

# **Review of Raoul Wallenberg Institute's Human Rights Capacity Building Programme in China, 2004–2007**

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**Department for Democracy  
and Social Development**



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**Sida Evaluation 2008:23**

**Department for Democracy  
and Social Development**

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# Executive Summary

This Executive Summary highlights the conclusions of our review of the Research Direction of RWI's Human Rights Capacity-Building Programme in China (2004–2007). According to the Terms of Reference (ToR), our purpose is “to provide information and lessons learnt in order to serve as a basis for decision on possible future support.”

The overall objective of the Academic Component of the RWI programme in China, to which the Research Direction belongs, “*is to contribute to strengthen human rights capacity within the academic sector*”. The more specific project objectives of the Research Direction are:

1. to establish a cadre of professionals skilled to work institutionally and individually for the promotion of human rights (based on international standards and principles)
2. to improve the institutionalisation of human rights education in China
3. to provide a model for similar initiatives at other universities

The project document views the accomplishment of these goals as an “important step towards institutionalising human rights education at Chinese universities, a good foundation for other local human rights education activities and potential model for similar initiatives at other universities”.

It is primarily against this backdrop we have assessed the relevance, effectiveness, efficiency, and sustainability of the Research Direction, but we have also sought to relate the Research Direction to the ulterior goals of the Swedish support to China, the human rights situation in China, and the role of the Research Direction in the Swedish-Chinese human rights consultations.

In essence, the Research Direction is an “informal” Masters Programme in Human Rights, offered by the Research Centre for Human Rights in the Peking University Law School. The RWI seeks to facilitate this Programme and empower the Centre by providing support to capacity building and human rights teaching. A key means to this end (60% of the project budget) is the secondment of a Visiting Professor, who teaches certain courses and assists the Centre in various practical respects, for example in developing curricula and syllabi.

After having considered the project documents, activities, and the views of key stakeholders (students, faculty, diplomatic and development community, etc), we have concluded that the Research Direction is essentially a relevant and effective approach to building an academic Human Rights environment and nourishing a human rights community in China. We are also positive to the idea that the support to the Research Direction should be continued beyond 2007.

However, to ensure relevance, effectiveness and a sufficient degree of local ownership in a changing political and legal environment, *we recommend* the RWI to emphasise

- The building of local capacity
- The integration (alignment) of programme components in regular PULS work-plans
- Making more effective use of available resources

Specifically, we point to the following re-arrangements and adjustments of programme goals and methods:

The degree of *local ownership* could be enhanced by:

- Clarifying the role and principal responsibility of the Centre for policy formulation, etc
- Including the RD in the regular Peking University Law School curriculum
- Placing greater authority/responsibility for budget management/allocation with the Research Centre

The *effectiveness* of the programme could be improved by:

- Development and refinement of programme governance instruments and indicators
- Converting the Research Direction into a Masters Degree, thus giving the students a formal and internationally recognizable proof of merit
- Developing and streamlining curricula and syllabi to provide for clarity and predictability in content, methodology and learning outcomes
- Focus the teaching on contemporary Chinese problems
- Moving to Problem-Based Learning and cases-oriented courses and modules
- Including career advice and coaching

The *cost-efficiency* of the programme could be improved by:

- Closer integration with other programme component, notably the Training of Trainers
- Allowing a greater number of students in the Research Direction and opening it for students from other universities
- Cost-sharing with other donors (particularly the Nordic and EU)

The *reach* of the programme could be expanded by:

- Engaging and including other Chinese universities in teaching, research, method development and Training of Trainers.
- Including and activating non-academic actors concerned with human rights, such as NGOs, corporations, and media

The *sustainability* could be improved by:

- Emphasising capacity-building with the Centre to ensure that new insights and perspectives can be absorbed, that there is an institutional memory, and that the faculty/Centre can assert itself as a leading Chinese institution in HR
- Closer integration with other related programme component, notably the Training of Trainers Component (where the capacity to expand the HR resource base is determined)
- Emphasising post-graduation measures and activities (alumni networks, etc) to facilitate the emergence of a human rights community
- Creating cost-sharing arrangements and gradually making Peking University Law School, Research Centre, and other Chinese stakeholder assume responsibility for a greater part of the costs
- That any new programme governance instrument include provisions about timelines for the reminder of the support, and makes it an obligation for RWI and Centre to elaborate an “exit strategy”,

outlining when and in what form key project functions, responsibilities and budgetary requirements, should be assumed by PULS/Centre and be integrated into regular routines and curricula.

Key to many of these improvements is *better/more effective utilisation of the functions of the Visiting Professor*:

- His/her ToR should be clarified/expanded to underline the responsibility to continuously develop the Research Direction to answer to changing political and economic conditions
- The capacity-building function, in particular, should be emphasised
- The VP should also be tasked to design and implement programme-common activities, particularly with the Training of Trainers Component
- The VP should join with the RWI and Centre in outreach to other Chinese universities and institutions
- The VP should assist PU/Centre in elaborating “exit strategies” and otherwise help to facilitate a phased transition of tasks and responsibilities from the RWI to the Centre.

# 1 Introduction

## 1.1 Assignment

In March 2007, Joakim Anger (Institute of Public Management, IPM), and Per Bergling (Department of Law, Umeå University) were appointed by Sida to carry out a review of RWI's Human Rights Capacity Building programme in China (2004–2007). According to the Terms of Reference (ToR) the purpose of the review is “to provide information and lessons learnt in order to serve as a basis for decision on possible future support” when the current project period comes to an end in December 2007.

The focus shall be on the Research Direction in Human Rights for Master Students at Peking University (“the Research Direction”). The ToR specifically ask for an assessment of the relevance, effectiveness, outcome, cost efficiency, as well as ownership and sustainability of the support to the Research Direction, with a view to answer whether:

- the objectives have been accomplished,
- the support has been relevant and had any strategic impact,
- the results are sustainable
- the programme has been well managed and efficient regarding achievements and the use of resources.

## 1.2 Assessment Approach and Methodology

The assessment and report are based on documents (project documents, human rights reports, etc.) and information acquired in interviews with key stakeholders, comprising i.a. RWI staff in Lund and in Beijing, representatives of the University of Beijing, students (about 20), and Sida and Swedish Ministry of Foreign Affairs staff in Stockholm and Beijing. We have also consulted representatives of other academic institutions in China, other donors and actors within the field of human rights in China, as well as the Chinese Ministry of Foreign Affairs. A list of person met is attached (Appendix 2).

The report is both retrospective and prospective, i.e. analyses to what extent the project objectives have been met (the effects or impact of interventions in the legal and HR areas are inherently difficult to assess, as will be further discussed below), what the principal obstacles have been, whether the project has been cost-efficient, as well as suggests thematic and organisational improvements for the event Sida should deem there to be scope for a continuation beyond the current project period.

For our discussion on future improvements of the project, the interviews and survey with current and former students have been very important.<sup>1</sup> These data have revealed the key factors influencing career choices, ability to perform in work, etc., as well as indicated the conditions for affecting social change by means of support to research and training.

Although formally and essentially a development project, it is clear that the Academic Component and the Research Direction also fulfil important foreign policy functions, for example as a gate-openers and sources of valuable information for Swedish policy-makers. We have also noted the strong academic ethos of the project and the value it puts on traditional academic values such as the free and independent pursuit of knowledge. This raises the question by which standards and methods the project should be assessed: as a development project, a foreign policy instrument, a form of academic co-operation, or a combination of all? Our point of departure has been that the Research Direction should first and foremost be understood as a development project (financed over the Sida budget and tied to Swedish development goals, administrated and reported as a conventional project, etc.). This means that the conventional elements of good development practice (relevance, effectiveness, sustainability, etc.) have been the benchmarks for our assessment.

### **1.3 Structure of the Report**

This report emphasises relevance, effects, ownership and sustainability, and is structured to systematically address these issues.

Section 2 presents the programme context, i.e the human rights situation in China, the history of Swedish engagement, the inception of the RWI programme, the greater donor picture, and other background issues.

