



2012:25

Sida Decentralised Evaluation

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Evaluation of the Raoul Wallenberg Institute's regional programme "Building Human Rights Knowledge and Resources in the Middle East and North Africa"

Final Report

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September 2012**

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The views and interpretations expressed in this report are the authors' and do not necessarily reflect those of the Swedish International Development Cooperation Agency, Sida.

Sida Decentralised Evaluation 2012:25

Commissioned by the Embassy of Sweden in Egypt

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Date of final report: September 2012

Published by Citat 2012

Art. no. Sida61548en

urn:nbn:se:sida-61548en

This publication can be downloaded from: <http://www.sida.se/publications>

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Abbreviations and Acronyms

AAHRN	Arab Academic Human Rights Network
ACHRS	Amman Centre for Human Rights Studies
CSO	Civil society organisation
EU	European Union
FIDH	International Federation for Human Rights
HR	Human rights
ICJ	International Commission of Jurists
ILAC	International Legal Assistance consortium
ITP	International Training Program
JTA	Judicial Training Academy
MENA	Middle East and North Africa
M&E	Monitoring and Evaluation
NCJS	National Centre for Judicial Studies (Egypt)
NHRI	National Human Rights Institution
NWG	National Working Group
OHCHR	Office of the High Commissioner of Human Rights
OPT	Occupied Palestinian Territory
RWI	Raoul Wallenberg Institute
SEK	Swedish Crowns
Sida	Swedish International Development Cooperation Agency
ToT	Training of Trainer
UN	United Nations
UNDP	United Nations Development Program
UNDEF	United Nations Democracy Fund
UNOPS	United Nations Office for Project Services
UPR	Universal periodic Review
USAID	United States Development Agency
USG	United States Government

Preface

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) has been active in the MENA region since 1999, and currently implements a regional programme “Building Human Rights Knowledge and Resources in the Middle East and North Africa”, which is funded by the Swedish International Development Cooperation Agency (Sida).

The Embassy of Sweden in Egypt commissioned an evaluation of the programme which was undertaken by Indevelop in cooperation with Channel Research, through Sida’s framework agreement for reviews and evaluations. The evaluation was an ex-post evaluation of the programme to identify the extent to which it has contributed to its intended results, and also if it has contributed to the goals manifested in the Swedish regional cooperation strategies for the MENA region. In turn, the evaluation report is an important part of RWI’s and Sida’s respective assessment of a possible continuation of the programme.

The primary stakeholders for the evaluation are the programme’s academic and judicial partners, both as objects of the evaluation and as implementers of possible recommendations. Additionally, both RWI and Sida are stakeholders.

The evaluation included the following key members:

- Ms. Annika Nilsson, Team Leader: Annika has 30 years of experience of Swedish development cooperation with a focus on human rights and civil society. Annika is a member of Indevelop’s core team of evaluators.
- Ms. Tamara Hallaq, Specialist in human rights law: Tamara holds a Masters degree in international law and works in the MENA region with rule of law and good governance programmes.
- Ms. Lina Hamoui, Regional human rights expert: Lina has 20 years experience from human rights, gender related issues and empowerment in the MENA region.
- National consultants were engaged in the eight countries included in the evaluation (for more information see annex 7):
 - Algeria: Aicha Zinai
 - Egypt: Stephanie David
 - Lebanon: Marie Reine Sfeir
 - Iraq: Saad Hussain Fathullah
 - Jordan: Nael H. Abu Farha
 - OPT: Ammar Al-Dwaik
 - Morocco: Hind Arroub
 - Tunisia: Dolly Najjar

Jessica Rothman managed the evaluation, and quality assurance of all reports was carried out by Ian Christoplos.

Executive Summary

Purpose and methods

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) has been active in the MENA region since 1999, offering various training programmes on human rights. The current regional programme “Building Human Rights Knowledge and Resources in the Middle East and North Africa”, funded by the Swedish International Development Cooperation Agency (Sida), builds on relationships and experiences formed during that training.

The purpose of the evaluation is to assess the results, effectiveness, relevance, cost effectiveness and sustainability of the programme, especially in light of the changing context of the region.

The intended users are Sida and RWI. Sida is mainly interested in an assessment of the results and relevance of the programme as a basis for future funding decisions. RWI is mainly looking for an assessment of strategies, methods and lessons learnt as a basis for adjustments and improvements in the programme. The evaluation will attempt to serve the needs of both users.

The conclusions are based on a thorough desk review, Internet research, interviews with RWI and its partners/primary stakeholders, secondary stakeholders/boundary partners and external observers. Conclusions are also based on the judgments of human rights legal experts in eight partner countries. In total, 119 persons have been interviewed.

Results

The evaluation team found that the RWI partner universities and JTAs are very satisfied with the cooperation with RWI and the programme. They appreciate the professionalism of RWI as a reputed human rights institution and believe that the programme has provided a foundation for future development of their respective institutional capacities. They also recognise that results are so far limited in terms of expected outputs and outcomes.

The evaluation team concludes that the programme has not yet contributed to partners being more responsive to the needs of users or influential in guiding court rulings, legal reform or policies. This is partly due to the short time frame of the programme and partly to the design of the programme. After analysing the outputs, the evaluation concludes that:

- The regional academic network, which has started with four partnering university law faculties in the Mena region, a website, a resource centre and a series of seminars, has not yet become a visible and sustainable network. However, there is interest among universities in the region to establish such a network and to develop a regional Master's programme in Human Rights. The

The RWI programme aims at the following outcome: ***The role of partner universities and judicial training academies in formulating and disseminating knowledge on human rights in the MENA region is more responsive to the needs of users and influential in guiding court rulings, legal reform and policies developed within national states and the region at large.***

effort to produce Arabic language materials and training is seen as an added value of the RWI contribution. The role of the resource centre as a focal point and driving force of the academic network is still weak, with minimal support from the University of Jordan and overlap with the RWI office in Amman. There are a number of initiatives in the region focusing on HR curricula development and HR research, within other universities and faculties, with which RWI has not yet coordinated.

- The establishment of the network of seven Judicial Training Academies (JTAs) in six countries and the coaching and tools provided to these training academies, could potentially help judges to influence court rulings and legal reforms. Having formal agreements with Ministries of Justice that commit them to review their curricula and teaching practices in HR is a positive result. JTA partners report that the tools and the regional discussions are helpful to them. The collection and documentation of court rulings, showing good practices of using international law in cases of fair trial, is said to be the most valuable tool so far. However, the judiciary is in a sensitive transition period in many countries, and is still not independent of the executive. Presently the situation in the region is such that the JTAs are not effective change agents in all countries. Many of them are also heavily supported by other donors.
- The group of Trainers of Trainers targeted by the programme are not strategically placed, equipped or used to meet the needs of users and influence legal reform or policy. The ToTs are grateful for the experience, the pedagogic methods and the networking with others, but had expected more. They expected to be part of a wider network of trainers, to be provided with training tools in Arabic, to be updated on on-going HR events in the region and to be used systematically in capacity development of stakeholders. They also expected to be trained more on the content of HR. Many feel over qualified for the training provided. The last training, which was carried out in Arabic, was seen as the most successful.

The evaluation team also found that the various components of the programme (academic network, JTA network and ToT training) have been carried out in isolation without achieving national synergies (except to some extent Algeria and OPT). Capacity is mainly built at the individual level and there are no explicit plans for how this enhanced capacity should be used to respond to the needs of users and influence court rulings, policy and legal reform. The JTA cooperation has shown some initial results, but it has great political risks, duplicates with large law reform programmes and needs to be adjusted to these facts.

Relevance and potential

Investing in HR capacity development of the judiciary and academic training institutions in the MENA region is relevant as democratic reforms (hopefully) take place in the wake of the “Arab Spring”. Women and men who will be in charge of ensuring the rule of law and good governance in the new, more democratic environment, need moral and technical support to challenge the norms and practices of the past and to promote human rights law and principles. Many JTAs and universities, especially the

public ones, have capacity gaps in HR training. There is however a fine balance as the situation in partner countries varies. In some countries the judiciary is still in the hands of the executive and is not yet ready to effectively work with reform programmes.

The RWI programme is also relevant to the overarching objectives for the Swedish strategy for MENA 2010-15, which are: *stronger democracy and greater respect for human rights; and sustainable development that improves conditions for peace, stability and freedom in the region*. However, the emphasis of the RWI programme is not on the specific rights of *freedom of expression and women's rights*, which are the focus areas of the Swedish strategy. The Swedish strategy also gives priority to civil society strengthening and cooperation with other donors. These areas are still weak in the RWI programme.

Sweden is perceived positively in the region and has the potential to play a role in human rights promotion and capacity development. A well-reputed, non-confrontational, technically professional, academic Swedish institution like RWI could play a role in capacity development of the judiciary and academic institutions. In Turkey, RWI has been able to create such trustful relationships in a context where the government is preparing for EU accession.

The evaluation team concludes that the programme's intentions are relevant and have potential, although in most countries poor governance is still a more pressing issue.

Effectiveness

While the vision and ideas behind the RWI programme are relevant (especially post Arab Spring), the strategic approach and the overall management of the programme have some problems. The results framework provides limited guidance for the programme, with gaps in its logic and vaguely formulated outputs, outcomes and indicators. The focus of the programme is guided more by the RWI areas of competence than by the needs and problems identified in the region.

The partnership with Umeå University has not worked well. Their role has been gradually reduced and their contribution became ineffective. The partnership with the University of Jordan is suffering from internal power struggles within the University, where two faculties want to lead the development of HR training. The role and function of the HR resource centre, supposed to be the focal point of the regional network, has been marginalised by the University and its role vis-à-vis the RWI office is presently unclear.

The RWI staff have excellent skills in relationship building and HR. They are highly appreciated by partners as being professional and effective. However, the evaluation team concludes that the overall design and management of the programme has not been effective in reaching the intended outputs and outcomes. This is not only a matter of the short time-frame.

Cost efficiency

Cost efficiency has been assessed in terms of activity costs in relation to outputs demonstrated and the number of people reached. Per person costs for key activities have also been assessed in relation to comparable regional capacity development pro-

grammes. Several activities/programme parts have had high per person costs. The most expensive activities (per person) have been the ToT training for 15 persons (approx. 140 000 SEK per person), the librarian training for 5 persons (61 000 SEK per person), the study visit for 3 partners and 3 Swedes to the Netherlands (52 000 SEK per person), the high-level judiciary meetings (average of 40 000 SEK per person per meeting), and the steering committee meetings (average of 30 000 SEK per person per meeting). The outputs noted as a result of these investments are still limited, except for the librarian training.

At the same time the summer school supported by RWI is a low cost activity for students, using less than 3 500 SEK per participant for a full three week course and achieving capacity development for both students and teachers and good will for the host University.

The average person/day costs for trainings and meetings (around 10 000 SEK per person per day) are higher than comparable capacity development programmes for legal and human rights experts in the region.

The RWI programme has used approximately 60% of the Sida funding for fees and travel of the Swedish experts and staff. This is a rather large percentage compared to other Sida supported regional programmes.

Although it is acknowledged that investments in relationship building and organisational setup in the initial stages of the programme are necessary, and that some of the expected results are long term, the evaluation team concludes that the high per person costs for some activities, the small number of people reached and the limited outputs achieved give reason to question the cost efficiency of the programme.

Sustainability

The focus on local ownership and the fact that staff members of JTA's contribute their time to the project without remuneration is a positive step towards sustainability. Still the limited time committed is a major obstacle and many respondents have made proposals to engage RWI paid coordinators in both JTAs and Universities. No partner has indicated that they have a possibility to find budgets for traveling and meetings. Only in-kind resources are available for the time being.

The RWI programme is in a build-up phase and the initiated networks and structures are not yet sustainable. Long-term sustainability will depend on the priority given to the programme by partner institutions in the competition of other development and exchange programmes.

Recommendations

RWI is a highly respected human rights expert institution with grand ambitions to contribute to the global human rights agenda. However, its MENA programme has weaknesses. The evaluation offers the following recommendations to the parties:

Recommendations to RWI

1. RWI needs to review the programme and the entire results framework so that it becomes more focused, logical and realistic, and is based on updated situation analyses in each country.

2. The approach taken to establish an academic network on human rights needs to be more inclusive of other stakeholders and supporters. Its focal point could be more effective if hosted by an institution with more capacity and support structures, and with clear lines of responsibility vis-à-vis the RWI regional office. Respondents found the following areas to be needed: focusing on the development of a regional Master's programme in HR, enhancing capacity of public universities, creating a database of HR researchers and resource persons, and supporting research topics of particular interest to human rights defenders.
3. The support and coaching provided to JTAs must be sensitive to the changing context in each country. It should be supplemented with moral support to judges who make groundbreaking court rulings (by e.g. peer presence in courts and regional publicity) and include lawyers (through their Bar Associations and/or legal clinics at universities) as the main actors able to raise the HR agenda in courts and therefore obliging judges to respond to HR arguments in their judgments. Monitoring, documenting and publishing court rulings in each country should be included as a tool. Synergies with on-going legal reform programmes must be sought.
4. RWI needs to develop its capacity to plan and manage development programmes and form strategic alliances with other development actors and institutions in the human rights field to broaden and strengthen its capacity.

Recommendations to Sida

1. Sida needs to improve documentation and handover procedures when staff changes are made to avoid delays and inconsistencies in decision making towards partners.
2. Sida needs to develop clear and consistent assessment criteria for selecting funding modalities and offering dialogue and support to applicants with good ideas to prepare results frameworks that are logical and realistic.
3. Sida needs to more regularly follow-up supported programmes supported and facilitate networking between key stakeholders working in the same field.

1 Introduction

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) has been active in the MENA region since 1999, offering various training programmes on human rights. The current regional programme “Building Human Rights Knowledge and Resources in the Middle East and North Africa”, funded by the Swedish International Development Cooperation Agency (Sida), builds on the relationships and experiences formed during these trainings. The program had a preparatory phase 2007-08, when a needs assessment and stakeholder analysis were performed. After a rather long decision making process, the programme was finally approved in November 2009, for a period of 3 years with a budget of 8 million SEK per year. The project memo indicates that a new decision is to be taken by Sida in 2012 regarding the remaining two years of the programme. At the time of the evaluation it had been in operation for 2½ years, out of the five years originally planned for.

The purpose of the evaluation is to assess the effectiveness, relevance, cost effectiveness and sustainability of the programme, especially in light of the changing context of the region. Terms of reference are found in Annex 1.

The intended users are Sida and RWI. Sida is mainly interested in an assessment of the results and relevance of the programme as a basis for future funding decisions. RWI is mainly looking for an assessment of strategies, methods and lessons learnt as a basis for adjustments and improvements in the programme. The evaluation will attempt to serve the needs of both users.

The evaluation team consists of Annika Nilsson, Team leader with experience of complex evaluations and human rights based approaches, Tamara Hallaq human rights and legal expert from the MENA region and Lina Hamaoui, human rights and civil society expert from the MENA region.

2 The evaluated intervention

The current RWI programme is based on a pre-study carried out in 2007-08 and focuses on the institutional capacity development of judicial training academies (JTAs) and university law faculties in selected countries. The programme also includes the establishment and facilitation of a regional academic human rights network (Arab Academic Human Rights Network – AAHRN), where the selected partner institutions will form the initial core team. The network is expected to

- strengthen the institutional capacity of academic institutions to plan, design, organise and implement teaching and research in human rights
- encourage exchange and dialogue between academic institutions
- strengthen the resource base of human rights materials in Arabic

The programme has a very ambitious outcome objective:

The role of partner universities and judicial training academies in formulating and disseminating knowledge on human rights in the MENA region is more responsive to the needs of users and influential in guiding court rulings, legal reform and policies developed within national states and the region at large.

