torture and the CAT will be better integrated in public policy and practice
- National civil society actors will have increased their awareness on the provisions of the OPCAT and the NPM’s mandate and will collaborate with this new body whilst continuing to conduct their independent monitoring work.

I am asking you to complete this questionnaire because you have been an active partner of the APT in some or all of the above activities. I would be grateful if you could answer to the best of your knowledge and understanding. Please ignore any questions that are not relevant to your involvement in the project.

1. Please describe your involvement in or connection with the programme and the nature and extent of your involvement: what was your role and which of the above activities were you involved with?
2. Were the activities listed above the most relevant and appropriate for the national context and the needs of torture prevention, and the specific needs of programme partners and beneficiaries?
3. How far has the programme achieved its intended outcomes?
4. If programme activities have not been completed or have changed in the course of the project, please explain why this has happened.
5. Was the programme implemented efficiently, in terms of time, resources etc?
6. Has APT been good at communicating developments and changes in the project and responding to the views of you and other partners?
6. What has been the *impact* of the programme's activities, measured against the specific country objectives described above. What have been the *most* and *least* effective aspects, in your experience?
7. Has the programme been sustainable? Will it be possible to continue and replicate the activities initiated in the course of this project?
8. Had you worked with APT before this project? (If yes, give brief details.)
9. What did you or your organization hope to achieve through this collaboration with APT? Have these expectations been realized? Have there been unforeseen benefits or negative consequences from your collaboration with APT?
10. Finally, do you have any additional comments not covered by the questions above. Suggestions for improvements in future projects and activities would be particularly welcome.

APPENDIX 3: LIST OF DOCUMENTS CONSULTED

Proposal: Preventing torture through the promotion of the UN Convention against Torture and its Optional Protocol in six target countries of five world regions (and budget and logical framework), 20 May 2008

Preventing torture through the promotion of the UN Convention against Torture and its Optional Protocol in Argentina, Brazil, Madagascar, Morocco, Thailand and Turkey: Baseline Survey, Mariette Grange, July 2009

Interim narrative report 2009

Interim narrative report 2010

Matthew Pringle, Turkey mission report: October 2009

Matthew Pringle, Turkey mission report: July 2010

Esther Schaufelberger/Audrey Olivier, Morocco mission report: January-February 2009

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Jean-Baptiste Niyizurugero, Madagascar mission report: December 2009

Jean-Baptiste Niyizurugero, Madagascar mission report: October 2010

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Project situation in Madagascar, September 2011