Section 3, describes organisational set up and briefly analyses the efficiency of programme management structures and practices.

Section 4 discusses the relevance of programme goals and activities against the backdrop of Swedish development goals, Sida's goals and guidelines, and other policy instruments. It also covers the integration and cooperation between different projects within the academic component.

Section 5 reflects on the long-term results and sustainability of the programme.

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<sup>1</sup> 23 students were interviewed. In order to increase the coverage, a questionnaire was circulated via e-mail among the remaining students (covering similar issues as in the interviews). 9 out of 40 students answered the questionnaire. The questionnaire is attached in appendix 3

## 2 The Programme in Context

### 2.1 Human Rights in China

The human rights situation in China attracts enormous international attention, as witnessed in the number of publications emanating out of foreign ministries, academic institutions, think tanks, and human rights-oriented NGOs. It would be neither feasible nor meaningful to refer this debate in this report, but a few major issues and trends will be highlighted to put our analysis in context. It should also be mentioned that our analysis of the human rights situation in China in no major respect conflicts with that presented in the Ministry of Foreign Affairs 2006 “Mänskliga rättigheter i Kina” report and other Swedish and EU policy and planning instruments.

China remains a one-party state without democracy in the proper sense. The citizens enjoy only limited and superficial political freedoms and rights. At the same time, China has rapidly transformed from a state of “no law” to embracing law as the principal tool of governance. This process has been quickest and most profound in the economic and commercial areas, while more ambivalent in the politically sensitive areas of administrative and criminal law.

While the establishment of a legal framework for commerce is essentially a domestically initiated and driven project, the inclusion of human rights and rule of law policies is largely a result of international leverage and linkage, notably the post 1989 Tiananmen Square international critique of the HR situation and closer Chinese integration into international and regional political and legal structures.<sup>2</sup> So called “mass incidents”, where people protest against perceived arbitrariness or abuse of official power, have also spurred this development. It seems that the regime is realising that Human Rights can no longer be ignored, and that strategies of evasion based on doctrines of sovereign integrity and “Asian Values” are not viable in the long run. “White papers” and other statements emanating out of the government and party bear witness of a new policy of proactively articulating and defending national policies in these matters. Since 2004, the Chinese Constitution includes a provision that “*The State respects and safeguards human rights*”.

It is in the light of this process of “intersystemic change” that the preparation for a Chinese ratification of the ICCPR should be viewed. While the regime acknowledges that the perception of China as a responsible and respected international stakeholder hinges on ratification of this fundamental instrument, it is also aware that ratification will have far-reaching political, legal and judicial implications, not least by tying to the concept of human rights a certain idea of how the state should be organised and granting citizens judiciable political rights to assembly, expression, religion, etc. The implementation of the ICCPR will thus create even further demand for people versed in Human Rights, whether the will be arguing for an international or Chinese, broad or narrow, interpretation of the concept.

### 2.2 Human Rights Teaching and Research in China

The history of teaching and research in Human Rights in China is short. While government and Party bodies have paid the issue scant attention since 1989, it was only in the late 1990s that universities dared begin to discuss the topic in earnest and contemplate what role it should have in research and teaching. The first *Ph.D.* in Human Rights was presented in 1999.

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<sup>2</sup> In the last decade, China has ratified over twenty human rights treaties (among them the ICESCR, CERD, CEDAW, CRC, CAT and CR, although with significant reservations to all of them), actively participated in the drafting of a range of new instruments, increasingly engaged in multilateral, regional, and bilateral dialogues on rights issues, and tolerated more of treaty monitoring, including enabling visits of the Special Rapporteur on Freedom of Religion and Belief, the Working Group on Arbitrary Detention, the SR on the Right to Education, etc.

Currently the Research Centre for Human Rights at the Peking University Law School, the Centre for Human Rights and Humanitarian Law at China University of Political Science and Law, and the Centre for Human Rights Studies at the China Academy of Social Sciences Law Institute (a government think tank and education facility) systematically pursue research and teaching in HR. There are also a number of small-scale projects and courses at universities outside Beijing. It should be noted that the formal authority to include new topics in law curricula and establish new Master programmes is placed above the universities, with the alleged “conservative” and “cautious” Ministry of Education Steering Committee on Legal Education.<sup>3</sup>

That teaching and research in Human Rights are being elevated on both the Chinese and international agenda is hardly surprising. China needs skilled human rights specialists to articulate and defend national policies on HR, construct laws and institutions for the implementation of international obligations, and adjudicate human rights issues in courts and administrative bodies. Outside the realms of the state and party, there is a growing need for human rights specialists in law firms and corporations working with corporate responsibility issues and similar human rights-related topics.

For the international (political and development) community, the comparably “liberal” academic sector provides an entry point for dialogue and co-operation around issues that are forbidden territory for the executive and judicial branches of the state. One may argue that the academic sector substitutes for human rights-oriented NGOs and other civil society actors. At the same time, it should be underlined that Party command and control structures exist within the universities too.

While the dangers and difficulties in including human rights as a topic of research and teaching still outweigh the potential gains in most instances, the situation is different when there are prospects of receiving outside (foreign) support and goodwill. The resource-constrained Chinese universities are typically keen to expand their international affiliations and exploiting any conditions for receiving funds from the outside. A “difficult” topic can therefore be acceptable or even attractive if it is combined with an influx of resources. Such external resources can also work to empower politically and academically weak institutions and researchers vis-à-vis more established rival ditto.

There is a common view that the courage and determination of individual researchers is a key factor whether Human Rights finds a place within a university or not. In Peking University and CUPL, the elevation of HR and establishment of Human Rights Centres was largely attributable to the foresightfulness and commitment of inspired individuals with a strong human rights ethos and willingness to take on the political and bureaucratic resistance such initiatives entailed.

The academic human rights community in China remains very small, politically “weak”, and essentially concentrated to a few institutions. It is very difficult to present a number, but a rough estimate suggests that there is a nucleus of around 20 people that work on HR full time, and about 50 that recurrently but not solely teach or pursue research in this area. It is nevertheless within this group the human rights debate in China is shaped. Vastly simplified, there are two “schools” of academic human rights: the dominating “theoretical domestic approach” (comprising about 80% of the researchers) and the much smaller “normative international approach” (comprising less than 20% or 10 researchers).<sup>4</sup> The essence of the theoretical domestic approach is that Human Rights should be understood as a philosophical concept inherently linked to “Western” notions of politics and law, and thus with limited relevance to current Chinese issues. The normative international approach, meanwhile, takes a point of departure in international law and argues that Human Rights are universal legal concepts that apply

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<sup>3</sup> During 2004–2005 a group of influential Chinese academics carried out comprehensive survey to review the current situation and developments of human rights law teaching at law schools. The survey was commissioned by RWI, under its China Programme.

<sup>4</sup> These figures are based on information from the interview with Sun Shiyan, Professor of International Law at Centre for International Law Studies (CASS) and team-member of the Human Rights Education Survey Project

anywhere and to anyone. The difficulties and disincentives associated with arguing in favour of the latter concept makes it conceivable that academics refrain from openly confessing to it in class and publications, although they intellectually realise its relevance.

There appears to be few cases of direct state or party intervention in or censorship of human rights-oriented research projects. One is instead “supposed to know” what is tolerable and what is not (it is acceptable to be critical about the death penalty, but not of the repression of Falun Gong, the state may be described as cruel, but not the Party, etc.). The most radical and direct consequence of “going too far” is reported to be that researchers are prevented from publishing their research results through the regular channels. Besides direct interventions, there are of course more subtle ways by which the state and party seeks to direct and influence academic research and training, for example blocking promotions, denying research grants, etc.

## 2.3 RWI Academic Component and Research Direction

Since 1996, Sida has supported Human Rights-related activities in China through the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), an independent academic institution at Lund University, Sweden, dedicated to the promotion of human rights through research, training and education.