To meet the needs of users and influence court rulings, legal reform and policies, RWI has focused on the following outputs:

1. The establishment of a highly visible, active and self-sustaining regional academic cooperation mechanism for policy-making and knowledge development
2. Strengthened structures, knowledge and skills of partner universities in relation to human rights research
3. Enhanced structures, knowledge and skills of partner universities and JTAs in relation to human rights teaching
4. Enhanced communication and cooperation channels between JTAs and academic institutions
5. Strengthened user-producer nexus between academic institutions, JTAs and secondary stakeholders at the regional level
6. Increased supportive resources for planning, designing, implementing and evaluating human rights programmes of stakeholders

Under each of the outputs a number of activities have taken place, mainly training, meetings and seminars. This evaluation will assess results in all six outputs as well as their relevance for the human rights issues at hand. The evaluation will also examine the theory of change, the selection of strategic partners/primary stakeholders and the methods used.

The activities carried out can be divided into three main clusters;

- The establishment of **a regional academic human rights network**, which has started with six partnering universities (four in the MENA region and RWI and Umeå University in Sweden), a website, a resource centre and a series of seminars.
- The establishment of a **regional network of seven Judicial Training Academies (JTAs)** in six countries and the development of tools that aim at enhancing HR teaching content and techniques at these training academies. The JTAs have also formed national working groups to enhance academic cooperation at the national level.
- The establishment of a **pool of Arabic speaking human rights trainers (Trainers of Trainers)**, presently 16 persons from 8 countries (including Yemen).

The programme is organised as a partnership between RWI, Umeå University, University of Jordan, Beirut Arab University in Lebanon, Hassan II University in Morocco and recently Birzeit University in OPT. Representatives from the Law faculties of these universities form the steering committee for the programme¹. The steering committee mainly oversees the academic network part of the programme and not the full range of outputs. RWI also has formal agreements of cooperation with Judicial Training Academies in Jordan, OPT, Iraq, Tunisia, Algeria and Morocco.

¹ It has been discussed that RWI and Umeå should withdraw from the steering committee in order to have a pure Arabic network. This idea is mainly promoted by the Swedish partners.

3 Methods and limitations

In order to answer the evaluation questions, the evaluation team has used the following methods to generate information:

- Desk study of all plans, reports and evaluations
- Web research
- Interviews with Sida and RWI staff
- Interviews with the primary stakeholders/partners (university partners, JTA partners, National Working groups, ToTs and other direct beneficiaries)
- Interviews with secondary stakeholders/boundary partners (government agencies, national/regional human rights institutions, national/regional human rights CSOs)
- Interviews with donors and external observers (e.g. EU, UNDP, OHCHR, International Federation for Human Rights, Lund University, Sida Turkey)
- Judgements by local human rights law experts in eight countries

3.1 DESK REVIEWS AND INTERVIEWS WITH RWI

A desk review has been made of all RWI and Sida plans, reports and evaluations from the programme. This proved to be one of the most valuable sources of information for the evaluation as the documentation is done with academic detail and rigour. Progress as well as challenges are openly documented in most cases. The documentation includes RWI and partner reports/notes from all activities, list of participants, participants' own evaluations, narrative and financial annual reports. These documents are the major sources for analyses of the theory of change/programme logic and the cost efficiency.

In addition to RWI documentation, a thorough search has been made of available information on the Internet on the human rights situation, human rights programmes and stakeholders in the region, resource persons, universal periodic reviews (UPRs), other donor reports, research reports and conference notes, etc. Context analyses were prepared for each country and for the region to be able to assess the relevance of the programme.

Interviews and dialogue have been carried out with RWI throughout the process. One initial meeting was held in Lund to get background information and one focused group discussion was carried out with the full MENA team, using the interview guide as a basis. A meeting was held with RWI staff in Beirut to discuss the process and in mid-August, Skype discussions were arranged to get supplementary information on certain issues.

3.2 ENGAGING LOCAL CONSULTANTS IN EIGHT COUNTRIES

To supplement RWI's own information and the information available on the Internet, national consultants with Master's degrees in law and extensive experience of human rights, were engaged in eight of the RWI partner countries; Jordan, Lebanon, Iraq, OPT, Egypt, Algeria, Morocco and Tunisia. Under the guidance of the evaluation team, they have interviewed primary and secondary stakeholders, using standard format interview guides and have also been required to contribute their own assessment of the RWI contribution and its relevance and potential. By doing so, we have ensured that we capture the contextual relevance of the RWI contribution in each country. With few exceptions, the findings of the local consultants turned out to be very similar in the eight countries and therefore added weight to our conclusions. To see the interview guides for various stakeholders, please refer to Annex 7.

3.3 INTERVIEWS IN EIGHT COUNTRIES

Based on criteria established in the inception phase, four countries were selected as case countries for in-depth interviews and focused group discussions. The case countries selected were: Jordan, Lebanon, Egypt and Morocco. Three of them are the most prominent RWI partner countries and should therefore expect to show the most positive results. They were selected to give the project a better chance of showing its possible potential, despite the short time frame. The three also represent different legal systems and different parts of the MENA region. Egypt was selected due to its leading political role in the region. During the inception phase, Sida raised concern that the selection was biased and that relevance may vary across different countries. Therefore four more countries were added, where we did fewer interviews and a briefer context analysis. The countries added were OPT, Iraq, Tunisia and Algeria. In these countries team members did not perform field visits, but relied on local consultants to perform data collection.

In total we have interviewed 119 persons as follows:

Number of persons interviewed	Jordan	Lebanon	OPT	Iraq	Egypt	Morocco	Tunisia	Algeria	RWI, Umeå and resource persons	Total
Primary stakeholders										
Academic institutions and networks	7	3	2	0	0	1	0	0	9	22
Judiciary institutions and networks	0	1	1	2	0	1	1	1	1	8
National working groups	2	0	1	2	0	1	0	3		9
ToTs	2	2	2	1	2	1	1	0		11
Research grantees/students	0	6	0	0	0	2	0	0		8
Secondary stakeholders										
Other academic institutions	1	1	0	0	1	0	0	1		5
Legislators, policy makers, NHRI	1	1	2	1	2	0	3	0		10
CSOs, lawyers and media	1	2	3	3	8	5	4	4		30
Other observers	0	0	0	1	4	3	2	1	5	15
Total	14	16	11	11	17	14	11	10	15	119

3.4 ANALYSIS WORKSHOP IN BEIRUT

In mid-July the evaluation team met in Beirut to compare notes and discuss findings. The evaluation questions were used as the basis for the analysis. The team leader was able to supplement information and notes from the interviews carried out with the Swedish partners and resource persons. A few joint interviews were also undertaken in Beirut. Findings were compared and areas that needed more investigation were identified. Already at this stage, a common pattern started to emerge. The main noted issues were a) the positive feedback from the primary stakeholders/partners b) the lack of knowledge of the programme among secondary stakeholders and other external stakeholders c) the weaknesses in the theory of change and design of the programme d) challenges to move beyond individual capacity development and achieve institutional capacity development and constructive interactions with secondary stakeholders.

3.5 COMPILATION OF A SYNTHESIS REPORT

All eight local consultants have documented the replies to the interview guides, summarised the findings and provided their own conclusions and recommendations. In the four case countries a larger sample of people were interviewed and a more thorough analysis was required. The two local team members have then summarised, analysed and concluded the country information into two sub-reports, one for Jordan, Lebanon and OPT and one for Egypt, Algeria, Tunisia, Morocco and Iraq. The evaluation team has discussed similarities and differences and sought additional information when in doubt. The two sub-reports, the analysis discussions, the supplementary information from RWI and other respondents have formed the basis for this Synthesis report. It forms a consensus interpretation of the findings.

3.6 CHALLENGES AND LIMITATIONS

Many consultants have engaged in the interviewing and assessment of the programme. This is both a challenge (we need to ensure that all have understood the scope and focus of the evaluation) and an asset (we will get views and experiences from many different stakeholders, which helps us to make well informed and balanced conclusions). Although we have used the same interview guides in all countries, the personal interview style and understanding of the assignment has varied between the consultants. This has naturally affected the way questions are asked and answers interpreted. This is the downside to using many different consultants. To deal with this, the evaluation team has gone back to some of the respondents to gain supplementary information. The team also had a meeting in Beirut to synchronise the approaches taken and to adjust interview methods. The team leader has also conducted supplementary interviews in some countries. Despite the variances in understanding of the assignment among consultants, we still conclude that the local perspective provides a strong added value to the findings and lessons learnt. We were not able to achieve a consensus in a very few details.

The selection of four case countries may also be a limitation. The conditions in the partner countries are diverse and it may be difficult to generalise from the case countries selected, especially if they are the “best cases”. To some extent we have handled this challenge by also interviewing key informants in four additional countries. In total, eight out of 9 partner countries have been covered (Syria not included).

The selection of respondents in the case countries has been guided by their availability during the evaluation period. The sample may not be completely representative. We have, however, interviewed a sufficient number of respondents to get a credible basis for our conclusions. The full list of respondents is attached in Annex 3.

The interviews have been held in English, Arabic and French and the records/notes were taken in the original language.

4 Findings – Design of RWI programme

4.1 THEORY OF CHANGE

A Theory of Change provides a clear and testable hypothesis about how change will occur and what it will look like. The theory describes the types of interventions needed to bring about the outcomes depicted in the causal pathway map.² A theory of change is formulated in a participatory process with the women and men concerned, and is based on their assumptions and experiences.

A theory of change takes as its starting point a problem analysis (e.g. defining the obstacles to international human rights application in policy and practice in a country) and a stakeholder/power analysis (defining the most important change agents and power relations affecting the situation positively or negatively). The desired changes are agreed on and a road map/results chain with clear milestones is developed. The result chain shows how activities lead to desired outputs (e.g. enhanced capacity of the change agents) and how these outputs contribute to desired outcomes (e.g. actions taken for change).

The RWI program design is presently not sufficiently based on such analyses and logical structure.

4.2 ASSUMPTIONS

The RWI programme is based on the assumption that the lack of competency and capacity of *academic and professional training institutions* to provide adequate resources to other stakeholders is of key importance to the application of human rights (see box). The most strategic change agents are defined as:

- Law faculties in selected partner universities (showing willingness and interest in the RWI programme).

“Whether and to what degree international human rights standards are implemented successfully largely depends on the will and capacities existing in society to relate these standards as more abstract legal concepts to everyday political and social realities. Sufficient institutional and human capabilities for human rights knowledge acquisition, dissemination, production and utilisation must in this regard exist. The implication is that any effective and sustainable human rights strategy presupposes knowledge of human rights in theory and practice.”

“The main problem to be tackled by this Programme is the inability of academic and professional training institutions in the MENA region to provide adequate resources for institutions and individuals in Arab societies to promote and protect human rights”

RWI application to Sida, 2008

²<http://www.actknowledge.org/services/theory-of-change/>

- Judicial training academies (training of judges and prosecutors), operating under the Ministries of Justice.

During the pre-study 2007-08, RWI carried out a rather comprehensive situation analysis in the region and held workshops with the potential users of the academic and professional resources. The lessons and inputs from this phase have not been sufficiently used to inform the design of the programme. For example, in the workshops held with selected stakeholders, the “needs of users” were defined as follows³:

Government institutions and judicial system need:

- Enhanced understanding and knowledge of international human rights standards and states’ obligations;
- Improved separation between the executive and the judiciary;
- Improved and increasing networking activities;
- Integrated gender issues;
- Improved state party reporting;
- Improved access to and usage of media; and
- Analysis of the conformity of national legislation with international conventions.

CSOs need:

- Basic and more specialised understanding of human rights instruments and mechanisms;
- Social mobilisation
- Technical training on the theoretical foundations of human rights;
- Training of Trainers (ToT) focusing on leadership development and good governance;
- Development of effective strategies for promoting human rights;
- Skills relating to reporting on human rights violations;
- Formation of a specialised regional reference team on human rights.

National human rights institutions (NHRIs) need training and advice in:

- Investigations and complaint handling;
- International human rights law;
- Monitoring prisons and places of detention;
- Developing effective strategies for promoting human rights;
- Harmonisation of national laws with international instruments ratified;
- Rights of particularly vulnerable groups – including persons with mental and physical disabilities;
- Reporting on human rights violations;

³ RWI pre-study 2007-08

- Restorative justice;
- Training of trainers (specialised course);
- Human rights monitoring techniques.

The context analyses and interviews carried out as part of this evaluation confirms many of these “needs” and also points at the following:

- The main problem of the judiciary is its lack of independence from the executive⁴ and poor governance in most countries. Many still have a state of emergency, making the civil legal system dysfunctional.
- Another problem is the number of reservations made by countries in the region in relation to international human rights treaties, making them weak as tools.
- Religious tribunals still have a big role in family law matters, which are beyond the control of the judiciary.
- Independent human rights monitoring mechanisms are weak or non-existent.
- Civil society is increasingly putting pressure on governments for democracy and human rights, but is divided along political lines and hampered by restrictions imposed by the executive powers.
- Knowledge of human rights legal and moral implications is limited due to poor curricula in schools/universities/training institutes and limited access to HR training and materials in Arabic.

Thus, the assumption that a *lack of competency and capacity of academic and professional training institutions* is a key obstacle is to some extent validated by this evaluation. However, the programme has not been designed to meet the main issues raised by the “users”. In a recent comment to the EU action plan on HR for Lebanon, the CSO community⁵ pointed to the need to address core problems such as independence of the judiciary, free and fair elections, a functioning HR monitoring mechanism, the rights of the Palestinian population and women’s rights⁶. These comments are valid also for the RWI contribution. Furthermore, research in the areas of behavioural and political transformation show that change requires not only increased knowledge but also motivation (e.g. social acceptance, personal gains, hope/fear), ability (e.g. formal mandate, resources, skills) and triggers (e.g. facilitations, incentives)⁷.

⁴ Judicial Council Reforms for an Independent Judiciary, Examples from Egypt, Jordan, Lebanon, Palestine and Morocco, published by International Federation for Human Rights (FIDH), together with the Amman Center for Human Rights Studies (ACHRS), 2009 and Egypt’s Judges *in a revolutionary age*, Carnegie Endowment for International Peace, 2012

⁵ <http://www.facebook.com/notes/arab-ngo-network-for-development/eu-lebanon-action-plan-revision-consultation-process-input-by-civil-society-orga/341835672559630>

⁶ <http://www.thebureauinvestigates.com/2012/05/29/how-sexist-laws-deprive-families-of-citizenship-in-lebanon-and-beyond/>

⁷ <http://www.behaviormodel.org/>

The RWI programme is also based on the assumption that selected Universities and JTAs are the most strategic change agents/partners. This assumption was not validated by the evaluation. The selection of university partners was mainly based on previous relationships and expression of interest. To influence academic curricula and research in the HR area, there are better placed universities, departments and institutions, especially in Egypt and Lebanon⁸, which have already started to develop curricula and research on the subject. In Egypt there are Universities that would have been very well placed and strategic as driving forces of the Academic network.