Between 1996 and 2000, RWI organised training courses in China for high-level officials in the justice administration, police, prison service, prosecution, and the judiciary. At the same time, exchange and cooperation with academic institutions developed. Since 2000, RWI’s programme in China has focused on cooperation with Chinese law schools and the Procuracy (essentially prosecution service). Since 2001, all RWI activities in China are coordinated by its Beijing field office.

Among the Sida-financed projects implemented by RWI is a three and a half year (2004–2007) human rights capacity building programme. *The overall objective* of this programme, which consists of about 20 different projects with a total cost of SEK 35,000,000) is to contribute to increased respect for human rights in China. The programme consists of three components:

- academic sector (“Academic Component”)
- justice sector
- non-governmental legal aid centres and social organisations

The Academic Component of the programme was the first foreign initiative to be accepted for systematically developing human rights teaching and research in China. The Component seeks to strengthen education in international human rights law at law schools throughout China by means of capacity building through teachers’ training (workshops), research promotion and literature acquisition support to documentation centres.

The establishment of a Masters Programme has been another important step in institutionalising human rights education in China and in broadening the resource base. The idea of a Master Programme within the field of human rights had been discussed with Chinese partners since the late 1990s. In the following years, RWI entered into more focused discussions with a few universities that could be interested in such a programme. At the 1999 “Academic Meeting on Human Rights in China” (in which all the Nordic HR institutions participated) there was a consensus that a more systematic approach to HR teaching, comprising something similar to a Masters Programme, was necessary. In 2002, RWI invited universities from different parts of the country to formulate a project proposal (essentially a bid) for a 2 year programme. Only the Peking University Law School submitted a proposal. After preparations in 2003, an interdisciplinary three-semester “Research Direction in Human Rights” was launched within the International Law Programme.

In the first year, there were about 70 applicants for 20 positions. The applicants were interviewed and selected on basis of their “motivation” as well as English language skills. Included in the package is that students receive a scholarship of Y 5000 and that the top five get a chance to study in Lund for 1–2 months. These factors provide a strong incentive for applying. The first group graduated in June 2006. So far 40 students have graduated. At the end of this project period (2004–2007) altogether 60 students will have graduated.

Initially, RWI had the intention to promote a formal Masters in Human Rights. However, this was (and still is) perceived by local stakeholders as being too politically sensitive. There were also arguments that students applying for positions within government could be at a disadvantage with a degree in Human Rights, e.g. difficulties for the students to find a job. Instead it was decided that the students should pursue their studies as a Research Direction in Human Rights (which, unlike a Masters programme, can be established by the University) and be awarded a certificate upon completion. According to the Research Centre, the Research Direction option also makes it possible to select/include a higher number of students than would be the case in a Master programme. From a student perspective, this decision has some important consequences, among them that they are denied an important formal proof of merit when applying for positions internationally or outside of the government in China. Most students are also of the opinion that the “danger” involved in holding a formal Masters degree in HR when applying for government positions should not be exaggerated. The RWI and PULS too seem to be of the opinion that when the “moment is ripe” the Research Direction should be transformed into a full-fledged Masters Degree programme. Hence, it is *recommended* that the Centre, PULS and RWI for the coming project period analyse the possibilities to transform the Research Direction into a Master Programme.

## 2.4 Other Donors

The Sida/RWI support to the Research Direction cannot be meaningfully described or assessed without considering the greater donor and stakeholder context. Among the most active bilateral actors are Germany, Great Britain, Norway, Denmark, Canada and the United States. There are also a number of national but independent foundations active in this area, among them the Ford Foundation (US), Konrad Adenauer Stiftung (Germany), and Friedrich Ebert Stiftung (Germany).

An increasingly important player within the field of human rights is the European Commission (EC). In the coming year, it will launch a Euro 18.2 million programme to create a Europe-China School of Law. The purpose of the programme is to improve the knowledge, skills and performance of Chinese lawyers, judges, prosecutors and magistrates in European and international law. Moreover, it aims to establish lasting links between Chinese and European legal professionals. The Law School will be established in the premises of one of China’s top law schools.<sup>5</sup> Notably, the Ministry of Justice has explicitly asked the EC to include human rights aspects in the programme. This large programme could, depending on its final design, change the climate of the dialogue between different actors working within this field of human rights.

Despite the large number of donor organisations contributing to legal, judicial and HR projects in China, there is only limited coordination and cooperation between these. Since co-operation in this area is becoming a “business”, there is risk for overlapping and competition, or that different donors finance the same activities. For this reason, the EC has started to organise topical donor coordination meeting every three months. Another purpose of these meeting is to promote a constructive discussion about common problems and possible solutions.

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<sup>5</sup> The call for proposals for consortia of Chinese and European academic institutions will be launched by the European Commission during April and the project could start in 2008.

Sweden has decided to detach its human rights support from the regular foreign policy and channel the lion part of the Sida funds allocated to this area through an independent organisation, the RWI. By contrast, many other countries considered the human rights support so sensitive that close management and monitoring by the embassy is motivated.

## 3 Programme Governance and Indicators

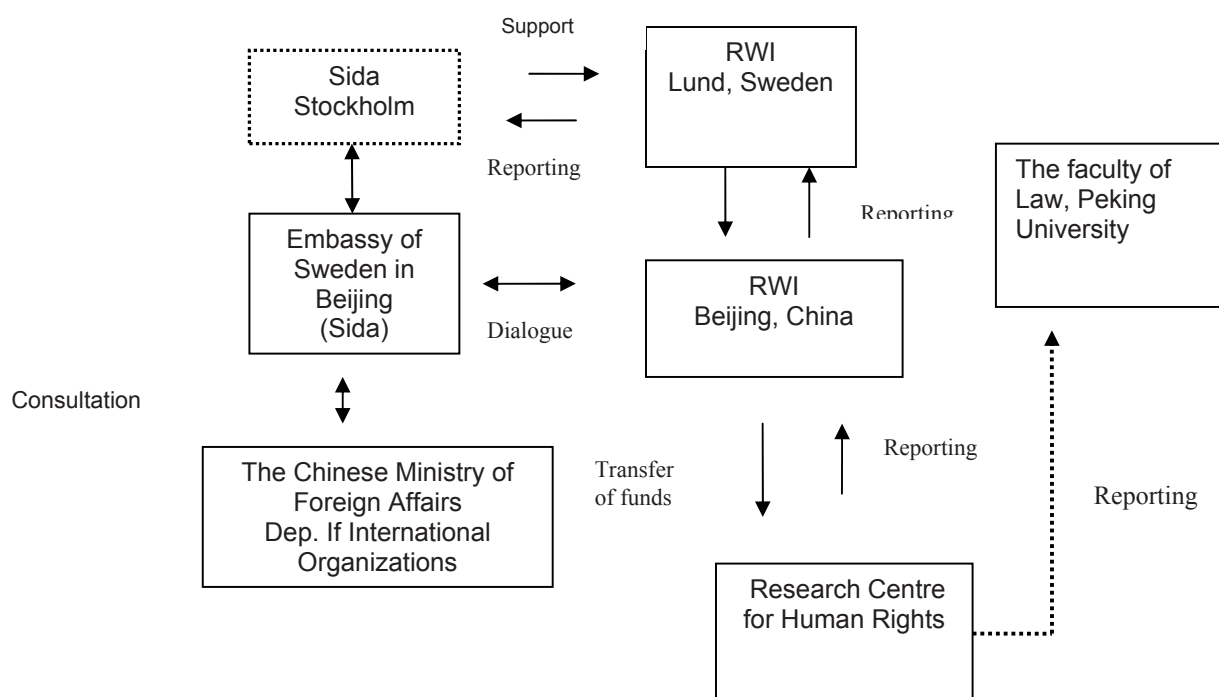
### 3.1 Organisational Structure

The key actors in the programme are the Research Centre for Human Rights at the Peking University School of Law, the RWI field office in Beijing, and the RWI in Lund.

According to the agreement with Sida, Stockholm, the RWI Head Office in Lund receives and disburses the funds, and compiles and submits reports to Sida. At the RWI Beijing office, there are a Head of Office (currently acting) and two local programme officers. The RWI office manages about 15 different projects within the RWI programme. The actual tasks of the RWI field office is mainly to support, follow up, and disburse funds to partner organisations, as well as to report to the Head Office in Lund. The RWI also motivates its field office with the need to identify and maintain a network of key individuals and institutions in the field of human rights.

At Peking University there are a Program Director, a Programme Co-ordinator, and two Student Assistants.

The organisation of the RWI support to the Academic Component and Research Direction is illustrated in the figure below:



There appear to be differences in expectations between RWI Lund, RWI Beijing, and the Research Centre about where the responsibility for problem identification, policy formulation, activity design, and quality monitoring is or should be placed. There are also instances where ToRs, action plans, etc. appear to have been developed ad hoc. Many of these problems may stem from gaps and ambiguities in the governing programme instruments.

It is *recommended* that RWI compile all these policies, regulations and routines into a basic programme management instrument, for example a management handbook, clarifying roles and responsibilities. Such instrument would be of particular value for persons in temporary positions in the field office.

### 3.2 Objectives and Indicators

According to the agreement between PULS and RWI, the overall objective of the academic component of RWI programme in China “*is to contribute to strengthen human rights capacity within the academic sector*”

The more specific project objectives of the Research Direction are to:

1. establish a cadre of professionals skilled to work institutionally and individually for the promotion of human rights (based on international standards and principles)
2. improve the institutionalisation of human rights education in China
3. provide a model for similar initiatives at other universities

The accomplishment of these goals is seen as an “important step towards institutionalising human rights education at Chinese universities, a good foundation for other local human rights education activities and potential model for similar initiatives at other universities”.

We are of the opinion that the relationship between means and goals is often insufficiently or vaguely articulated in the programme documents. There is no systematic effort to describe what specific activities that will contribute to what specific goals and in what way accomplishment and failure to do so should be determined (indicators). For example, there is no clear operational definition what key concepts such as “institutionalisation, “establish a cadre of professionals” and provide a “role model” means within the framework of a Chinese university.

The explanation may be that the program documents quickly evolved as a result of a series of informal discussions between representatives of the RWI Beijing office and the Director and other personnel of PULS, and came to express what was politically possible and practically feasible at the time. Although there may have been recognition among some stakeholders that the problem analysis was fragmented, and the approach to programme design and activity formulation were ad hoc and sometimes supply driven, tools like the LFA could not be utilised in this embryonic and politically sensitive sector.<sup>6</sup>

That the Academic Component and Research Direction are not the fruits of a careful strategic or analytical process, but rather of what was politically possible at the time, makes it difficult to say whether the composition and support to the Research Direction is a strategically useful choice according to such an analysis.

It may be added that from a strict project formulation perspective, the RWI “solution” may be seen as preceding the problem analysis and goals formulation. Hence, the proposed solutions are rather similar to what RWI usually does within their field of competence, i.e. human rights training according to a certain formula.

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<sup>6</sup> For example, RWI appears not to have carried out a traditional context stakeholder and problem analysis. There tentative LFA-matrix attached to the project document is unclear which activities therein which are supposed to be conducive to which goals, and appears not to have been updated during the implementation of the programme.

In light of the observations referred above, it is *recommended* that RWI together with PULS either revise the activities and the strategy of the project or the objectives and indicators as they are formulated in the project document.<sup>7</sup>

In order to create a genuine ownership of the process, it is *recommended* that RWI arrange a *low key* strategic workshop including RWI, PULS, some former students and perhaps an external facilitator.<sup>8</sup> The objective would be to openly discuss relevance and feasibility of objectives and current activities in the project. It should be noted that a full fledged LFA workshop would not be advisable in the current Chinese political context. LFA is a potent instrument which reveals underlying conflict among key stakeholders, but used by “insensitive hands” in a political sensitive context it could create more problems than it would resolve.

Among the important tasks of the RWI field office in Beijing is to follow up and report the activities that are implemented by the partner organisations. This function is essentially performed by means of:

1. midterm reports “addressing the activities carried out, goal fulfilment and problems encountered
2. monthly meetings between RWI and PULS

In general, the coordination and communication between the Research Centre and RWI Beijing appears to work well. However, also in regard to reporting, the exact role and responsibility of the Centre is perceived as unclear. Further, that the Centre has not elaborated specific work plans makes follow-up activities difficult in general. The monthly meetings between PULS and RWI seem to be devoted essentially to administrative and practical matters regarding the implementation of the courses.

Another issue is that the reporting is often rather descriptive and lacking reflection and analysis. The indicators spelled out in the project document between are not simply known, let alone followed up on.

It is therefore *recommended* that RWI and the Research Centre identify realistically possible indicators for goal achievements, improves the discussion on substance matters (perhaps including establishing a forum for discussion on such matters), and arranges semi annual follow up meetings with representatives from RWI Beijing and Lund, the Research Centre, and Sida Beijing are also recommended to analyse the possibilities of including (or inviting) other key stakeholders such as the leadership of Peking University, other relevant academic institutions, and certain relevant government agencies to such fora.

### 3.3 Cost Efficiency

An intervention is considered optimally efficient “if its value is greater than the value of any alternative use of those resources”.<sup>9</sup> When dealing with topics such human rights it is difficult or impossible to say anything about the “real value” of an intervention, as the potential effects are often abstract and long-term.

There is nevertheless a widespread perception among many respondents that the Research Direction is rather costly (about SEK 1.5 million annually), given its scope and content. The cost for the Visiting Professor amounts to about 50–60% of the total programme budget.

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<sup>7</sup> Ideally, relevant indicators should be SMART, i.e. Specific Measurable, Approved by the project group, Realistic and Time-Bound. However, designing and using indicators of capacity development are often of a qualitative character and could not easily be transformed to quantitative measures. In these cases, the indicator should at least provide a an “idea of the amount of development”. (See manual for Capacity building, Sida (2005)

<sup>8</sup> LFA could be used in this endeavour, but it need to a applied politically and strategically sensitively

<sup>9</sup> “Looking Back Moving Forward: Sida Evaluation Manual”, 2004

In order to improve the cost-efficiency of the programme, we recommend:

- Closer integration with other programme component, notably the Training of Trainers element (teachers from other universities could for example be included in capacity-building activities at PULS, and bring back to their own institutions and regions new knowledge and skills)
- Allowing a greater number of students in the Research Direction and opening it for students from other universities
- That RWI together with Sida analyse and explore the conditions for cost-sharing with other donors (particularly the Nordic countries/institutes and EU)

## 4 Relevance of Programme and Activities

### 4.1 Assessment Framework

In this section we are assessing the relevance of the Academic Component, and particularly the Research Direction, from a broad perspective, i.e. is the intervention (programme) relevant in relation to Swedish development goals, programme objectives, as well as the needs and priorities of the target groups. We are also providing recommendations regarding adjustments that would increase the relevance of the programme.

The intrinsic difficulties in identifying outcomes and specifying indicators in the area of human rights raise the fundamental question whether it is possible to assess this type of human rights project in the same way as other more straightforward and less politically sensitive development projects. It should also be pointed out that the research direction rests on a number of rather speculative assumptions regarding cause and effect, and that it is still too early to assess its outcome, let alone its impact. Further, unlike Sida's International Training Programmes, where the participants are selected on basis of their ability to make a change, the students in the RD are only "potential change agents" in their future work position.<sup>10</sup>

At the same time, there are a number of factors suggesting the probability of positive long-term effects of the Research Direction, e.g.:

- The prestige of Peking University: Only the most talented students are admitted, and they tend to advance to positions of influence in Chinese society.
- The multidisciplinary approach of the RD facilitates the creation of networks and a multifunctional human rights community
- Many students continue to pursue academic scholarship. It is among Chinese academics that the field of HR is defined, and academics are regularly consulted when policy is formulated.
- The participation and support of foreign experts in the teaching means that students cultivate familiarity and linkages to other nations and cultures, thus contributing to the formation of a transnational human rights community.
- Students feel they become more motivated and emotionally involved in HR issues as a result of the RD.