Due to the competitiveness between universities (often private and expensive) which is hampering cooperation and experience sharing, the choice of partners and networking strategies is a delicate matter. Respondents indicate that specific measures to include and support public universities, often serving the poorest students and having the weakest structures, would be needed to ensure equity. At the same time these are not the most progressive in terms of human rights training. Also, there are other donors and institutions with a similar agenda as RWI, who could become useful allies in a regional programme (e.g. UN agencies, EU, ILAC, ICJ, Lund University, as well as local institutions such as Cairo Institute for Human Rights Studies⁹, Arab Centre for the Independence of the Judicial and Legal Professions¹⁰, Arab Institute for Human Rights¹¹ etc.)

To influence court rulings and legal reforms, selecting JTAs as change agents may not be the most strategic. They are already targeted by a tremendous amount of technical support from the international community, with rule of law and legal reforms in focus. In most countries, judges are still not independent from the executive and sack-ing/demotion of progressive judges is common¹². Of course it is excellent that JTAs in six countries have joined the RWI programme and agreed to review their HR curricula. Few donors have managed to get such formal commitments on paper. However, our evaluation shows that JTAs often have difficulties putting tools or practices that are not sanctioned into practice. In court, judges often do not take a proactive role but rely on lawyers to bring up HR arguments in their pleas. A majority of respondents suggest that bar associations (of lawyers who can provide legal aid, initiate litigation and use international HR law in cases) are better placed to influence court rulings and that independent monitoring mechanisms which can document court rulings and support judges and lawyers who use HR standards would be more effective as change agents. Respondents also propose working more closely with the media to raise awareness more broadly.

⁸ Refer to country reports for more information on other academic institutions and universities involved in human rights master programs and research.

⁹ <http://www.cihrs.org/?lang=en>

¹⁰ <http://www.acijlp.org/main/en/main.php>

¹¹ <http://aihr-iadh.org/?lang=en>

¹² Recent example of Judge John Azzi in Lebanon . Recent events in Tunisia:

http://www.icj.org/default.asp?nodeID=349&sessID=&langage=1&myPage=Legal_Documentation&id=24035

4.3 RESULTS FRAMEWORK

The results framework (page 24-27 in the RWI application) provides limited guidance for the programme, with gaps in its logic and vaguely formulated outputs, outcomes and indicators. Firstly, the activities are insufficient to achieve the desired outputs. Secondly, the six outputs are intertwined and imprecisely formulated and there is no strong logical link between these outputs and the expected outcome. It is not clear what is expected of the primary stakeholders as a result of their capacity being enhanced, how the “needs of the users” should be met or how the court rulings, law reforms and policies should be influenced. There is a big gap in the logical results chain (missing middle) between the output level and the outcome level. While there is an output called “*Strengthened user-producer nexus between academic institutions, JTAs and secondary stakeholders at the regional level*”, which could be interpreted as a bridge between the output and the outcome levels, the activities undertaken under this output are of an ad-hoc character (e.g. support to research carried out by multi-sectoral teams and to meetings/conferences for multi-sectoral groups), rather than a strategic approach to meet the needs of users and influence court rulings and legal reform.

Furthermore, the outcome and impact objectives are very wide. They are not formulated to be SMART (specific, measurable, achievable, realistic and time bound).

It is our assessment that it will be difficult for RWI to manage a programme with such an unclear results framework and wide scope. This is also illustrated by the fact that RWI annual reports mostly focus on carried out activities rather than on achievements related to outputs and outcomes. RWI did invest in a rather comprehensive mapping study of partner university capacity during 2010. It was supposed to serve as a base line survey for the capacity development part of the programme. However, the indicators only captured some limited quantitative aspects and do not reflect the ambitions in the six outputs. Therefore the mapping can be used only to a limited extent to monitor progress. Due to a lack of input from Hassan II University, the mapping study has never been compiled and analysed. RWI has not documented base line data for outcome and impact level indicators.

The RWI programme has some good elements, but the partners and activities are not strategically chosen and linked. The programme is more based on the excellent RWI technical competencies in human rights training, what RWI can offer in this area and what its selected partners want, rather than on the needs and priorities in the area of HR application in partner countries.

A human rights-based approach would take its starting point in identifying the obstacles to human rights promotion, protection and fulfilment (partly done in the RWI pre-study), identifying power relations and strategic change agents in each country, and formulate a theory of change and a programme built on this analysis. Areas which require competencies that RWI does not have need to be brought on-board by strategic alliances or widening of the RWI mandate and resource base. Such logical thinking is not visible in the present results framework.

4.4 METHODS AND APPROACHES

According to the RWI application a range of methods and approaches are used: Regional exchange and networking, Partnerships, Empowerment, Capacity Development, Alignment and Coordination, Gender as a cross-cutting issue, Human rights-based approach and RWI comparative advantage. The definitions of these methods and approaches are vague and overlapping. It has therefore been difficult to assess their effectiveness.

The evaluation finds that the main tools used by RWI are training, seminars, meetings, conferences and study visits organised for participants from partnering institutions and from a few selected NHRIs and CSOs. Around 75% of the budget is used for such activities. The RWI application states that *“training should not be an isolated effort, but rather part of a broader human rights capacity- building strategy, duly considering policies, structures, processes and regulations with regard to each profession in question...”* According to respondents this has been one of the main challenges of the programme so far.

Although RWI has tried to move focus away from individual to institutional capacity development by entering into partnerships with few universities and JTAs, the institutional capacity building aspect is still a challenge. Few individuals have been involved in the programme so far, mainly directors and high level professors with limited time to implement changes or developments within their institutions. RWI resource persons are struggling to find ways to further engage with the younger generation in the institutions who could commit more time and energy to the change processes. At the same time, the endorsement of the leaders is essential. It has also been a challenge to involve women, as they seldom hold the top positions. The Maghreb representatives have been role models in this respect.

5 Findings – primary stakeholders

The findings are based on desk reviews, interviews with RWI and Umeå staff and experts, and field reports from eight MENA countries. The field reports from the four case countries comprise a comprehensive context and stakeholder analysis and notes from interviews with primary and secondary stakeholders, as well as external observers. They also include conclusions and recommendations from the viewpoint of the human rights legal expert in the country. The field reports should be considered as working materials, but will be shared with RWI and Sida (after being edited to protect the identity of respondents) as part of the follow-up dialogue on the evaluation. The evaluation team believe that the context analyses and some of the more detailed information in the field reports could be very useful for the continued process.

5.1 THE ACADEMIC PARTNERS

RWI has selected four Universities in the region to be partners and founding members of the academic network. The selection of these four University partners was based on previous relationships and contacts. The University of Jordan and the Hassan II in Morocco are public universities, while Beirut Arab University and Birzeit University in OPT are private.

Respondents from the Universities are very pleased with the programme, which has provided them with an opportunity to network regionally, make study visits, have access to RWI resources, build individual capacity in HR teaching, arrange seminars and enhance the image of their universities nationally and internationally. All have high expectations of playing a key role in establishing a Regional Academic Network and eventually a Regional Master's programme in Human Rights. They are not keen to bring new faculties or universities on board, especially not from their own countries as one of the driving forces of their participation are the leadership role in the process and the resources provided. All universities, except Beirut Arab University, feel that the budget provided by RWI for their participation and work is too low and that they are limited by the time and effort that they can put into the programme. All Universities have other partnerships with international agencies aiming at capacity development and research cooperation, some even within the area of Human rights. Jordan and Hassan II have relationships with Lund University.

The most appreciated activities of the RWI programme were the exposure and training provided in Lund, the effort to produce Arabic HR research and materials and the possibility to travel and meet other stakeholders in the region to share experiences. Partners indicate that networking is often done only on a bilateral level between universities, and the Arabic multi-country networking was highly appreciated. Another appreciated part of the programme was the librarian training, which has empowered librarians to become more proactive in their role to acquire and propose HR materials. The Moot Courts and the summer courses for students are seen as successful and cost effective,

although the latter do not specifically target law students as originally intended. Respondents indicate that there is potential in the research component, but the quality of the research papers presented at the academic seminars in 2011 was unfortunately not up to standard. The research presented by the five RWI-supported multi-sectoral teams in 2012 was said to be more or less up-to standard, with two of them being of high quality. The late input from mentoring professors contributed to the limited quality. The academic and teacher seminars are not highly rated by participants, and they have only reached a few persons. Respondents confirm that so far individual, rather than institutional, capacity has been enhanced.

The benefits expected from the programme were said to be: enhanced competencies in HR research and training and access to international/regional networks and funding opportunities (including research grants). Private universities also mentioned image enhancement. The evaluation found that in Jordan, two faculties are competing for the role of lead for human rights training, which is negative for both students and teachers. It is also hampering the RWI programme. In Morocco, Hassan II is considered to be a closed university that is not interested in experience exchange or dialogue with external stakeholders. According to RWI reports they have not been able to fulfil their part of the commitment to the partnership, and their role in the network and possibilities to be a real partner in implementation need to be discussed.

The Universities were not well informed about the JTA part of the RWI programme. In fact they believed this to be a different project all together. Universities also did not know about the ToTs.

5.2 THE ACADEMIC NETWORK

The regional academic network, which started with the four partnering university law faculties, a website, a resource centre and a series of seminars, has not yet become visible in the region. It is known to a rather limited circle, mainly the partners and persons invited to the seminars. The network has not yet produced outputs that are of interest to a wider audience. The members of the steering committee have proposed a number actions such as: production of good quality HR research meeting the needs of users, publishing of a HR Journal, creation of a HR resource person database, creation of library database of Arabic HR materials and courses, and development of a Regional Master's in human rights. However, these ideas have not materialised. The process is slow and partners indicate that they need more resources to keep active and contribute to the network. Presently, the partners are not very active between meetings and seminars arranged by RWI.

There are a number of other initiatives in the region focusing on HR curricula development and HR research, within other universities, faculties and institutions. When told about the network, there is a keen interest in such a network, and especially to develop a regional Master's programme in Human Rights. The effort to produce research and training in Arabic is seen as an added value of the RWI contribution, as most materials are in English or French. Many universities have bilateral relationships with Universities in other countries, but a regional Arab network has been missing. Due to the competition between academic institutions and faculties, an initiative aimed at experience sharing will initially depend on external facilitation.

The website was established in February 2012 and grew to have some 5800 unique visitors per month in May and June 2012, most of them from Egypt, Morocco, Jordan and OPT (Annex 4). The website is still in its early stages. According to respondents, the website would be more interesting if it was up-dated daily and inclusive of all MENA academic HR events and publications, not only covering the academic events/studies produced by the RWI partners. Also the documentation is not easy to access. To meet these challenges, the administrator at the resource centre (at the University of Jordan, paid by RWI) points to the following needs:

- Papers published by the network should be evaluated more thoroughly, especially for their quality and whether they are worth publishing on the website and if they have an added value to the topics presented in the seminars.
- All network libraries (and others in Jordan and countries which are not partners) should have a page on the website to list their human rights materials available in their libraries; this would enrich the website and establish better networking among the libraries.
- Coordination should be made with the university of Jordan librarians to benefit from their experience in organising the resources on the website; it should be easily accessed, searched and user friendly.
- The partners should be more involved in updating the website with their activities and events even if these are not under the network umbrella.

Respondents also mention other websites in the region that are seen as more interesting and more updated, e.g. The Arabic Network for Human Rights information¹³, Euro Mediterranean Human Rights Network¹⁴, Euro Arab Human Rights Dialogue¹⁵, Arab Institute for human rights¹⁶, Arab HR Index¹⁷, Arab commission for HR¹⁸, International Federation for Human rights in MENA¹⁹, OHCHR in Mena²⁰, Cairo Institute for Human rights²¹, Arab Centre for the Independence of the Judicial and Legal Professions²² etc. The question was raised about the uniqueness and the added value of the RWI website.

The role of the resource centre as a focal point and driving force of the academic network is not obvious. It has limited backup from the University, financially and morally. The resources are kept separate from the main library in a small hidden office. Af-

¹³ <http://www.anhri.net/en/>

¹⁴ <http://www.euromedrights.org/en/>

¹⁵ <http://aehrd.info/j02/>

¹⁶ <http://aihr-iadh.org/?lang=en>

¹⁷ <http://www.arabhumanrights.org/en/>

¹⁸ <http://www.achr.nu/achr.en.htm>

¹⁹ <http://www.fidh.org/-North-Africa-Middle-East->

²⁰ <http://www.ohchr.org/EN/countries/MENARegion/Pages/MenaRegionIndex.aspx>

²¹ <http://www.cihrs.org/?lang=en>

²² <http://www.acijlp.org/main/en/main.php>

ter the establishment of the RWI office in Amman and the employment of an officer in charge of the Academic part of the programme, the responsibilities of the resource centre have become even more unclear.

5.3 THE JUDICIAL TRAINING ACADEMIES

Most countries in the MENA region have a Judicial Training Academy (JTA), which trains judges and prosecutors (Iraq has two, Egypt has none but the National Centre for Judicial Studies could become one). The JTAs are part of the Ministries of Justice and provide practical training for law students in their specific roles as judges. In general, universities are in charge of theoretical training and JTAs deal more with practical training. The JTAs are often critical of the quality of training provided to their students at the university level. Often there is a discussion on who is responsible for what training – this includes the area of Human Rights.

RWI has identified JTAs as strategic partners in relation to influencing court rulings and legislative reform. Through persistent relationship building in a difficult political period, RWI has managed to develop partnerships with seven JTAs and to secure agreements with the Ministries of Justice in the six countries. Having formal agreements with Ministries of Justice committing them to review their teaching in HR is an achievement. Only in Lebanon, has the Ministry refused formal cooperation – for political and personal reasons. It should be noticed however, that all JTAs have other international partners supporting their capacity development (e.g. USAID, UN, EU, Norway and Denmark). Some of these initiatives even focus on HR, seemingly duplicating the efforts of RWI (e.g. in Iraq, Morocco and OPT). Support from other donors is often bilateral and JTA respondents mention the regional experience exchange on HR as an added value of the RWI programme.

The results from the JTA networking so far are: a) regional networking that has inspired action on human rights capacity development; b) the development of tools for analysing compliance to fair trial and for analysing compliance of the curricula to HR international treaties. The evaluation team found that these tools are based on a UN manual from 2003, and are not completely up to date. The most recent tool is a collection of court rulings, where international HR law has been used. These cases are supposed to be used in training.

JTA partners are pleased with the partnership with RWI. Respondents report that the discussions and tools are helpful to the development of their teaching practices. The collection and documentation of court rulings, showing good practices of using international law in cases of fair trial, is said to be the most valuable tool so far. The regional network has inspired the JTAs to share their challenges, and a healthy competition has been noted between them. Two respondents indicate that they would continue networking even without RWI - only if travelling budgets were available. In Egypt, the National Centre for Judicial Studies has shown interest in joining the network.

However, the judiciary is in a sensitive transition period in many countries, and is still not independent of the executive. Presently the situation in the region is such that the JTAs may not be the most effective change agents. Most respondents have pointed to the need to include also moral support to judges who make ground breaking court

rulings (by e.g. peer presence in courts and regional publicity) and support to lawyers (through their Bar Associations and/or legal clinics at universities) with more freedom to push the human rights agenda in courts. There are examples of judges being demoted for such rulings, including a famous Lebanese judge, who ruled in favour of giving Lebanese nationality to a child of a Lebanese mother and Egyptian father²³.