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<sup>10</sup> Currently, only about 10 of the students from the programme have found an employment from where they would have possibility to "make a change" within the field of Human Rights. The majority of the students from the Research Direction are still students on Master or PhD level.

## 4.2 Topical and Methodological Orientation

The Research Direction is open for students of various disciplines, such as law, political science, journalism, education, and Marxism-Leninism. The majority has a background in social sciences (law being the most common), although there are a few with a background in the humanities (languages). The only formal requirement is a bachelor's degree.

The interdisciplinary approach has mixed blessings. It means that the teaching must be adapted to a body of students with very different knowledge and perspectives. It is a fairly consistent view among students and instructors that sometimes painful compromises in the orientation and style of teaching need to be made to accommodate for these disparities. There are also difficulties for the Centre in co-operating over faculty boundaries, for example in finding experts that understand and appreciate other perspectives, etc. Another problem is that an interdisciplinary approach is difficult to combine with the kind of topical "depth" that a research career in a traditional academic field or discipline typically requires. Further, many human rights specialists are of the opinion that human rights lawyers in particular are the most effective "agents of change" in advocating and implementing human rights improvements in China (the ratification of the ICCPR is expected to create a huge demand for lawyers versed in HR). These factors speak for a stronger topical focus in the Research Direction on Human Rights Law.

At the same time, the open nature of the Direction helps to ensure a sufficient number of applicants each year. It also facilitates the mainstreaming of HR in many areas of social life. It may further be doubted whether PULS (or any other Chinese academic institution) could currently provide the kind of in-depth (research-based) teaching that a Masters degree in Human Rights Law would require.

We consequently *recommend* that RWI/PULS/VP explore ways to:

1. Develop and expand the current three weeks introductory course in international law with a view to make it possible for all students to comprehend the legal/normative dimensions of the concept of HR, and to facilitate teaching and seminars at a higher/more advanced level, or
2. As an alternative strategy, prepare for establishing a Research Direction/Masters in International Human Rights Law specifically, catering primarily to students of law and political science, and that prepares the students for higher academic studies (Ph.D.) in this area.

An examination of the curriculum for the Research Direction and the syllabi for the various courses therein reveals a rather conventional combination of topics and approaches. The curriculum consists of the following courses:

1. Human Rights and the Rule of Law (compulsory)
2. International Mechanisms for Human Rights Protection (compulsory)
3. International Humanitarian Law (optional)
4. Series of Lectures in Human Rights Protection (compulsory)
5. Civil, Cultural, Economic, Political and Social Rights (compulsory)
6. Regional Protection of Human Rights (optional)
7. Minority Rights protection (optional)
8. Business and Human Rights (optional).

The exact content of the RD may vary from year to year depending on the availability of professors, student preferences, etc.

We consider the curriculum and topical orientation of the RD essentially relevant and appropriate, given the level of knowledge and background of the students, the human rights situation in China, and the political and material constraints under which the Centre operates.

With regard to gender as a topic of teaching and capacity building, it should be noted that gender issues are discussed in the framework of several courses, and that the rights of women are generally considered as a HR equal to other Human Rights.

At the same time, we think it is problematic that there are no clear framework and methodology for this work, and that the Chinese teachers are sometimes unclear about what purposes such instruments should fulfil. The situation is complicated further by the circumstance that Human Rights is considered a novel and somewhat sensitive topic. As a consequence, the Chinese teachers have proceeded with the task ad hoc, or expected to the Visiting Professor to take the lead. In the last semester, the Visiting Professor has made efforts to jointly develop model syllabi that could function as templates for all courses taught within the RD (underlining fundamentals such as course description, purpose of the course, teaching methods, readings, examination, etc.). If accepted and implemented throughout, this initiative will help students make careful choices between optional courses, understand the essence of the course, and prepare themselves for seminars and examinations.

There is a strong wish among students that the Research Direction should be more focused on Chinese conditions and problems (see the discussion about the “theoretical domestic approach” and the “normative international approach” above). The students are also of the opinion that the teaching is too abstract, and should be more problem-oriented and practical. While Human Rights are by definition universal or international, we agree that the ability to relate these international concepts and standards to current Chinese conditions and to effectively address existing problems is critical for the relevance and impact of the Research Direction. These topical and methodological matters could be addressed at the stage of curricula and syllabi development.

Curricula and syllabi development would also be a means to make the teaching “research based”. Masters-level courses in particular are supposed to prepare students for higher studies (*Ph.D. etc.*). However, curriculum development is not sufficient in this respect. It appears that most students and some teachers have a rather vague idea of what constitutes academic research, what purposes it serves, by which standards it is assessed, etc. Many students also feel unprepared (uncomfortable) to write the kind of individual research papers that are required as part of the RD, let alone to produce academic texts for publication.

We consequently *recommend* that RWI/Centre/VP:

- Continue the work of the current Visiting professor to actively and systematically assist in developing (model) curricula and syllabi, comprising detailed and easily understandable descriptions of purpose, course content, learning outcomes, teaching methods, and readings. Even basic concepts like “seminar” or “case” may need to be explained.
- Explore ways to make the Research Direction more China-oriented
- Introduce more of problem- and case-based teaching, for example by jointly developing a pilot case course or course module where students work in multifunctional teams (lawyers, journalists, political scientists, etc) to formulate multi-tiered strategies to address concrete HR-problems (for example, migrant labour, administrative detention, death penalty). If this option proves feasible and attractive at PULS, it could later be expanded to other universities, thus expanding the reach of the Academic Component beyond Beijing.

- show ways to utilise the competence of practitioners in different in the teaching, i.a. media, the diplomatic and development community, civil society, and law enforcement
- introduce elements of career advise and coaching (international and national career options and paths) wishing to make a career in some aspect of HR
- introduce project management training
- introduce a course or “stream” in the RD focusing on concepts and techniques for research and human rights, and for the publication, communication and dissemination of research results.

### 4.3 Core Staff and Competences

Within the framework of the Research Direction, RWI has contracted “guest lecturers” or “visiting professors” on mid- and long-term basis to teach and promote capacity-building at the Research Centre. So far the programme has had 3 visiting professors staying in Beijing from 2 months to 3 semesters.

The cost for the visiting professor amounts to about 50–60% of the total programme budget. How the resource the visiting professor represents is utilised is therefore crucial for the effectiveness and efficiency of the programme.

The vagueness of the initial ToR, differences in orientation and energy level between the VPs, and other formal and informal factors has resulted in great variations in what work these persons have performed. However, our general impression is that the VP has often been an under-utilized resource (the teaching requirement is only 4 hours/week), particularly in regard policy formulation and capacity-building.

At the same time, we have noted the significant improvements made under the tenure of the current Visiting Professor, for example in regard to support to curriculum and syllabi development, in coaching and mentoring of Centre staff, and other important matters. However, although these measures have been highly appreciated by the staff of the Centre, it has been difficult to integrate the development into the ordinary PULS and Peking University policies, administrative routines and work-plans.

We therefore *recommend* that:

- His/her ToR should be clarified/expanded to underline the responsibility to continuously develop the Research Direction to answer to changing political and economic conditions
- The capacity-building function of the VP is elaborated and emphasised
- The VP is tasked to design and implement programme-common activities, particularly with the Training of Trainers Component
- The Centre promote a further integration (alignment) of programme components in regular PULS and Peking University’s policies, administrative routines and work-plans
- The VP joins with the RWI and Centre in outreach to other Chinese universities and institutions

The effective utilization of the VP for these objectives presupposes a carefully articulated policy for recruitment. It is problematic that the RWI and PULS have not clearly specified what competences are required and how suitable candidates should be identified and assessed.

We therefore *recommend* that the RWI and the Research Centre:

- Elaborate a recruitment policy and ToR/works description that specify skills, tasks, responsibilities, etc. of acting and potential VPs, and continuously revise these instruments to accommodate for changing needs and priorities.
- Pay particular attention to explaining what is expected in terms of institutional capacity building, and pay close attention to ensuring that new VPs, in addition to their academic qualifications, possess a good concept of management and capacity building.

As a means to these ends, we also recommended that RWI and the Research Centre:

- Carry out an analysis in order to identify and pin-point the gaps between what the RWI and Centre want to do (the project goals) and what the RWI and Centre are actually able of doing with its current organization, financial resources, staff, and time frames. This gap analysis will help to determine the areas where RWI and PULS need to enhance its own capacity.

#### **4.4 Relationship to Other Program Components**

The support to the Research Direction at Peking University is one of seven projects in the Academic Component of the RWI-implemented HR support in China. The others are:

1. Teachers training for university teachers
2. Sino-Nordic Human Rights Education Resource Group: production/translation/publication of training materials
3. Library support: Literature acquisition and training librarians
4. Research co-operation on human rights and administration of justice
5. Conferences on national human rights institutions
6. Institutional support: course development and implementation (not at PULS)

Some of these activities are implemented in co-operation with partner institutions, such as the Danish Centre for Human Rights and the Norwegian Centre for Human Rights.

While the Academic Component seems to have been designed to facilitate a programmatic approach to planning and implementation, in which the various projects should support and reinforce each other to a common end, the real degree of co-operation and synergism has been limited. It appears that lack of a common strategic vision, differences in planning format and implementation modalities (some projects are “Nordic” and some “Swedish”), real or perceived inter-institutional rivalry between Peking University and the other institutions, and philosophical conflicts between purely academic and technical (capacity building) pursuits, have rendered the programmatic approach to rhetoric.

At the same time, it is apparent that better utilisation of topical and functional linkages between the Research Direction and the Teachers Training components would make the support more effective, efficient and sustainable. Many activities are interlinked and mutually reinforcing, and already now cater to the same group of people. Bringing the Training of Teachers closer to the RD would also be a means strengthen the capacity-building dimension of the RD and to ensure that stakeholders outside Peking University come to benefit from the project.

We consequently *recommend* that RWI/Centre/VP consider:

- Creating more common activities and synergism between the RD and ToT.
- Focusing more on developing and introducing new (problem/case-oriented) teaching methods in the Research Direction and Training of Trainers, and “opening” activities to this end to teachers and researchers from other universities and regions.
- Eventually merging the Research Direction and the Training of Trainers components.

## 5 Ownership and Sustainability

That an intervention leads to sustainable results is a fundamental criterion of good development practice. Sustainability is closely related to issues of ownership, and ownership, in turn, is very much linked to the capacity to exercise it. In the context of this programme, greater preparedness of the Chinese authorities to assume the financial responsibility of programme components would be a strong indicator of ownership and sustainability. The Programme documents also envisage that PULS will assume “gradually increased responsibility for aspects of the programme, including teaching management of the programme and fundraising” (p. 4).

It may be argued that the idea of local ownership was compromised already at the inception of the programme, and that since, there have been only feeble and limited attempts to transfer core functions and capacities from the RWI to the Research Centre. Furthermore, there are little palpable proof of a Chinese ambition to assume these functions and the costs they entail. It should nevertheless be noted that PULS has indicated that it may consider to pay for the housing of the visiting professor, to pay for the salary for a foreign VP would, according to PULS, simply be too costly<sup>11</sup>

While these factors indicate lack of ownership and sustainability, the proposed changes of the programme (transferring policy functions from the RWI to the Centre/VP, greater emphasis on capacity-building, more effective utilization of the resources of the Visiting Professor, etc.) are in part designed to remedy this problem. Moreover, it is recommended that Research Direction become more aligned to the objectives and activities with the University’s own strategic plans and policies, and inclusion of HR in the regular Law curriculum.

At the same time, the lack of strong incentives for the PU/Centre to take on the financial responsibility for the embryonic and politically sensitive topic of HR makes it necessary to insist on the development of a plan for the transfer of functional and financial responsibilities from the RWI to the PU/Centre.

As means to ensure a greater degree of local ownership and provide for sustainable results, we therefore *recommend*:

- That any new programme governance instrument include provisions about timelines for the reminder of the support, and makes it an obligation for RWI and Centre to elaborate an “exit strategy”, outlining when and in what form key project functions, responsibilities and budgetary requirements, should be assumed by PULS/Centre and be integrated into its regular routines and curricula.

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<sup>11</sup> It should be noted that PULS is currently financing a VP from South-Korean teaching at another Master programme within the faculty. However, the monthly salary for this VP is about SEK 7000 which approximately is on the same level as the Chinese professors at the Peking University. The salary for any European VP would naturally be much higher.

- That the Visiting Professor further emphasises the building of teaching/research management capacity with PU/Research Centre, with a view to facilitate a smooth and expedient transfer of policy, management and budgetary functions
- That the Visiting Professor pays increased attention to the Training of Trainers (in substantive HR, teaching methodology, etc), if necessary at the expense of the actual teaching of students, in order to ensure the presence a sustainable local capacity to continuously train and re-train.

# Annex 1 Terms of Reference

*Review of selected components of Sida's support to the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, RWI on Human Rights Capacity Building programme in China July 2004–December 2007*

## 1. Background

Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent academic institution, established in 1984 and based at Lund University in Sweden, dedicated to the promotion of human rights through research, training and education.

Sida has supported awareness raising in human rights in China through RWI since 1996. A series of seminars were then launched with the aim of strengthening the awareness of the international system for the promotion and protection of human rights within different public authorities and academic institutions. Between 1996 and 2000, training courses were held for high-level representatives mainly from the field of administration of justice, such as the police, the prison service, the prosecution services and the judiciary. At the same time, exchange and cooperation with academic institutions developed. Since 2000, RWI's programme in China has focused on cooperation with Chinese law schools and the procuratorate. The programme has since 2001 been coordinated by a RWI field office, based in Beijing.

Sida commissioned an independent review and follow-up of the 2001–2003 China programme during fall 2003. The review found that the project in cooperation with the justice sector had been pioneering work, both in terms of the target group, the project methodology and in its explicit objective to contribute to an increased respect for human rights. The review furthermore found the activities in cooperation with Chinese academic institutions to be the first foreign programme to work in a sustained way to develop human rights teaching and research.

Currently, RWI is implementing a three and a half year (2004–2007) human rights capacity building programme in China, with financial support from Sida. *The overall objective* of the programme is to contribute to increased respect for human rights in China. The programme consists of three components: the academic sector, the justice sector, and non-governmental legal aid centres and social organisations. The objectives of the components under the Programme are, respectively, a) to contribute to strengthened human rights capacity within the academic sector, b) to an increased respect for human rights in the administration of justice and c) to strengthened human rights protection of vulnerable and disadvantaged groups.

The cooperation with academic institutions seeks to strengthen education in international human rights law at Chinese law schools, by focusing on capacity building through teachers' training, research promotion and literature support to documentation centres. Establishment of a master programme has been a long-term goal of RWI's academic activities in China and is seen as an important step towards institutionalising human rights education in China, as well as a good foundation for other local human rights education initiatives. With preparations being carried out during 2003, a three-semester Research Direction in Human Rights for master students was launched at Peking University in February 2004 (hereinafter referred to as the Research Direction).

The total cost of the Human Rights Capacity Building programme in China 2004–2007 is SEK 35,000,000.

## **2. The Purpose of the Review**

The review, together with other documentations and considerations, is expected to provide information and lessons learnt in order to serve as a basis for decision on possible future support as the current agreement on RWI's Human Rights Capacity Building programme in China is coming to an end in December 2007.

It is expected that the review will contribute to choices, both for Sida and RWI, regarding contents and methodology in the design of any future support to RWI programmes in China.