5.4 THE COOPERATION BETWEEN UNIVERSITIES AND JTAS – NATIONAL WORKING GROUPS

Enhancing cooperation between JTAs and University law faculties is a difficult and slow process. Hierarchies and competition hamper experience sharing. JTAs have been encouraged to select their own academic partners based on personal relations, and these are not necessarily the academic partners of RWI. Joint workshops have not yielded results, so RWI changed strategy and engaged in bilateral coaching and facilitation of national working groups. Respondents from both JTAs and the Academic network still believe that these two are completely separate projects. Therefore, there is no interaction between JTA and University partners at the national level. The national working groups are seen as part of the JTA project. When the academic seminar on HR in Arab constitutions was arranged, the JTAs were not linked to this activity.

5.5 THE TRAINING OF TRAINERS

The Trainers of Trainers (ToTs) were identified through advertising on websites in the region and the RWI website. Twenty-two were selected out of approximately 120 applicants. They represented private consultants, staff members of national and international NGOs and institutions, officers of UN and donor agencies and staff of governmental bodies. The 22 represented eight countries (including Yemen). 16 of the 22 selected ToTs participated in the first training in 2010 (8 days), 10 participated in the second training 2011 (5 days) and 16 participated in the third training 2012 (5 days). A number of ToTs have been supported to participate in other training as well. 15 ToTs have been participated consistently throughout the 3 years.

The evaluation team has interviewed 11 participants. Out of these only two report to have used the increased capacity to systematically build the capacity of others²⁴. The ToTs are grateful for the experience, the pedagogic methods and the networking with

²³ <http://group194.net/english/index.php?mode=article&id=28954.Law%20that%20deprives%20Lebanon%20s%20children%20of%20their%20nationality>

²⁴ According to RWI's own evaluation (June/August 2012) 6 of the ToTs feel that their capacity as a trainer has been enhanced to a large extent and 2 ToTs report that their knowledge on human rights theory and practice has been enhanced to a large extent. It seems that ToT respondents have been more positive (or polite) in the RWI evaluation.

others, but had expected more. In fact many of them feel that they were over qualified for the training provided. They expected to be part of a wider network of trainers, to be provided with training tools in Arabic and to be updated on ongoing HR events in the region. The selection criteria for providing financial support to enable some participants to attend other HR trainings were unclear to non-selected participants. The last training, which was carried out in Arabic, was seen as the most successful. The effectiveness of bringing trainers from outside the region (non-Arab speaking) was questioned.

The evaluation team found that individual capacity has only been built to a small extent as the trainees already had great expertise on the subject. The focus of training was mainly on training techniques – not on the subject matter. ToTs also confirm that they learnt a bit about teaching techniques. However, many ToTs were in positions where they could not use their skills as trainers because of other duties or because they were moving abroad. The programme has no explicit plan for how the ToTs should be used strategically to train secondary stakeholders. There is no requirement for them to undertake any particular capacity development of their own organisations or to carry out any particular change project (as is the case in ITP trainings).

5.6 CONCLUSIONS

It can be concluded that the various components of the programme (academic network, JTA network and ToT training) have been carried out in isolation without achieving national synergies (except perhaps Algeria). Capacity is mainly built at the individual level and there are no explicit and concrete plans for how this enhanced capacity should respond to the needs of users and influence policy and legal reform. The JTA cooperation has shown some initial results, but it has great political risks, partly duplicates large law reform programmes, and needs to be adjusted to address these facts.

6 Findings – Secondary stakeholders

The evaluation team interviewed a total of 45 secondary stakeholders, from NGOs, human rights Institutions and governments. With few exceptions they did not know of the RWI programme. When explained the purpose and contents, the most common replies were that:

- The project idea was good but the selection of partners needed to be more inclusive of other actors within the academic, judiciary and NGO sectors as well as policy makers and media.
- The programme objectives were seen as very ambitious and long-term. Questions were raised about the resources available to RWI to complete such a huge mission.
- Great added value to be a Swedish organisation, considered as impartial and sincere in HR issues (unlike other countries such as the US government – a high number of key local stakeholders refuse to work with US funding in Morocco, Egypt etc. – the French Government in North Africa and to some extent the EU).
- Coordination with other donors supporting capacity development of the universities and the judiciary, such as the EU and UN, but also other Sida funded initiatives are highly needed. Secondary stakeholders who were also funded by Sida were unfamiliar with RWI and the programme.
- Also within the RWI closest sphere some actors work on MENA programmes e.g. the ILAC²⁵, the ICJ²⁶ and the Lund University Middle East programme²⁷. Synergies could be sought with these.
- There are more pertinent human rights issues at hand which require attention and cooperation with partners outside formal academic and judiciary structures. The issue of corruption and good governance was raised in more than one country as well as the politicised regimes, discrimination and nepotism that hinder the promotion of human rights. Other pertinent issues mentioned were: harmonisation of national laws in compliance with international human rights treaties and monitoring of violations and enforcement of implementation and formulation of national human right action plans.

²⁵<http://www.ilac.se/legal-reform-and-the-arab-spring/>

²⁶http://www.icj.org/default.asp?nodeID=349&sessID=&langage=1&myPage=Legal_Documentation&id=22846

²⁷<http://www.lunduniversity.lu.se/o.o.i.s/24843>

- A number of respondents mentioned that economic and social rights were the most neglected and proposed that international donors should focus more on social and economic rights and not only on civil and political rights.
- It was mentioned that human rights is addressed only at the theoretical, academic level and not at the practical level.
- Close follow-up of the activities and the project would be main conditions for the success of the project.

7 Evaluative Conclusions

7.1 RELEVANCE AND POTENTIAL

Question – related to relevance	Comment
Has the programme been relevant to the needs of the intended beneficiaries (i.e., institutions and individuals in Arab societies to promote and protect human rights)?	The programme is not yet relevant to the “users”, i.e. the rights holders and duty bearers who need HR academic research and knowledge to support their agenda. Most “users” do not know of the programme.
Has the programme been relevant to the partners of RWI? To what extent is there a sense of local ownership of the programme?	The programme has been relevant and highly appreciated by the partners. The sense of ownership is gradually increasing, especially among JTAs. The programme is still very dependent on RWI and networking does not happen without their facilitation.
Has the programme been relevant in view of the overall situation for human rights in the region?	The programme is relevant to the context, especially in countries that have a certain level of judiciary independence and universities willing to play a role in the reform processes. It does not however address the major obstacles to human rights violations. For this, it needs to better link up to the “users”, providing tools to both rights holders and duty bearers.

In the present context of political transition in the MENA region, where dictators and corrupt regimes are toppled or challenged, there must be a cadre which can take over the positions of power and practice democracy and HR principles. For long-term sustainable changes there is a need for enhanced Rule of Law (laws, policies and practices of bureaucrats and the judiciary). These changes in the governance and judiciary practices will not come about automatically or from the Governmental institutions themselves. It is our assessment that the vision and idea behind the programme is relevant to the context, especially post-Arab Spring. Institutions now have to answer public awakening and demands for human rights. So far changes are only cosmetic in non-revolutionary countries, and even in revolutionary countries progress is slow or reversing (many Egyptians speak about their “stolen revolution”). Please refer to the regional context analysis in Annex 5 for more on the context.

This evaluation found that in all visited countries there is need for HR capacity development of the formal institutions that are supposed to uphold the rule of law and good governance, such as the judiciary, the government and the academic and human rights monitoring institutions. Due to lack of democracy in the past, these institutions have been prevented from developing HR practices and often there is lack of clarity of roles and functions between these institutions. The judiciary is not ent²⁸ and has often been obliged to obey the executive, rather than to be independent and challenge HR violations and rulings of religious and military tribunals²⁹. Appointments have been based on relationships rather than merit. In July 2012, 70 judges were summarily dismissed in Tunisia³⁰. In Lebanon, one of the most prominent HR judges was demoted for rulings made on the basis of HR treaties (right to citizenship, civil marriage and legal aid). There is an ongoing debate on the supremacy of International Human Rights Treaties in relation to national and religious laws, which has been raised on the agenda, especially in post-revolution contexts.

In this context investing in HR capacity development of academic and judiciary institutions is relevant, but risky. Only enhancing the HR knowledge of individuals in these institutions will not be sufficient for change. It is also about formal mandate, willingness, opportunity and space, competency and capacity at both the individual and institutional levels. This is a huge task of transformation which requires many types of interventions, especially:

- Better overall governance and enhanced rule of law
- Accountability and end of impunity of power holders
- Empowerment of civil society
- HR education of the population

The RWI programme is also relevant to the overarching objectives of the Swedish strategy for MENA 2010-15, which are: *stronger democracy and greater respect for human rights; and sustainable development that improves conditions for peace, stability and freedom in the region*. However, the emphasis of the RWI programme is not on the specific rights of *freedom of expression and women's rights*, which are the focus areas of the Swedish strategy. The Swedish strategy also gives priority to sustainable development, civil society strengthening and cooperation with other donors. These areas are still weak in the RWI programme.

²⁸ Judicial Council Reforms for an Independent Judiciary, Examples from Egypt, Jordan, Lebanon, Palestine and Morocco, published by International Federation for Human Rights (FIDH), together with the Amman Center for Human Rights Studies (ACHRS), 2009 <http://www.fidh.org/JUDICIAL-COUNCILS-REFORMS-FOR-AN>

²⁹ ICJ guide to Independence and accountability of Judges http://www.icj.org/default.asp?nodeID=349&sessID=&langage=1&myPage=Legal_Documentation&id=22846

³⁰ http://www.icj.org/default.asp?nodeID=349&sessID=&langage=1&myPage=Legal_Documentation&id=24035

Finally, it is important to note that Sweden is positively perceived in the MENA region and has the potential to play a role in human rights promotion and capacity development. As donors from US, France and EU are dismissed on political grounds, a well-reputed, non-confrontational, technically professional, academic Swedish institution like RWI could play a role in capacity development of the judiciary and academic institutions. In Turkey, RWI has been able to create such trustful relationships in a context where the government is preparing for EU accession.

7.2 EFFECTIVENESS

Question – related to effectiveness	Comment
Have the activities of the RWI programme contributed to partner universities and judicial training academies, as they formulate and disseminate knowledge on human rights, are being more responsive to the needs of users, and influential in guiding court rulings, legal reform and policies?	The activities have contributed towards the capacity development of individuals in partner institutions. However, the effects on institutional capacity development remain limited and the programme has not been designed strategically to be responsive to the needs of users, influence court rulings, legal reform and policies.
Has the RWI programme “increased the ability of academic and professional training institutions in the MENA region to provide more adequate resources to institutions and individuals in the MENA countries that promote and protect human rights”?	To a small extent these abilities have been enhanced, such as more HR titles in Arabic, more active HR librarians, and the availability of research grants to HR research. However, the resources are not strategically used and marketed. They remain rather unknown. The steering committee for the academic network itself has proposed a range of resources to be developed such as: production of good quality HR research meeting the needs of users, publishing of a HR Journal, creation of a HR resource person database, creation of library database of Arabic HR materials and courses, and development of a Regional Masters in human rights. So far no partner has taken responsibility for the realisation of these ideas.
Is it likely that the RWI programme has or will contribute to the adoption of legislation, policies and other measures that promote and protect human rights by governments of the MENA region?	The enhanced discussions on HR application within JTAs could potentially influence court rulings and legislation in the long term, but the power is in the hands of the executive (and in some places, parliament). To be more influential, the programme needs to include policy makers, lawyers who can litigate and NGOs

	that can monitor and document court rulings and media.
Can the RWI programme be said to have contributed to the fulfilment of Sweden's sector goals for democracy and human rights in the MENA region, as expressed in its regional strategies?	To some extent. The regional meetings between partner institutions and the summer schools for students, where men and women from the various countries have met to discuss HR in the Arab context, has increased understanding and reduced prejudice along national and gender lines. All activities are in line with the Swedish sector goals, but the outputs and outcome have not yet been substantial, both due to limited time and also to a weak strategic approach.

While the vision and ideas behind the RWI programme are relevant, the strategic approach and the overall management of the programme have some problems. The limited results are not only related to the short time frame of the programme. Some of the management problems observed were:

- The partnership with Umeå University has not worked well. Their role is unclear and has been gradually reduced over time, making their contributions ineffective.
- The partnership with University of Jordan is suffering from internal power struggles within the University where two faculties want to lead the development of HR training. The role and function of the HR resource centre, supposed to be the focal point of the regional network, has been marginalised by the University and its role vis-à-vis the RWI office has become unclear, especially after appointing a desk officer for academic cooperation.
- The decision making powers of the Steering Committee are only related to the Academic Network and do not cover the entire RWI programme. The partners in the Steering Committee have shown limited readiness to take on responsibilities for the implementation of new ideas and for the expansion of the Network. Some partners actually gain from keeping the Network small and exclusive.
- It is not clear how the various components of the programme are linked and how they will be managed in the short and long term at the national and regional levels.

The evaluation team draws the following conclusions regarding the reasons for the ineffectiveness of the programme

- As mentioned above, the ambitious results framework provides limited guidance for the programme, with very wide impact and outcome objectives, gaps in its logic, vaguely formulated outputs and indicators. Also, it does not correspond to the problem analysis formulated by the stakeholders in the pre-study. RWI needs to focus on a few achievable and measurable outcomes and describe exactly how the outputs and activities will contribute towards these.
- The main assumptions underpinning the design of the programme are not valid. Lack of knowledge of HR among the judiciary is only one of the obstacles for

non-fulfilment of human rights in the region – and must be supplemented with other measures.

- Partnerships are based on previous relationships rather than an analysis of most strategic change agents in the region and in each country.
- The activities have been more supply-driven than demand driven, with a focus on RWI key competencies in HR training within law faculties and the judiciary. While this is needed, the independence of the judiciary, poor governance, poor HR monitoring (of court cases and political decisions), and the lack of moral and legal support for judges and lawyers who take on HR cases also require urgent attention. The identified problems and HR obstacles should guide the choice of methods, tools and partners - not the other way around. Unless RWI is ready to review its role and mandate to meet a wider range of challenges, partnerships with other actors need to be considered. Strategic alliances have not sufficiently or proactively been sought with other stakeholders involved in similar efforts at the national and regional levels. Possible synergies are missed. Strategic alliances and networking have also not been facilitated by Sida itself (e.g. ILAC training of judges in Tunisia and the, the European-Mediterranean Foundation for support to Human Rights Defenders and the Penal Reform International programme).

At the same time it should be acknowledged that working on HR promotion in the MENA region is a great challenge in the present context of change. The RWI staff have shown excellent skills in relationship building and are highly appreciated by partners as professional, trusted and effective. The noted ineffectiveness is related to the overall design and management mechanisms of the programme, rather than the day-to-day running and administration. It is also related to the short timeframe of the programme. Influencing the legal system and the rule of law is indeed difficult and long-term.

The limited capacity of RWI was also seen as a risk factor in the Sida decision memo: *“Sida has previously raised concerns that RWIs rapid expansion in the past years may overstretch the capacity of the institute. RWI has little or no experience of institutional capacity building work in the MENA region, and the proposed programme is very ambitious in its scope.”*

7.3 SUSTAINABILITY

Question – related to sustainability	Comment
Are the results accomplished by the RWI programme likely to be sustainable?	The RWI programme is in a build-up phase and the initiated networks and structures are not yet sustainable. Long-term sustainability will depend on the priority given to the programme by partner institutions in the competition of other development and exchange programmes. The fact that partners, especially JTAs, contribute their time without remuneration is a positive sign. At the same time, a lack of commitment and delivery delays are reported as key obstacles. The University of Jordan has withdrawn its financial support to the resource centre staff. No partner has indicated that they are able to find budgets for traveling and meetings.

The focus on local ownership and the fact that staff members of JTA's contribute their time to the project without remuneration is a positive step towards sustainability. At the same time, a lack of commitment by partners has been among the main obstacles mentioned in reports. Unpaid time contributed by Universities is still small, whereas JTAs have shown more willingness to make such contributions. Still, the time committed is a major obstacle and proposals to engage RWI paid coordinators in both JTAs and Universities have been made by many respondents. No partner has indicated that they are able to find budgets for traveling and meetings.

There is no solid foundation for the sustainability of the Academic Network. Contacts between the meetings/activities arranged by RWI are almost non-existent. Volunteering information to the website is not happening. There is uncertainty about the University of Jordan's commitment to hosting the resource centre in the long term. The contribution towards the salary of the resource centre administrator has been withdrawn by the University. All partners, except Arab Beirut University complain about limited funding from RWI. This can be attributed to the limited budgets of Universities, and also to the attention given to competing programmes and cooperation offered by other stakeholders.

JTAs have shown more interest in keeping their network active, although they also suffer from time limitations. All of them indicate budget shortages for travelling. By creating Skype contacts, discussion groups and webinars, this may be possible to overcome.

7.4 COST EFFICIENCY

Cost efficiency has been assessed in terms of activity costs in relation to demonstrated outputs and the number of people reached. Per person costs for key activities have also been assessed in relation to comparable regional capacity development programmes.

Question – related to cost efficiency	Comment
Consider whether the programme has been cost-efficient/sufficiently funded, i.e., the evaluation shall juxtapose results achieved with the amounts of Sida funding available.	Costs have been high compared to the limited outputs demonstrated and the number of persons reached. The average per person/day cost for training and meetings has been higher than comparable capacity development programmes in the region The budgets have been sufficient. In 2010 less than half of the budget was used, in 2011, this was compensated for.

The accounts of RWI have proven difficult to analyse as the budget lines do not always match the annual progress report activities (especially for 2011). It was hard to cost activities when plans were changed, but budget lines remained the same. In some cases, activities used a number of budget lines to cover the costs and vice versa. After some struggling in the analysis and help from RWI, we were able to make an analysis of costs per activity. We also found that the RWI programme has used approximately 60% of the Sida funding for fees and travelling by the Swedish experts and RWI staff, which is higher than other Sida-funded capacity development programmes.

It is acknowledged that initial investments in relationship building and the establishment of an administrative and organisational set up are necessary for any programme. However, the per persons costs of some of the activities have been very high compared to the outputs achieved and compared to other comparable programmes.

The evaluation team especially wants to point to the following:

- The steering committee meetings usually last for 2 days and the cost is around 350 000 SEK each (32 000 SEK per participant each time. These meetings involve 6-7 partners and 4-5 Swedish resource persons. The coordination and driving force of the academic programme is still heavily relying on RWI, and partners show little sign of taking over ownership and responsibility for brought up ideas.
- The 5-day study trip to the Netherlands for three selected partners (from the steering group) and three Swedish resource persons used SEK 314 600 – which amounts to 53 400 SEK per person. The result of the trip is reported as “participants reported that they increased their understanding of how the various Dutch human rights centres and universities organise their human rights research. Useful best practices were also shared, which can be built on in the continued development of programme activities in MENA”.

- The high-level judiciary seminars have used an average of almost 40 000 SEK per person each time they have been arranged (3 times now). Each meeting has had a budget of half a million. This may have been worthwhile as it resulted in the signing of MoU with the Ministries of Justice and opened up a possible dialogue on HR curricula and teaching practices for judges and prosecutors. Still, the per person cost is high compared to similar meetings.
- The ToT training has had a budget of 700 000 SEK per year in average. This means that in three years RWI will have spent an average of around 140 000 SEK per person (ToT), which is covering 18-20 days over three years. The results of the ToT programme have been limited. A Sida ITP course has a budget of around 200 000 SEK per participant, covering 5 weeks over two years.
- The librarian training programme for 5 persons, with a cost of 732 000 SEK or 61 000 SEK per person is a rather high per person cost compared to other training programmes. However, the reported results are promising.

At the same time the summer school supported by RWI is a low-cost activity for students, using less than 3 500 SEK per participant for a three week course. This is approximately 200 SEK per day/person. These courses have resulted in building bridges and friendships between youth in the region and have enhanced their acceptance and knowledge of human rights. Gender equality has been an important part of the agenda and the number of female participants in the summer school has been 50% or more. The summer school has also developed teaching practices and has provided Beirut Arab University with enhanced good will.

The average person/day costs for RWI training and meetings (around 10 000 SEK per person per day) are higher than comparable capacity development programmes for legal and human rights experts in the region.

The overall cost compared to expected outputs 2010-2011

Expected outcome	Money spent 2010-2011	Result
1. Establishment of a highly visible, active and self-sustaining regional academic cooperation mechanism for policy-making and knowledge development	3 420 568	The network is not visible, not active between meetings and not self-sustainable. There are no signs of this happening, unless a different strategy is adopted. The academic seminars were seen as less successful and only reached a few participants.
2. Strengthened structures, knowledge and skills of partner universities in relation to human rights research	1 178 764	The planned approach has not worked well, although materials were developed and seminars held. The regional baseline study was never completed. Less than half of the budget has been used. Umeå university suggests a different approach for this particular output, e.g. focussing on a twinning ar-

		agement with one country at the time, rather than trying to address this issue at a regional level.
3. Enhanced structures, knowledge and skills of partner universities and JTAs in relation to human rights teaching	2 576 289	There are signs that some of the JTAs have opened up and are willing to improve their human rights teaching. Sharing experience with others from the region adds to this dynamic. Some of the tools are appreciated, especially the collection of court rulings. For Universities, this output has not been reached, although individual teachers have improved skills and practices.
4. Enhanced communication and cooperation channels between JTAs and academic institutions	404 944	Processes are initiated, but progress is slow due to hierarchies and personal relations.
5. Strengthened user-producer nexus between academic institutions, JTAs and secondary stakeholders at the regional level	1 739 510	Some of the multi-disciplinary research projects supported by RWI in 2012 could potentially contribute to this output (5 topics). The research produced for the academic seminars in 2011 was, however, of low quality and was not widely disseminated. Needs assessment from 2007-08 identifying priorities of the “users” has not been used as guidance.
6. Increased supportive resources for planning, designing, implementing and evaluating human rights programmes of stakeholders	2 648 659	The ToT programme, which takes the major part of this budget line, has not contributed to the outcome. The ToTs are not systematically and strategically used to enhance capacity of stakeholders. Only 2 ToTs report satisfaction with the programme. The librarian programme, which takes 1/3 of the budget line, has succeeded in empowering librarians in their proactive role as human rights promoters. A regional network is initiated and a few new titles in Arabic have been added to the libraries (which are sometimes unfortunately separated from the main library).

An overall assessment of the use of the budget indicates that training and seminars make up 75 % of the cost.

Although it is acknowledged that investments in relationship building in the initial stages of the programme are necessary and that some of the expected results are long term, the evaluation team concludes that per unit costs for some activities, the few people reached and the limited short-term results gives reason to question the cost efficiency of the programme.

8 Lessons learnt

The programme design phase is crucial for ensuring that a programme will eventually achieve its outcomes and will have an impact. It is both the responsibility of the donor and grant beneficiary to ensure that the programme is designed to address the main obstacles to change and that the plan is realistic, logical and coherent, including relevant measurable indicators.

It is also the responsibility of both the donor and the grant beneficiary to ensure that the programme is achieving synergies with other initiatives in the same field, especially when initiatives are financed with Swedish funds (bilateral, EU and UN).

Baselines should be available or collected before implementation.

Any programme needs a built-in sustainability plan that should be implemented along with the programme itself.

Involved parties involved need to be informed of the programme design itself (theory of change, strategies and programme components etc.), how to apply results-based management and how to monitor and report on progress.

Monitoring and dialogue, by both donors and grant recipients, need to happen on a regular basis, according to certain agreed upon benchmarks - comments based on annual reports that are 8 months old does not promote learning and adaptability of programmes.

Applying a human rights-based approach and a gender perspective to programme processes needs to be understood in a practical and concrete manner, and reflect the progress indicators set for the programme.

When working in the MENA region, communication and facilitation need to be conducted in Arabic language to ensure everybody's full participation.

Any programme including a ToT component should also include a compulsory follow-up practical component that would benefit the respective institutions of the participating ToTs. Managers from the institutions should be involved in the training process in such a way that would lead to institutional empowerment and to an effective use of the new skills of the ToT. Lessons from the ITP courses should be utilised to inform the design.

Selection criteria and selection methods for the participation of organisations, institutions and individuals in programme activities should be documented and transparently communicated to ensure relevant participation and a widening of the circle of participation that prevents exclusivity. The appropriate selection of coordinators and key partner staff is pivotal.

Any programme that includes a research module should ensure compliance with adopted research methods including publication requirements.

9 Conclusions

Assumptions

- capacity building in HR is a real need
- a regional approach is a clear added-value
- RWI has potential as a Swedish, respected, professional and non-confrontational actor in the MENA region
- the Arab Spring opens more opportunities for HR work, even though change can be only superficial and a lot of old structures remain
- the exclusive focus on academic and judiciary institutions is limiting the impact of the project since these institutions (especially the JTAs) are not really strong actors of change

Design

- unclear and overambitious design
- no realistic and logical M&E framework and unclear steering mechanisms
- poor reporting arrangements (once a year to Sida) and focus on activities
- ToT component is the weakest in terms of design, selection of participants, content, organisation and follow up, ToT should have been implemented in Arabic from the beginning

Implementation

- the project management was appreciated by partners (including modern teaching partners –participatory approach, learning by doing...) and globally, participants benefited from the project at a personal level
- the project managed to create a certain regional dynamic
- no proper coordination took place with other stakeholders (the project is not known apart from direct beneficiaries) and therefore there were missed chances for partnerships, and duplication (cf. JTAs which received a lot of international support and existence of other ToT projects in Arabic)
- the choice of certain beneficiaries and coordinators seems to be unfortunate
- no dynamic was created between project's partners at the national level
- lack of follow-up between seminars and meetings
- beneficiaries don't always have a clear vision of the overall project
- having a local partner with capacity to host the academic network hub, rather than relying on resources from the RWI office to run the network, could have saved resources and enhanced local ownership

Results

- the programme has not yet contributed to the expected outcome, this is due partly to the short time and partly to the design of the programme
- the activities have not effectively contributed to the expected outputs, this is due to weaknesses in the design and implementation of the programme
- there is potential for the ideas and visions behind the programme but the strategic approaches and frameworks need to be revised

Reporting

- there has been extensive reporting on activities and very little on outputs and outcome
- reporting has not been used as a tool for reflection and review

10 Recommendations

For RWI

1. Review programme strategies and revise the results framework for the programme so that it becomes more logical and realistic, and based on updated situation and stakeholder analysis in each country. (The field reports provided as working material for this evaluation report could serve as an input to that process.) Include concrete sustainability and exit strategies in the strategic plan.
2. Revise the steering mechanism of the programme. Presently the role and mandate of the steering committee, the resource centre and the regional RWI office are unclear.
3. Consider if the focal point of the network could be more effective if hosted by an institution with more capacity and supportive structures.
4. Revisit the approaches taken to establish an academic network on human rights to make them more inclusive of other stakeholders and supporters. In each country there are already strong universities with HR training on the agenda, though they are often private and often not in the law faculty. Having them on board would increase visibility of the network. RWI could make specific provisions for support to the participation and capacity development of public universities.
5. Establish clear objectives related to the performance of the academic network such as; development of a regional Master's programme in HR, creating a database of HR researchers and resource persons, initiating an Arabic HR journal and supporting research topics of particular interest to human rights defenders. Process objectives could also be established related to improved relationships and experience exchange between universities, enhanced capacities of weak universities etc..
6. Review the support and coaching provided to JTAs to make it more sensitive to the changing context in each country and in full synergy with the large on-going programmes on law reform/rule of law supported by the big donors (EU, UNDP, USAID in Iraq, Canada in OPT, etc.).
7. Supplement the present coaching of JTAs with moral support to judges who make ground breaking court rulings (by e.g. peer presence in courts and regional publicity on website and in journals) and include lawyers (through their Bar Associations and/or legal clinics at universities) with more freedom to push the human rights agenda in courts. Lawyers should be at the forefront of the programme, including students and practicing lawyers as well as media.

8. Commission local HR CSOs or HR Institutions to monitor, document and publish progressive court rulings in each country as a service to the judiciary.
9. Increase the transparency of selection criteria for research grants, network participation, summer camps, training programmes etc. and advertise more widely. In-state preventive measures against closed circles of benefits that partners might create for personal benefit, and promote inclusiveness.
10. Consider supplementing the ToT programme with efforts to establish a functional Regional Network of human rights trainers and training materials (in Arabic), using web-based approach. Such a Network would be inclusive of all HR trainers (not only the RWI ToTs), and supported by a webpage where CVs, contact details and references can be found, experiences can be exchanged (e.g. Facebook group) and courses advertised. The network could also be supported with regular refresher courses on certain themes. If RWI considers running another ToT programme, an ITP approach could offer better results, meaning more intense training during two years, with concrete assignments/change projects between and after, and involving the institutions housing the ToTs. Training and training materials should be in Arabic.
11. Strengthen coordination measures including between programme components and between other related programmes. Make sure all programme participants are aware of the programme design and purpose in order to contextualise their participation and build on other activities.
12. Improve effectiveness of development programmes by one of the following actions:
 - a. Broadening the RWI mandate and strengthening the capacity to strategically plan, manage and monitor development programmes in order to respond to the HR problems identified in each context. Use a range of tools, methods and partners to stimulate and facilitate change. Form strategic alliances with other development actors and institutions in the human rights field³¹ OR
 - b. Continue focusing on the core competencies of RWI as a technical, academic human rights expert institution, which provides support to capacity development of partner institutions in HR training and research, but seek strategic alliances with other carefully selected development partners, with a broader agenda, e.g. regional partner institutions which can supplement RWI in other strategic areas (e.g. monitoring of court rulings, litigation, legal aid etc.).

³¹ The Danish Institute for Human Rights is presently in such a process.

13. Negotiate the re-visited programme with Sida and other donors if necessary. In partnership with local HR institutes and Universities, consider seeking funding from EU, UN bodies and Sida Programme/Research unit, to not only depend on Sida MENA programme.

For Sida

1. Sida needs to improve documentation and handover procedures when staff changes are made to avoid delays and inconsistencies in decision-making towards partners.
2. Sida needs to develop clear and consistent assessment criteria for the selection of grant beneficiaries and intermediaries. It is important that programmes are demand driven and contextually adaptable – not supply driven. When selecting a Swedish organisation as an intermediary or implementer, the specific benefits and added value compared to other alternatives should be highlighted. Such added value could be for example: moral, legal, technical or international networking contributions. In countries/regions with internal conflicts, a Swedish intermediary can sometimes also serve as a neutral host of a programme and a facilitator of networking. This could be a reason why Sweden is perceived positively in the MENA region.
3. Sida's tools to assess and guide grant beneficiaries in terms of realism and the logic of results frameworks and strategic assumptions need to be put to use. The RWI programme was approved despite a weak theory of change and unrealistic and unclear goals. Sida should offer dialogue and support to applicants to prepare results frameworks that are logical and realistic.
4. Sida needs to improve its monitoring system and link it to the specific benchmarks of each programme. Regular dialogue should be carried out in addition to comments on annual reports.
5. Sida should encourage and facilitate networking and cooperation between its partners in the region to encourage synergies. For example, the Sida-funded ILAC programme for training of judges in Tunisia, the European-Mediterranean Foundation for support to Human Rights Defenders and the Penal Reform International programme, could all gain from closer cooperation with RWI (and vice versa).
6. Sida should request RWI to prepare a revised programme proposal based on the lessons and recommendations in this evaluation.