## **3. The Assignment – Aspects to be Evaluated**

The review should determine whether the objectives of selected parts of the component dealing with capacity building within academic institutions (“the academic component”) of the RWI China programme have been accomplished, and have had any impact, project platform wise or strategically, and whether results are sustainable. The review shall focus on the Research Direction in Human Rights for Master Students at Peking University (“the Research Direction”) The review should also analyse whether the support to the Research Direction has been well managed and efficient regarding achievements and the use of resources.

### **The Research Direction in Human Rights for Master Students:**

- Is it relevant to support the Research Direction given the already identified difficulties (for instance, the limited display of Chinese responsibility to share costs and take over the programme)? How relevant is the support to the Research Direction from the point of view of the Swedish development cooperation and the Swedish foreign policy? How relevant is the support from the point of view of Peking University / Chinese government? Has a problem analysis regarding human rights teaching at Chinese universities been done by RWI and in that case, is the composition and support to the Research Direction considered to be a strategically useful choice according to such an analysis? Has an analysis regarding the activities of other donors in this context been done?
- What is the impact of the RWI support on the Research Direction in Human Rights at Peking University? To what extent has the support contributed to capacity development and the strengthening of human rights teaching? To what extent can identified changes be attributed to the support?
- Is the Research Direction effective in content and method/model in the Chinese context, as a means of strengthening human rights education at Chinese universities? Has the Research Direction component achieved its objectives as set out in the programme document? What are the reasons for the achievement or non-achievement of objectives? What is considered to be a reasonable level of goal fulfillment and results given the financial inputs and the environment in China regarding human rights issues?
- To what extent is the Research Direction supported by Peking University and / or other relevant Chinese institutions? How does local ownership look and how can it be enhanced? To what extent did partner country stakeholders participate in the planning and implementation of the RWI support? Do partners have the financial and institutional capacity to maintain the benefits from the intervention when donor support has been withdrawn? Explore the possible incentives for the University to maintain the Research Direction when external financing has been withdrawn?
- Has the Research Direction been managed with reasonable regard for efficiency? Has the support to the Research Direction been organised well, in terms of administration and technical assistance? What measures have been taken during planning and implementation to ensure that resources are efficiently used? Could the support have been implemented with fewer resources without reducing

the quality and quantity of the results? Could more of the same result have been produced with the same resources? Was the intervention economically worthwhile, given the results and / or impacts?

**The Research Direction and its connections with the other parts of the academic component:**

- How has RWI managed to link the different parts of the academic component of the RWI China programme? Does the academic component have a programme approach or is it built up as separate and independent parts? Which are the pros and cons regarding having a very broad academic component with several different parts/projects? What synergies can be seen between the different parts of the academic component? In general, has RWI ensured synergy and mutual reinforcement between the different programme components through links and consultations between the distinct projects and project partners?

**Gender perspective and gender issues of the academic component:**

- How has RWI dealt with and incorporated gender perspectives and issues in the academic component? Has RWI dealt with any aspects of gender issues in the academic component? If yes – how? If more or less or not – how could RWI increase its gender focus in the programme?

**Human Rights consultations:**

- What linkage is maintained between the RWI and the Swedish Embassy / Ministry of Foreign Affairs related to the Human Rights consultations between Sweden and China? How does RWI contribute to the human rights consultations? What role has / should have RWI in these consultations? Would these consultations be possible without the RWI programme? Could / should the consultations be carried through in another way? What is / should be the objectives of the consultations?

**2010 and beyond:**

- The Swedish bilateral development co-operation with China will be phased out until 2010, but some exceptions might be given, for instance within the human rights area. Given the political decisions regarding the Swedish co-operation with China, and the on-going RWI programme (also with its connections to the human rights consultations), what should be the planning strategy of RWI 2008-2010? Should it plan and act as if the programme will continue after 2010, and in that case with what focus? Or should RWI try to consolidate and phase out the work? How should other relevant Swedish actors, some already with links to the RWI programme, take part in this planning process?

All analysis should be based on the overall objectives of the Swedish development co-operation as presented in PGD and Perspectives on Poverty.

## **4. Methodology**

### **a. General orientations**

The review should be carried out on a programme level, focusing on the coherence, relevance and achievements of the programme, with special emphasis on the issues raised above under article 3. In order to carry out the evaluation the consultants should:

- Assess reports and other relevant documentation
- Interview different stakeholders – staff, as well as beneficiaries - that have been involved in the programme at different times (including staff at Sida, the Embassy in Beijing and RWI)
- Interview academic institutions, donors and other actors that are considered to be relevant for the findings of the review.

## **b. Information sources**

### *Written Sources*

- Programme and project documents
- Decision Memoranda
- Programme and Project Reports/studies
- Co-operation Strategy for the Swedish Development Co-operation with China 2001-2005 and 2006–2010
- Any other material of relevance

### *Persons to be interviewed*

- Involved staff at Peking University and other relevant actors involved in the programme
- Current and former students of the Masters programme at Peking University
- Sida staff in Stockholm (DESA and Asia-Mena) and at the Swedish Embassy in Beijing
- RWI staff in Beijing and in Lund
- University representatives not involved in the programme
- Other donors active in the field of human rights training and education in China

## **c. Alternative approaches**

Sida would welcome any alternative suggestions that the consultant might present in the tender document on approaches and methods to be applied in performing the assignment.

## **5. The Review Team, Requirements and Qualifications**

The assignment is proposed to be carried out by a team of two consultants – one with special knowledge of situation in China. The team leader must have experience in evaluation of development projects and specific knowledge of development co-operation within the area of Human Rights.

The team competence requirements must include

- Good knowledge in Swedish development co-operation objectives and methods
- Good knowledge in Human Rights, preferably the legal sector
- Good knowledge in capacity building and institutional development
- Good knowledge regarding Human Rights education programmes, including in an academic setting
- Good knowledge in the political and social situation in China, including the human rights situation
- Fluency in English (read and write)
- It would be preferable if one of the consultants would have knowledge in the Chinese language

## **6. Reporting and Time Schedule**

The work should be carried out during a maximum of 5 weeks during March – April 2007, including fieldwork in China. The review report shall be written in English and should not exceed 20 pages,

excluding annexes. The report should be of an analytical character and include recommendations for future Swedish development co-operation within the area of Human Rights in China.

A Draft Report shall be submitted to Sida electronically and in paper no later than x 2007. The Swedish Embassy in Beijing, Sida and RWI shall have a maximum of two weeks for submitting written comments to the draft report. The Final Report shall be presented to Sida in 3 printed copies as well as an electronic version. Subject to decision by Sida, the report may be published and distributed as a publication within the Sida Evaluation series. The report shall be written in 6.0 for Windows (or in compatible format) and be presented in a way that enables publication without further editing.

## Annex 2 Persons Met

### **Sida and Swedish Ministry of Foreign Affairs**

Cecilia Bruhn, Programme Officer, Sida/Desa

Åsa Hedén, Programme Officer, Sida/Asien

Mattias Lentz, Minister, Embassy of Sweden, Beijing

Mikael, Lindström, Ambassador of Sweden, Embassy of Sweden, Beijing

Börje Ljunggren, former Ambassador of Sweden, Embassy of Sweden, Beijing

Helena Reitberger, Second Secretary, Embassy of Sweden, Beijing

Annika Siwertz, Head of Development Co-operation, Embassy of Sweden, Beijing

### **Raoul Wallenberg Institute**

Joshua Bird, Acting Head of RWI Beijing Office

Johannes Eile, Head, Division of International Programme, RWI

Jonas Grimheden, RWI Senior Researcher

Mikael Johansson, RWI Senior Researcher

Malin Oud, Head of RWI Beijing Office

Rolf Ring, RWI Assistant Director

Wang Xin, RWI Programme officer

Chen Ting Ting, Programme assistant

### **PULS Research Centre for Human Rights**

Bai Guimei, PULS Professor of Law and Director of the Human Rights Research Centre

Gong Renren, Director of the Research Centre for Human Rights

Li Hongyuan, professor and teacher

Yang Yumin, programme coordinator

Per Sevastik, Visiting Professor, University of

Focus group interviews with 23 students and former students of the Research Direction

### **Others**

Job van den Berg, First secretary, Embassy of the Netherlands

Lou Ya, former student currently programme assistant, Embassy of the Netherlands

Maria Rosa Sabbatelli, Attaché, Development cooperation, Delegation of the European Commission

Marina Svensson, Director of Studies, Centre for East and Southeast Asian Studies, Lund University

Sun Shiyan, Professor of International Law at Centre for International Law Studies (CASS)

Otto Malmgren, Senior Programme officer, Norwegian Centre for Human Rights (NCHR)

Dong Zhinhua, Division Director, Department of International Organisations& Conferences, Ministry of Foreign Affairs

Titi Liu, programme director, Ford Foundation

Ben Wenzhan, Deputy Director Institute of Human Rights and Humanitarian Law, CUPL

## Annex 3 Questionnaire to Students

The Swedish Development Agency (Sida, the financier of the programme) has commissioned the Institute of Public Management to carry out a review of the research direction of human rights at Peking University with the overall intention to enhance the efficiency of the programme.