Annex 1 – Terms of Reference

Evaluation of the Raoul Wallenberg Institute’s regional programme “Building Human Rights Knowledge and Resources in the Middle East and North Africa”

1. Introduction and Background

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) has been active in the MENA region since 1999. The current regional programme “Building Human Rights Knowledge and Resources in the Middle East and North Africa”, funded by the Swedish International Development Cooperation Agency (Sida), started on 1 December 2009 and will end by September 30, 2012. (The programme was designed as a five year programme, but in final agreement with Sida covered only a two years and nine months programme. There may thus be some discrepancy between the full programme proposal and the activities undertaken as part of the actual programme.)

Through partnerships with and empowerment and capacity development of **Academic Institutions** and **Judicial Training Academies** as well as the strengthening of these institutions’ relationship with other key sectors in society involved in human rights promotion and protection in particularly Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco, the occupied Palestinian territories, Syria and Tunisia, the programme expects to achieve the following outcome

The role of partner universities and judicial training academies in formulating and disseminating knowledge on human rights in the MENA region is more responsive to the needs of users and influential in guiding court rulings, legal reform and policies developed within national states and the region at large.

In turn, this is envisaged as leading to the following impact:

Arab societies’ adherence to international human rights standards is reinforced, whereby Arab governments are adopting legislation, polices and other measures that promote and protect human rights.

The current evaluation assignment consists in an ex-post evaluation of the programme and the extent to which it has contributed to its intended results. In turn, this document will be an important part of RWI’s and Sida’s respective assessment of a possible continuation of the programme.

The evaluation shall draw on the established results framework of the programme, and combine this with considerations relating to Sida’s policies/strategies, and the general situation for human rights in the region.

The primary stakeholders for the evaluation are the programme’s academic and judicial partners,, both as objects of evaluation and as implementers of possible recommendations.

Additionally, both RWI and Sida are stakeholders, as object of evaluation and as primary user of its conclusions, respectively. Sida and RWI will cooperate in the performance of the evaluation.

2. The evaluation assignment

The evaluation shall generate information on the extent to which the RWI’s MENA programme has been successful in attaining its own expected results, and also whether it has contributed to the goals manifested in the Swedish regional cooperation strategies for the MENA region. The evaluation should also give suggestions as to how such contributions can be reached or enhanced in the future.

Evaluation questions:

The evaluation shall address questions related to the effectiveness, cost-efficiency, sustainability and relevance of the RWI programme. In addition, it shall endeavour to formulate recommendations in order to enhance the programme in the future, if it is continued.

With regard to effectiveness, the evaluation shall address the following questions:

A 1: Have the activities³² of the RWI programme contributed to partner universities and judicial training academies, as they formulate and disseminate knowledge on human rights, are being more responsive to the needs of users, and influential in guiding court rulings, legal reform and policies?

A 2: Has the RWI programme “increased the ability of academic and professional training institutions in the MENA region to provide more adequate resources to institutions and individuals in the MENA countries that promote and protect human rights”?

³² The program has six main output results/lines of activity:

- Establishment of a highly visible, active and self-sustaining regional academic cooperation mechanism for policy-making and knowledge development
- Strengthened structures, knowledge and skills of partner universities in relation to human rights research
- Enhanced structures, knowledge and skills of partner universities and JTAs in relation to human rights teaching
- Enhanced communication and cooperation channels between JTAs and academic institutions
- Strengthened user-producer nexus between academic institutions, JTAs and secondary stakeholders at the regional level
- Increased supportive resources for planning, designing, implementing and evaluating human rights programmes of stakeholders.

A 3: Is it likely that the RWI programme has or will contribute to the adoption of legislation, policies and other measures that promote and protect human rights by government of the MENA region?

A 4: Can the RWI programme be said to have contributed to the fulfilment of Sweden's sector goals for democracy and human rights in the MENA region, as expressed in its regional strategies?

A 5: In case of non-attainment of the above results, what have been the primary reasons for this?

With regard to sustainability, the evaluation shall address the following questions:

B 1: Are the results accomplished by the RWI programme likely to be sustainable?

For all of the above questions, the evaluation team shall consider whether the programme has been cost-efficient/sufficiently funded, i.e., the evaluation shall juxtapose results achieved with the amounts of Sida funding available.

With regard to relevance, the following questions shall be addressed:

C 1: Has the programme been relevant to the needs of the intended beneficiaries (i.e., institutions and individuals in Arab societies to promote and protect human rights)?

C 2: Has the programme been relevant to the partners of RWI? To what extent is there a sense of local ownership of the programme?

C 3: Has the programme been relevant in view of the overall situation for human rights in the region?

Finally, the consultants are asked provide recommendations as to how the programme may be developed in order to enhance its relevance, efficiency and effectiveness.

In answering the evaluation questions and in providing recommendations, the consultants are asked to be sensitive to issues of gender and social marginalisation.

3. Methods:

The evaluation shall depart from an overview of the contexts in which the RWI programme operates, the extent of state commitment to human rights, and the primary reasons for human rights violations in the region. Such an overview shall form the basis for subsequently addressing the relevance and effectiveness of the programme and its activities.

For information concerning the RWI programme and its implementation, the consultants are expected to perform interviews with partner institutions and to review existing programme documentation. Furthermore, the consultants are expected to conduct field visits and interviews with a selection of representatives from the intended beneficiaries; both institutions and individuals,

In addressing the question results of programme activity, focus should be kept on general effects, rather than on details of individual activities. More in particular, the evaluation shall – by drawing on the above sources of material – make an informed judgement on the extent to which the program may have had a positive influence on institutions and individuals that promote human rights in the region, and more generally on the broader area of human rights, in the MENA and in the individual countries. Such a judgement shall be clearly and thoroughly argued, and contain a critical discussion of both arguments for and against believing that such results have taken place. Even when results may not yet have been attained, or may be impossible to definitely separate from effects of more general trends, the consultants shall endeavour to discuss the likelihood of them occurring as a result of the programme. The discussion shall also take into account and relate the RWI programme and its activities to the political transformation which is currently taking place in the Arab world.

Effects and results should both be addressed in relation to the concrete goals of the RWI programme, and in relation to the overall influence that the RWI programme has had on its environment (an element of ‘goal-free evaluation’).

In describing the results, sustainability and relevance of the RWI programme, examples may be used both for illustration and for proof. However, if they choose to use such material, the consultants shall also present a view on how representative such examples are of the programme in general.

The evaluation must be an inclusive process, involving intended beneficiaries and other relevant stakeholders, identified by the consultant(s). The consultant(s) should meet with partners, beneficiaries and stakeholders in at least four of the programme countries: Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco, the occupied Palestinian territories, Syria and Tunisia. The choice of countries for field studies should be argued in the inception report, and needs to be approved by Sida and RWI prior to the field studies.

4. Evaluation team:

The evaluation team shall be composed of 2-4 persons. Between them, they shall possess the following competences:

- Good knowledge about human rights and democratisation.
- Thorough knowledge about the Middle East and North Africa in general, and on the human rights situation in the region in particular.
- Thorough knowledge about and capacity to analyse the political context in which the RWI programme operates.
- Knowledge about evaluation methods and techniques.
- Fluency in both Arabic, French and English.
- Experience in performing evaluations in the MENA region.
- Experience of evaluations in the sector of democracy and human rights.

One person shall be designed to be the team-leader, and shall be responsible for all contacts with Sida. This person must have knowledge about evaluation methods, and of working in the sector of democracy and human rights.

Sida will be responsible for the contacts with the consultant.

The consultant(s) shall exercise reasonable skill, care and diligence in the performance of services and shall carry out responsibilities in accordance with recognised professional standards.

The consultancies should be conducted with due consideration to marginalised groups and pursuing gender equality in all relevant aspects of the consultancy services.

5. Summary of the evaluation process

The evaluation process is composed of the following steps (indicative time in parenthesis):

Step 1: Reviewing the available documentation on the programme and on the Human Rights situation in the region/individual countries. (Two weeks, including writing of inception report.)

Step 2: Inception report to Sida and RWI

Step 3: Data collection process (Eight weeks)

Step 4: Data processing and analysis (Two weeks, including writing of draft report.)

Step 5: Submission and discussion of draft report to Sida and RWI.

Step 6: Subsequent to comments from Sida and RWI; submission of final report (One week)

The estimated total time of the assignment is thirteen weeks, to be divided among the members of the team. Ideally, the evaluation should be finalised before June 30, 2012.

6. Risks and assumptions

All evaluations involve some risks and assumptions that need to be addressed at the beginning of the process. In the inception report, the consultant(s) shall list the risks that may be faced during the evaluation process and the assumptions which may have an impact on the evaluation process, and propose alternatives for facing those risks.

7. Deliverables

Expected deliverables in English language include:

- Inception Report
- Draft Evaluation Report
- Final Evaluation Report (maximum 40 pages, excluding annexes)

Annexes, at minimum, should include:

- Terms of Reference;
- Data gathering instruments (observation guides, surveys, focus group discussion guides, etc.);
- Names & contact information of stakeholders met/interviewed (to the extent it does not violate considerations of confidentiality).

Annex 2 – Interview Guides

Interview guide – RWI, Umeå and Swedish consultants

Questions
1. Which results (related to your contribution) are you most proud of? E.g. a. Results related to improved institutional capacities of partners? b. Results related to improved networking? - Results related to changes in policy/legal practices?
2. What have been the biggest challenges?
3. What role could academic law institutions play in HR promotion, protection and monitoring? In what way can they support/influence policy makers, NHRIs, judiciary and NGOs?
4. What are the major factors hindering academic institutions in Mena from playing that role? E.g. a. Lack of overall good governance? b. Lack of independence? c. Lack of knowledge on HR instruments? d. Lack of networking with other stakeholders? e. Poor communication methods/skills (too “academic”)? f. Other?
5. What role could JTAs play in HR promotion, protection and monitoring? In what way can they support/influence policy makers, NHRIs, judiciary and NGOs?
6. What are the major factors hindering the JTAs in Mena from playing that role? E.g. a. Lack of independence? b. Lack of knowledge on HR instruments? c. Lack of networking with other stakeholders? d. Poor communication methods/skills (too “academic”)? e. Other?
7. What other stakeholders in the academic and judiciary could play a key role in HR promotion, protection and monitoring? (e.g. University Departments of political science? Institutions that are training/organising lawyers and prosecutors? etc.)
8. What specific added value does RWI bring, compared with other HR initiatives in the region?
9. What other HR organisations (national and international) have you considered cooperating with to enhance results?
10. In the future, what should be developed or changed in order to improve the effectiveness of the RWI programme?

Interview guides for primary stakeholders e.g. partner universities, JTAs, NWG members

1/ Design of the programme a. Describe the theory of change and the objective of the programme as you see it. b. Did your institution participate in the problem analysis and the design of the RWI programme? c. Were the specificities (needs, capacities, resources, context) of your institution taken into consideration in the design of the partnership?
2/ Implementation of the project a. Do you think that the objectives of the project have been achieved? Why? Why not? b. What has been achieved at the regional level? What are expectations of future benefits from regional cooperation? c. How would you rate the management and cost effectiveness of the programme?
3/ Institutional empowerment a. In what way have the capacities of your institution to promote HR improved, during the past 2½ years? Give examples? b. What has your institution done during the past 2½ years to contribute to HR application in your country? In the region? Be specific about what and with whom. c. What was the result of that effort?
4/ What contributed to the empowerment? a. What were the most important events/or supports measures leading to this capacity improvement and this contribution to HR application? (Knowledge, budgets, networking etc.)? b. Which of the above events/support measures were provided by the RWI programme? Which other events/support measures have had significant importance? c. What has been the most important contribution from RWI? What has been the least useful? d. What is the added value of RWI support compared to other HR programmes in the country/region?
5/ Context analysis a. What role could your institution play potentially in the future? b. What are the main factors hindering you from playing that role? E.g. Lack of independence? Lack of knowledge on HR instruments? Lack of networking with other stakeholders? Poor communication methods/skills (too “academic”)? Other? (Funding?) c. What other stakeholders in the academic and judiciary could play a key role in HR promotion, protection and monitoring? d. What could they do? e. What are the main factors hindering them from playing that role? E.g. Lack of

independence? Lack of knowledge on HR instruments? Lack of networking with other stakeholders? Poor communication methods/skills (too “academic”)? Other? f. What is most needed in your country in order to improve the HR situation? In the region?
6/ Ways forward a. When do you anticipate that you the network and website will be able to continue capacity development and networking in the HR field without external support? b. What strategies should be adopted to reach such independency? c. In the future, what should be developed or changed in the programme?

Interview guide for external experts on HR and secondary stakeholders/potential “users” of the improved capacities of RWI partners (policy makers, NHRIs, judiciary and NGOs)

Questions
Presentation of the organisation 1. Please present briefly your organisation/ institution and the role it plays in the promotion, protection and monitoring of HR in your country? In the region? 2. Please mention partnerships, networking and funding agreements, if any exist.
General context analysis 3. What human rights are most controversial in your present context? 4. What are the major obstacles to the promotion, protection and monitoring of human rights in your country? In the region? 5. What is most needed in your country in order to improve the HR situation? In the region?
Stakeholder analysis 1. Who are the most important and powerful organisations/ institutions/groups promoting, protecting and monitoring human rights in your country? In the region? 2. What role could academic law institutions play in HR promotion, protection and monitoring? 3. What role could JTAs play in HR promotion, protection and monitoring? 4. What are the main weaknesses of the academic institutions and the judiciary in your country? 5. What other stakeholders in the academic and judiciary could play a key role in HR promotion, protection and monitoring? (e.g. University Departments of political science? Institutions that are training/organising lawyers and prosecutors? etc)

Project analysis

- a. Do you know the RWI programme? (If not, explain its contents and aims.)
- b. If your organisation implements similar activities, did RWI coordinate with you to maximise efficiency and avoid duplication?
- c. What do you think about the theory of change of RWI programme? Please explain.
- d. Is the RWI programme (focusing on institutional capacity development of academic law institutions and judiciary) filling an important gap and adding value to the HR arena in your country? Explain. In the Region? Explain.
- e. What should a Swedish human rights organisation (academic law institute) focus on to make the best contribution to HR in the region?
- f. How is Sweden perceived as a partner country?

Interview guides for ToTs (both the present and those who are no longer in the programme)**1/ Design of the programme**

- a. To which ToTs/ workshops did you participate?
- b. Describe the objectives of the programme and of the ToTs as you see them.
- c. How were you selected for the ToTs and did the design of the ToT take your specific needs into consideration?

2/ Implementation of the training

- a. Do you think that the objectives of the training have been achieved? Why? Why not?
- b. What was the added value of the training received (Knowledge and skills acquired if any...)
- c. Were they put into practice? How?
- d. What were the major difficulties encountered, how they were overcome?
- e. If this whole experience were to be repeated what should be changed?

3/ Personal and institutional empowerment

- a. In what way has your capacity to promote HR improved, during the past 2½ years besides as a trainer? Give examples?
- b. Which links do you establish between your personal empowerment (through the training received) and the job tasks and the institutional empowerment?
- c. What has your institution done during the past 2½ years to contribute to HR application in your country? In the region? Be specific about what and with whom.
- d. Which training did you deliver subsequent to the training received? (Please specify topics, beneficiaries and location.)
- e. What was the result of that effort?
- f. What kind of support should be provided during the practice phase if any?

4/ What contributed to the empowerment?

- a. What were the most important events/support measures leading to your personal and institutional capacity improvement and to your general contribution to HR application? (Knowledge, budgets, networking etc.)?
- b. Which of the above events/support measures were provided by the RWI programme? Which other events/support measures have had significant importance?
- c. What has been the most important contribution from RWI? What has been the least useful?
- d. What is the added value of RWI support compared to other HR programmes in the country/region?

5/ Context analysis

- a. What role could you play potentially in the future?
- b. What are the main factors hindering you from playing that role? E.g. Lack of independence? Lack of knowledge on HR instruments? Lack of networking with other stakeholders? Poor communication methods/skills? Other? (Funding?)
- c. What other stakeholders could play a key role in HR promotion, protection and monitoring?
- d. What could they do?
- e. What are the main factors hindering them to play that role? E.g. Lack of independence? Lack of knowledge on HR instruments? Lack of networking with other stakeholders? Poor communication methods/skills (too “academic”)? Other?
- f. What is most needed in your country in order to improve the HR situation? In the region?

6/ Ways forward

- a. When do you anticipate that you/your institution will be able to continue capacity development and networking in the HR field without external support?
- b. What strategies should be adopted to reach such independency?
- c. In the future, what should be developed or changed in order to improve the effectiveness of the RWI overall HR programme in the MENA region?

Annex 3 - List of respondents

ALGERIA

Primary Stakeholders

Partner:

- **Ms. Saïda Bendali**, , Training Director of the Ecole Supérieure de la Magistrature (JTA) and Coordinator of the RWI project

NWG:

- **Ms. Saïda Bendali**, , Training Director of the Ecole Supérieure de la Magistrature (JTA) and Coordinator of the RWI project
- **Ms. Samia Bourouba**, Teacher at the Ecole Supérieure de la Magistrature and at the Law Faculty of Alger University
- **Mrs. Maya Sahli-Fadel** : International Law and Human Rights Professor at the Law Faculty of Benaknoun University (Alger), Professor at the Ecole Supérieure de la Magistrature and at the Diplomatic Institute (MAE), Member of the African Commission for Human Rights and Rights of People, Expert with the OHCHR

Secondary Stakeholders:

- **Ms. Silvia Di- Santoet**, Human Rights Project Officer at the Delegation of the European Commission in Algeria
- **Ms. Katharina Roithner**, Civil Society Project Officer at the Delegation of the European Commission in Algeria
- **Mr. Hocine Zehouane**, Chairman of the Algerian League for the Defense of Human Rights (LADDH)
- **Mr. Nouredine Benissad**, Chairman of the Algerian League for the Defense of Human Rights (LADDH)
- **Mr. Nouredine Benbraham**, Chairman of the NGO Rights for Democracy and Human Rights (ADWA)
- **Mr. Nadir Bensaba**, member of the Algerian National Journalist Trade Union and national programme coordinator of the International Federation of Journalists (IFJ)

TUNISIA

Primary Stakeholders

Partner:

- **Ms. Beya Ben Feikh El Cherif**, Director of the Institut Supérieur de la Magistrature (JTA)

ToT:

- **Mr. Amor Boubakri**, Assistant Professor at the Law Faculty of Sousse University

Secondary Stakeholders:

- **Mr. Hamadi Sherif**, Human Rights Project Officer at the Ministry of Human Rights and Transitional Justice
- **Mr. Malek Ghazouani**, Judge in charge of Human Rights at the Ministry of Justice
- **Ms. Sonia Abassi**, Head of International Cooperation Section, Ministry of Women and Family Affairs
- **Mr. Anis Mahfouz**, Human Rights Officer at the Office of the High Commissioner for Human Rights
- **Ms. Marie Hélène Enderlin**, Institutional and Judiciary Support Officer at the Delegation of the European Commission in Tunisia
- **Mr. Gianandrea Villa**, Human Rights Officer at the Delegation of the European Commission in Tunisia
- **Mr. Lotfi Azzouz**, Director of Amnesty International Tunisia
- **Ms. Amna Guelleli**, Research Middle-East and North Africa at Human Rights Watch
- **Ms. Jalila Boukari**, Trainer at the Arab institute for Human Rights
- **Ms. Gabriele Reiter**, Project Coordinator at the World Organization against Torture (OMCT)

IRAQ

Primary Stakeholders

Partner:

- **Mrs. Loubna Aljalili**, Director of the Office of the President of the Supreme Judicial Council and Coordinator of the RWI project
- **Mrs. Nahla Hamidi Mohamad**, Director of the Institute of Judge Development (related to the Supreme Judicial Council) and member of the NWG

ToT:

- **Mr. Mohammed al-Obaidi**, Head of the International Cooperation Unit at the Ministry of Human Rights

NWG:

- **Dr. Mohammad Khairy**, teacher at Thi-Qar University and Director of an NGO
- **Ms. Nehaya Dawoud**, staff member at the Judicial Institute

Secondary Stakeholders:

- **Dr. Bushra Al Obaidi**, Commissioner of the National Institute of Human Rights
- **Ms. Amal Hussain Salman**, Trainer at the National Centre for Human Rights
- **Ms. Zainab al Ribhawi**, Gender Specialist (Analysis Unit) at UN Women
- **Dr. Athab Jawad**, Legal Office Director at the Euro-Arab Centre for Human Rights and International Law
- **Mr. Kadhem Al Bedani**, Director of the NGO Saviour of Human Rights

EGYPTPrimary Stakeholders

ToT:

- **Ms. Azaa Shalaby**, Independent consultant
- **Ms. Nivine Guirguis**, Director of the Technical Assistance and Social Services Consultants (TASSC)

Secondary Stakeholders:

- **Ambassador Mahmoud Karem**, Secretary General of the National Council of Human Rights
- **Dr. Fathy Al Masry**, Director of the National Center for Judicial Studies
- **Mr. Patrice Budry**, Political affairs officer in charge of Rule of law and judicial reform at the Delegation of the European Commission in Egypt
- **Ms. Naglaa Arafa**, Head of Democratic governance at UNDP
- **Mr. Jeff Goebel**, Democracy, HR and Good Governance at USAID
- **Mr. Benoit Cathala**, Attaché de coopération at the French Embassy/ Cooperation
- **Mr. Amr Shalakani**, Professor at the Faculty of Law of the American University of Cairo
- **Ms. Maria Farah**, Legal Research at the International Commission of Jurists
- **Ms. Hiba Morayef**, Egypt Researcher at Human Rights Watch
- **Ms. Stephanie David**, Regional Director of the International Federation of Human Rights (FIDH)
- **Mr. Tamer Mahmoud**, Chief of Party of the Public International Law and Policy Group
- **Ms. Gelf Gold**, Programme Officer at the American Bar Association
- **Mr. Nasser Amine**, Director of the Arab Center for the independence of legal and judicial professions
- **Mr. Ziad Abdeltawab**, Executive Director of the Cairo Institute for Human Rights Studies
- **Mr. Hossam Bahgat**, Director of the Egyptian Initiative for Personal Rights

MOROCCOPrimary Stakeholders

Partner:

- **Professor Mohammad Bennani**, Teacher at the Faculty of Law of Hassan II University (Casablanca) and coordinator of RWI project
- **Mr. Mohammad El Ayoubi**, Training Director at the High Institute for Judiciary (Rabat) and coordinator of RWI project

ToT:

- **Mr. Rachid Aboutaieb**, Educator at the Moroccan General Workers' Union (UGTM)

NWG:

- **Mr. Driss Lagrini**, Teacher at the Law Faculty of Cadi Ayyad University
- **Mr. Mohamad Emam**, Researcher at the Akdal Faculty of Mohamed V University
- **Judge Rahhal Al Bouanani**, Head of Chamber of the higher council, affiliated with the pen of the higher council for justice

Secondary Stakeholders:

- **Mr. Jean-Michel BOURLES**, Magistrat de liaison at the French Embassy
- **Mr. Louis Dey**, Justice and HR Officer at the Delegation of the European Commission in Morocco
- **Mr. Alae Dine Serrar**, Development Specialist at USAID
- **Mr. Brahim Al Anssari**, Research Assistant at HRW
- **Mr. Amine Abdelhamid**, Director of the Association Marocaine des Droits de l'Homme
- **Mr. Mohamad Zhari**, Director of the Ligue Marocaine des Droits Humains
- **Mr. Abdellatif Ngadi**, Transparency Maroc
- **Mr. Mohamed Chtatou**, ISESCO

JORDANPrimary stakeholders

Partner:

Dr. Ghazi Abu Arabi, Dean- University of Jordan Faculty of Law
Dr Mahasen Jacob, UJ Vice Dean –RWI Coordinator
Dr Ibrahim Jazi, UJ Former coordinator and Professor and Ex-Minister
Nada Karaki, AAHRN-Coordinator
Amani Sultan, Web master -UoJ AAHRN
Amani Hamarsheh, Librarian
Issam Hamdan, Librarian

NWG:

Dr Mohamed Olwan, Dean of the Faculty of Law at Middle East University
Judge Mohamed Tarawneh

ToT:

Sawsan Tawil

Rahma Abdulrahman

Secondary Stakeholders

Assem Rababaa, Lawyer/Adaleh NGOs

Alaedine Armouti, Ombudsman assistance

Dr.Nizam Assaf, ACHRS Director CSO and Research Grant Beneficiary

Dr Abdulsalam Hamach, MEU-Professor

LEBANON

Primary stakeholders:

Partners:

Dr. Omar Houri, Director of HRC – BAU

Mr. Ayman Ali Hassan, Coordinator of HRC – BAU

Judge Habib Mezher, Attended Judicial meetings / on behalf of President of JTI
 judge Sami Mansour

ToT:

Ms. Rania Hokayem, National Project Coordinator at International Labour Office,
 Participated in the TOT activity

Mr. Mazen Jaber, Information Officer at Amnesty, Participated in the TOT activity

Secondary stakeholders:

Ms. Maya Mansour, Participated in the research component of the programme

Students (2), Participant to the regional HR summer course, 2012

Ms. Darine El Hage, ALEF NGO, Participated in the research component of the
 programme

Dr. Elie EL Hindy, Notre Dame University, Participated in the research component
 of the programme, Participated in Teaching training seminar

Mr. Sami Ofeich, Balmand University, Participated in research methodology tech-
 niques

Ms. Aline Matta, American Bar Association, Senior regional Advisor, Former Coun-
 try Director for Lebanon

Judge Tarek Majzoub, Judge at State Council, Former professor at BAU, was board
 member of HRC-BAU

Ms Brigitte Chelebian, Attorney at Law, President of NGO Justice without Frontiers

Judge John Azzis, progressive judge and author of two books on court rulings and HR

OPT

Primary stakeholders

Partners:

Judge Asad Mubarak, Head of Judicial Institute, Palestine

Tariq Attieh, Judge under training, Coordinator at the Judicial Institute

Mustaf Meri, Institute of Law at Birzeit University in Palestine (*interviewed by Annika Nilsson in Lebanon*)

Maurice Backleh, Chairperson, Department of Psychology, Birzeit University

ToT:

Rifat Sabbah, Director of Teacher Creativity Center, Ramallah

Wael Abu Nemeh, Lawyer, Chair of Board- Palestinian Human Rights Institute

Secondary stakeholders

Mr. Ibrahim Barghouthi, Director General- The Palestinian Center for the Independence of the Judiciary and the Legal Profession

Mr. Mahmoud Kittana, legal advisor (former)- The Initiative on Judicial Independence and Human Dignity (KARAMAH project) four-year project implemented by the Institute of Law at Birzeit University in partnership with the Faculty of Law at Windsor University in Canada funded by the Canadian International Development Agency (CIDA)

Dr. Mustafa Abdel Baqi, Component Leader - Palestinian Justice Enhancement Program funded by USAID, Professor of Criminal Law, Birzeit University

Mr. Ghandi Rabie, Lawyer, Independent Commission for Human Rights (national human rights institution)

Mr. Hussein Sholi, Senior Advisor to the Palestinian Chief Justices (Chair of the High Judicial Council)

RWI, UMEÅ UNIVERSITY AND SWEDISH/SIDA INFORMANTS

Hanna Johnsson – RWI, Head of regional Amman Office

Carla Boukheir – RWI, Programme Officer

Enas Barhoum – RWI, Programme Assistant

Farah Kasim – RWI, Programme Officer

Emma Melander Borg – RWI, Head of Unit

Lena Olsson, Library Head of Unit

Helena Olsson – RWI, Programme Officer

Johannes Eile – RWI, Head of Department

Stellan Gärde, Advisor to the JTA component

Ulf Vannebäck, Umeå University

Per Bergling, Umeå University

Hassan Hussein, Sida Regional Programme Officer, Cairo

Annika Palo, Councillor, Embassy of Sweden, Turkey

Joakim Anger, consultant, Sida evaluation of ITP courses

Carina Jenssen, Projekt koordinator/Jur. kand. Lund University

Leif Stenberg, Director, Centre for Middle Eastern studies, Lund

Annex 4 – Website statistics

Month	Unique visitors	Number of visits	Pages	Hits	Bandwidth
Jan 2012	76	111	797	5,994	66.65 MB
Feb 2012	1122	1,524	7,236	58,503	579.63 MB
Mar 2012	820	1,164	4,932	38,764	394.64 MB
Apr 2012	1,910	2,400	14,075	112,535	1.14 GB
May 2012	5,762	7,140	27,273	291,270	5.98 GB
Jun 2012	5,896	7,396	26,144	275,104	3.73 GB
Jul 2012	2,637	3,366	13,995	120,315	1.83 GB
Aug 2012	0	0	0	0	0
Sep 2012	0	0	0	0	0
Oct 2012	0	0	0	0	0
Nov 2012	0	0	0	0	0
Dec 2012	0	0	0	0	0
Total	18,223	23,101	94,452	902,485	13.72 GB

Countries (Top 25) - Full list					
Countries		Pages	Hits	Bandwidth	
United States	us	4,628	12,678	199.46 MB	
Jordan	jo	2,008	18,719	221.37 MB	
Egypt	eg	1,447	31,539	283.24 MB	
Senegal	sn	1,412	1,706	28.03 MB	
Morocco	ma	1,198	20,287	221.42 MB	
Palestinian Territories	ps	1,116	17,809	168.64 MB	
Tunisia	tn	744	11,650	118.11 MB	
Algeria	dz	493	7,349	74.23 MB	
Iraq	iq	491	4,645	48.02 MB	
European country	eu	271	2,624	37.93 MB	
Yemen	ye	265	7,225	62.82 MB	
Lebanon	lb	262	3,733	38.18 MB	
Great Britain	gb	259	2,576	30.27 MB	
Israel	il	195	4,465	39.81 MB	
Sweden	se	135	1,464	17.18 MB	
United Arab Emirates	ae	132	3,094	24.70 MB	
Russian Federation	ru	109	759	11.00 MB	
Poland	pl	109	182	3.21 MB	
Saudi Arabia	sa	94	2,633	21.00 MB	
Syria	sy	85	1,006	10.47 MB	
Germany	de	79	1,247	11.33 MB	
China	cn	78	79	1.90 MB	
Ukraine	ua	55	55	1.23 MB	
Libya	ly	53	1,305	11.79 MB	
Djibouti	dj	48	315	2.96 MB	
Others		763	17383	163.94 MB	

Statistics from 23 July 2012

Annex 5 – Regional context analysis

General context

Since World War II, Tunisia, Algeria, Morocco, Egypt, Jordan, OPT, Syria, Lebanon and Iraq have obtained their independence through liberation processes that were variably peaceful. However, the region has never stopped being undermined by internal and external conflicts, and several of them have experienced occupation (Iraq, Lebanon, Syria and Egypt) and experienced civil wars (Algeria, Lebanon, Jordan and Iraq). Political stability remains an important challenge in the region.