For that purpose we have talked to several stakeholders within this project e.g. Sida and the Swedish Embassy in Beijing, Raoul Wallenberg Institute (RWI), university staff, visiting professors, other universities in Beijing, international actors and most importantly some of the students of the programme.

In order to help us developing the programme further, we would very much appreciate if you could answer the following questions. This brief survey will in fact be our most important source of information. Please note that your response will be depersonalised and treated with confidence?

Please answer directly in this e-mail message, not later than March 27, 2007

Kind Regards

*Joakim Anger*

*Consultant from Institute of Public Management  
and team-leader of the mission*

1. Did you participate in the discussions/interviews at Peking University at 9–10 of March?
2. What is your major?
3. What year did you graduate?
4. Briefly explain why did you apply for the research direction for human rights?
5. What are you currently doing?
6. Have the training programme (human rights) helped you to get to the position that you have today?
7. If administratively possible, would you like the programme to change into a real Master degree? If yes why? If not, why?
8. In your opinion, how could the programme be improved to make you more efficient in your current position/work?
9. In what position do you see yourself (what would you like to do) in 5–10 years?
10. Do you hope to study and work abroad or in China?

# Annex 4 Recommendations Assembled

## Overall Recommendations

To ensure relevance, effectiveness and a sufficient degree of local ownership in a changing political and legal environment, we recommend the RWI to emphasise

- The building of local capacity
- The integration (alignment) of programme components in regular PULS work-plans
- Making more effective use of available resources, notably the Visiting Professor

## Specific Recommendations

### We recommend

1. that RWI compile all these policies, regulations and routines into a basic programme management instrument, for example a management handbook, clarifying roles and responsibilities. Such instrument would be of particular value for persons in temporary positions in the field office.
2. that RWI together with PULS either revise the activities and the strategy of the project or the objectives and indicators as they are formulated in the project document.
3. that RWI arrange a low key strategic workshop including RWI, PULS, some former students and perhaps an external facilitator. The objective would be to openly discuss relevance and feasibility of objectives and current activities in the project.
4. that RWI and the Research Centre carry out an analysis in order to identify and pin-point the gaps between what the RWI and Centre want to do (the project goals) and what the RWI and Centre are actually able of doing with its current organization, financial resources, staff, and time frames. This gap analysis will help to determine the areas where RWI and PULS need to enhance its own capacity.
5. that the Centre, PULS and RWI for the coming project period analyse the possibilities to transform the Research Direction into a Master Programme.
6. that RWI and the Research Centre identify realistically possible indicators for goal achievements, improves the discussion on substance matters (perhaps including establishing a forum for discussion on such matters), and arranges semi annual follow up meetings with representatives from RWI Beijing and Lund, the Research Centre, and Sida Beijing.
7. that RWI and PULS analyse the possibilities of including (or inviting) other key stakeholders such as the leadership of Peking University, other relevant academic institutions, and certain relevant government agencies to such fora.
8. that RWI work for a Closer integration with other programme component, notably the Training of Trainers element (teachers from other universities could for example be included in capacity-building activities at PULS, and bring back to their own institutions and regions new knowledge and skills)
9. that PULS allows a greater number of students in the Research Direction and opening it for students from other universities

10. That RWI together with Sida analyse and explore the conditions for cost-sharing with other donors (particularly the Nordic countries/institutes and EU)
11. that RWI/PULS/VP explore ways to Develop and expand the current three weeks introductory course in international law with a view to make it possible for all students to comprehend the legal/normative dimensions of the concept of HR, and to facilitate teaching and seminars at a higher/more advanced level, or as an alternative strategy, prepare for establishing a Research Direction/Masters in International Human Rights Law specifically, catering primarily to students of law and political science, and that prepares the students for higher academic studies (Ph.D.) in this area.
12. that RWI/Centre/VP continue the work of the current Visiting professor to actively and systematically assist in developing (model) curricula and syllabi, comprising detailed and easily understandable descriptions of purpose, course content, learning outcomes, teaching methods, and readings. Even basic concepts like “seminar” or “case” may need to be explained.
13. that RWI/Centre/VP explore ways to make the Research Direction more China-oriented
14. that RWI/Centre/VP introduce more of problem- and case-based teaching, for example by jointly developing a pilot case course or course module where students work in multifunctional teams (lawyers, journalists, political scientists, etc) to formulate multi-tiered strategies to address concrete HR-problems (for example, migrant labour, administrative detention, death penalty). If this option proves feasible and attractive at PULS, it could later be expanded to other universities, thus expanding the reach of the Academic Component beyond Beijing.
15. that RWI/Centre/VP show ways to utilise the competence of practitioners in different in the teaching, i.a. media, the diplomatic and development community, civil society, and law enforcement
16. that RWI/Centre/VP introduce elements of career advise and coaching (international and national career options and paths) wishing to make a career in some aspect of HR
17. that RWI/Centre/VP introduce project management training
18. that RWI/Centre/VP introduce a course or “stream” in the RD focusing on concepts and techniques for research and human rights, and for the publication, communication and dissemination of research results.
19. that RWI clarify and expand the Terms of References for the Visiting professor to underline the responsibility to continuously develop the Research Direction to answer to changing political and economic conditions and that the capacity-building function of the VP is elaborated and emphasised.
20. that the VP joins with the RWI and Centre in outreach to other Chinese universities and institutions
21. that RWI and the Research Centre elaborate a recruitment policy and ToR/works description that specify skills, tasks, responsibilities, etc. of acting and potential VPs, and continuously revise these instruments to accommodate for changing needs and priorities.
22. that RWI pay particular attention to explaining what is expected in terms of institutional capacity building, and pay close attention to ensuring that new VPs, in addition to their academic qualifications, possess a good concept of management and capacity building.
23. that RWI/Centre/VP consider to focusing more on developing and introducing new (problem/case-oriented) teaching methods in the Research Direction and Training of Trainers, and “opening” activities to this end to teachers and researchers from other universities and regions.

- 24.that RWI/Centre/VP create more common activities and synergism between the Research Direction and Training of Trainers and consider to eventually merge the Research Direction and the Training of Trainers components.
- 25.that any new programme governance instrument include provisions about timelines for the reminder of the support, and makes it an obligation for RWI and Centre to elaborate an “exit strategy”, outlining when and in what form key project functions, responsibilities and budgetary requirements, should be assumed by PULS/Centre and be integrated into its regular routines and curricula.
- 26.that Visiting Professor further emphasises the building of teaching/research management capacity with PU/Research Centre, with a view to facilitate a smooth and expedient transfer of policy, management and budgetary functions
- 27.that the Visiting Professor pays increased attention to the Training of Trainers (in substantive HR, teaching methodology, etc), if necessary at the expense of the actual teaching of students, in order to ensure the presence a sustainable local capacity to continuously train and re-train.

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