The region has been at the centre of international attention and involvement because of its strategic geo-political location, its natural resources and the Israeli- Arab conflict (until now, only three countries/ national entities – Jordan, Egypt and OPT – have established formal diplomatic relations with the state of Israel). In this context, the Arab region did not benefit from the end of the Cold War and the spring movement in the former Soviet Union and South America in the 1990'. With twenty years of delay, 2011 eventually announced the beginning of the Arab spring with outcomes that still remain uncertain.

Even though all considered countries are medium ranked in their Human Development Index (with the exceptions of Lebanon and Tunisia which are high ranked), and have made substantive progresses in key areas (such as life expectancy and literacy), most of them have not properly addressed poverty reduction challenges and have witnessed a growing gap between economic elites (often linked to political power) and poor classes, while the middle-classes rapid shrinks. The general level of academic education has lowered considerably and there are generally high unemployment rates. Public services in most of these countries remain poor, especially as health and social services are concerned. The quality of general infrastructures and access to natural water supplies remain key challenges. As a result of this poor socio-economic situation, many young people (who often represent around half of the population) consider immigration as the only way to reach desired standard of living.

Despite the variety of political, ideological and economic structures that prevail in MENA countries, they all present poor governance records. Authoritarian and concentrated power, political and economic corruption, serious violations of political and civil rights (often justified by the regimes in the context of the Arab-Israeli conflict and the “fight against terror”) have led to poor democratic, social and economic development.

The MENA region (and particularly the Middle-East) is at the crossroads of influence of two main regional entities, the Sunni Kingdom of Saudi Arabia and the Shiite Islamic Republic of Iran, which affront each other through countries where Shiite and Sunni communities coexist (mainly Iraq, Lebanon and Syria). Furthermore, Saudi Arabia exercises great influence over the region through the diffusion of Wahabism and the funding of charitable activities that have compensated for the lack of reliable public services provided by the state.

Legal systems

The French and British colonisation of North Africa (from the end of the 19th century to the 1960') and the Middle-East (mainly from 1918 to 1945) have left a strong influence on the legal systems of the region. While France has left (at different levels) its footprint in the legal frameworks and approaches of Algeria, Tunisia, Morocco, Syria and Lebanon, the British influence is perceptible in Egypt, Iraq and Jordan. OPT is a singular case, with Gaza being ruled under common law and West Bank under civil law, despite attempts to unify the Palestinian legal system. Furthermore, countries of the MENA region are influenced by Islamic law in varying degrees, even though none of them is applying Sharia as such (Saudi Arabia and Sudan being the rare countries of the Arab world having adopted Sharia as their main legal reference).

Independence of the judiciary

The weakness of the rule of law and the general lack of good governance in the MENA region are important contributors to the non-independence of the judiciary. Indeed, the judiciary system in Arab countries is under the influence of the executive power and therefore fails to guarantee impartiality in applying legal standards and ensuring respect of citizens' rights.

Algeria, Egypt, Lebanon and Syria still practise a justice of exception as a consequence of states of emergency, and civilians are frequently judged by military courts.

Even though various judicial reform plans have been drawn up in several countries (for instance, Lebanon, Egypt, Jordan and Morocco) either as part of a transition to democracy or through initiatives driven by non-state bodies, these initiatives have led to much disappointment. Evolutions in post-revolution Egypt and Tunisia are being followed with much interest.

Human Rights regional framework

Ratification of international human rights instruments and cooperation with international human rights mechanisms

Most of the focus countries have ratified the main international human rights conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (CCPR), the International Covenant on Economic, Social and Cultural Rights (CESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of the Child (CRC). However, cultural and security elements are often invoked to justify reservations to certain articles (especially to CERD, CCPR, CAT and CEDAW) and optional protocols (allowing field visits monitoring the implementation of the convention's provisions and individual complaints to treaty monitoring bodies) are almost never ratified.

As of 31 December 2011, four of the focus countries (namely Jordan (2006), Iraq (2010), Lebanon (2011) and Tunisia (2011)) had extended an invitation to all thematic special procedures, meaning that they always accept requests to visit from all special procedures.

Country mandates

Following special concerns about the human rights situation, countries mandates were established in two of the focus countries. The resolution 1993/2 of the Commission on Human Rights initiated the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, with the mandate starting in 1993 and expected to continue “until the end of the Israeli occupation”. The 18th Special Session of the Human Rights Council (S-18/1) in 2011 initiated the mandate of the Special Rapporteur on the situation of human rights in the Syrian Arab Republic following violence that has occurred in the country since the start of the revolt.

Regional human rights treaties and mechanisms

The League of Arab States (of which all the focus countries are members) has been going through a reform process since 2003 and introduced the revised Arab Charter of Human Rights (ACHR) in 2004. Article 2 of the Charter is very similar to article 2 of the International Covenants (1966) and affirms the rights of Arab people to self-determination, to control their natural wealth and resources, to freely determine the form of their political structure and to freely pursue their economic, social and cultural development. A wide range of individual rights, rule of law principles, civil and political rights and economic, social and cultural rights are mentioned.

The Arab Charter on Human Rights entered into force on March 16, 2008 and until now 10 countries have ratified the charter (Algeria, Bahrain, the United Arab Emirates, Jordan, Libya, Palestine, Syria, Yemen, Qatar and Saudi Arabia).

Even though the Arab Charter on Human Rights represents a step towards enhanced respect of human rights, several dispositions reduce its impact, such as the primacy given to national legislation, the absence of effective enforcement mechanism and the fact that the Human Rights Committee under the ACHR (proceeding with country reviews similar to the UPR) is established through nominations from the Arab States.

Algeria, Tunisia and Egypt are members of the African Union and have acceded to the "African Charter for Human and Peoples' Rights" (1987). Algeria and Tunisia have also acceded to the protocol on establishing The African Court for Human and Peoples Rights. Morocco left the AU's predecessor (the Organisation of African Unity) in 1984 after the majority of member countries supported the Sahrawi Arab Democratic Republic.

Algeria, Morocco and Tunisia (together with Mauritania and Libya) are members of the Arab Maghreb Union which is a trade agreement aiming for economic and some sort of future political unity. The union is inactive and frozen due to deep political and economic disagreements between Morocco and Algeria regarding, among others, the issue of Western Sahara.

Human rights situation*A legacy of human rights violations*

Despite these different initiatives, violations of human rights in the MENA region and the focus countries remain a key concern. States of emergency have been in place for

decades in Algeria, Egypt, Lebanon and Syria, and legalise a wide range of human rights violations.

Among the most common violations, the following ones should be mentioned:

- use of death penalty
- enforced disappearance, incommunicado detention, administrative and illegal detention, torture and other ill-treatment, unfair trials of political opponents and protesters
- arbitrary and/or excessive exertion of force against human rights defenders and peaceful social movements
- impunity of responsibility of human rights violations and lack of compensation mechanism for the victims
- legislation restricting the work and action of the civil society and reduction of freedom of association
- restriction of the freedom of expression, strict control and censorship of the media
- violence against women (domestic violence, honour crimes and femal genital mutilation) that is not adequately punished by the legal framework and the social practices and norms
- violations of rights of refugees, asylum seekers and migrants (especially migrant workers)
- violation of the right to housing and to an adequate standard of living

Repression (at varying levels) is used by all Arab countries to contain the protesters asking for their dignity and the respect of human rights in the context of the Arab spring showed once again the repressive nature of Arab regimes. Even after the spring and the withdrawal of the head of state, human rights violations are on-going in Egypt and Tunisia (at a reduced scale though), showing that good governance and stabilisation are long processes. Other regimes (as Syria, Algeria, Morocco and Jordan) are facing growing protest. While the Syrian regime has opted for repression that has led to an extremely high number of casualties among civilians, Algeria, Morocco and Jordan have opted for progressive (but limited) reforms in the hope of containing growing discontent.

Reasons behind the poor human rights records

The gap between the formal progress towards respect of human rights and the on-going violations of human rights can be explained by several factors:

- the lack of independence of most judiciary systems from the executive power
- the overall lack of good governance leading to a concentration of power and its arbitrary employment
- the limited margin given to civil society organisations and media
- the complicity of the international community which has preferred to close its eyes to human rights violations committed by allied countries that were considered a defence against Islamism and terrorism and that were providing natural resources and strategic geo-political support, often against the will of their own people

Human Rights training stakeholders

Judicial Training Academies

JTAs in the Arab world have different functioning modalities but generally recruit at the Law B.A. level (a few require previous practical experience as a lawyer) and provide two to three years of legal training before graduation. Several of them also train practising judges and prosecutors as part of capacity building programmes.

JTAs tend to recruit on social and/ or political criteria (see generations of “hereditary judges” in Egypt) rather than based on competencies. Furthermore, generalised corruption and their lack of independency towards the executive do not encourage them to be actors of change, especially in the HR field. International stakeholders (mainly the EU, US Government and UN agencies) have provided tremendous financial and technical support to strengthen the rule of law in the MENA region through legal and judiciary reforms and the capacity building of judiciary staff (including in the Human Rights field), but results are often deceiving and capacities remain weak. For instance, judiciary staff often lacks knowledge of international conventions ratified by their countries and of implementation tools and principles within the national legal framework.

Universities

The level of the public academic system has dramatically declined since 1960s and quality superior education is often exclusively provided by private universities that are only financially accessible to a small elite. Their freedom of expression is generally limited by the control of the executive.

Teaching methods remain traditional and mainly theoretical, and research grants are very limited. Most Law Faculties don’t offer Human Rights curricula (except the Birzeit Law Faculty, the American University of Beirut and the American University of Cairo), even though Human Rights are reported to be mainstreamed in legal specialisation areas. Regional academic networks are almost nonexistent and there is no MENA regional academic and research network on Human Rights despite clear needs.

Civil Society

Civil society is weak in the MENA region and especially so in the Human Rights field, which remains highly political and controversial and often associated with external executive interference in internal affairs. Throughout the region, NGO Laws are restricting rights of assembly and the freedom of expression and little space is given to Civil Society Organisations by the executive powers.

In the Human Rights field, the most dynamic and influential civil societies are in Palestine and Egypt. The Tunisian civil society has a long history of being restrictive, but has tried to be dynamic again since the revolution. Jordanian, Moroccan, Lebanese and Syrian civil societies are quite weak and need a lot of capacity building. At the regional level, there are a few effective civil society Human Rights networks, including the Euro-Mediterranean Human Rights Network (EMHRN), the Arab Institute for Human Rights (AIHR), the Cairo Institute For Human Rights Studies (CIHRS) and the Arab Organization for Human Rights (AOHR).

Towards a regional dynamic?

The Arab spring has transformed into a regional movement and will have a long-term impact on the democratic, economic and social development of an area dominated by Egypt, the 15th largest country in the world with a population of 82 million. Besides the economic and demographic weight of the country, Egypt has historically played an outstanding role in the region, both at the political (with Nasser) and the cultural levels.

Even though Egypt has not performed better than other countries as far as human rights are concerned, it could play a leading role in the strengthening of human rights in the region. Indeed, Egypt is one of the three Arab countries (with Tunisia and Yemen) that witnessed a revolution without external military intervention, led by a dynamic youth and an active and influential civil society. Furthermore, two major regional Human Rights civil society networks are based in Cairo (the Arab Human Rights Organization and the Cairo Human Rights Institute). Finally, Egypt hosts the headquarters of the Arab League and of the Arab Human Rights Committee which drafted the Arab Charter on HR and proceeds with the HR review of Arab countries.

Annex 6 – National Context Analysis

ALGERIA CONTEXT ANALYSIS

By Aicha Zinai

BACKGROUND

The republic of Algeria is headed by a President that also appoints a Prime Minister. The President was formerly limited to two five-year terms but a constitutional amendment, passed by the Parliament on 11 November 2008, removed this limitation. Since 1999, Abdelaziz Bouteflika has been the President of Algeria. Under the 1976 constitution (as modified in 1979, and amended in 1988, 1989, and 1996), Algeria is a multi-party state, although the Ministry of the Interior must approve all parties. To date, Algeria has had more than 40 legally-recognised political parties. Algeria is a member of the African Union, the Arab League, OPEC and is a founding member of the Arab Maghreb Union.

After the riots of 1988, the Algerian government moved towards democracy, and began holding free elections. However, when the Islamic Salvation Front (FIS) won the first free parliamentary election in 1991, the military staged a coup d'état, voided the election results, arrested the FIS leadership, and declared a state of emergency that remained in force until 2011. This led to the founding of the Armed Islamic Groups (GIA) and the ten-year Algerian Civil War (1992-2002) wherein an estimated 150,000 people were killed.

In 2001 and 2004, Berber-led protests occurred in Kabylie in response to official “arabisation” policy. As a result, the government made concessions, including the naming of Tamazight (Berber) as a national language and teaching it in schools.

Since January 2011, riots and protests have broken out across most Algerian towns, triggered by large increases in the price of basic foods, a high unemployment rate, poor housing conditions, official corruption, security force violence, and the restriction of freedom of expression. In response, the government has made concessions, decreased the price of essential foods, lifted an emergency law in force since 1992 (February 2011) and has promised new measures to create jobs, to open state-run television and radio to all political parties, to liberalise elections and the media, and also to appoint a committee to reform the Constitution. These measures have yet to be implemented.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

As of 1 May 2012, the Democratic and Popular Republic of Algeria had ratified the following international human rights instruments: CERD, CCPR and its optional protocol, CESC, CAT, CEDAW, CRC, CMW and CRPD. However, Algeria made reservations to most of these conventions.

In 2011, the government permitted visits by the UN Special Rapporteurs on freedom of expression and housing, but continued to block long-standing requests for visits by the UN Special Rapporteur on torture and the UN Working Group on Enforced or Involuntary Disappearances

Universal Periodic Review

In May 2008, Algeria underwent the eighth session of the UPR. Recommendations include cooperation with special procedures mandate holders, ratification of the CED, withdrawal of reservations to article 2 of CEDAW, and taking into account the observations made by the Human Rights Committee and the Special Rapporteur on the promotion and protection of human rights while countering terrorism. The UPR also recommends continuing the de facto moratorium on the death penalty and taking measures to address violence against children, guaranteeing the rights of detainees, preventing the use of torture and other cruel, inhuman and degrading treatment, criminalising domestic violence in domestic legislation and strengthening gender mainstreaming and women's rights. Finally, the UPR recommends reviewing the impact that the state of emergency has had on the enjoyment of human rights. On 29 May 2012, Algeria underwent the second cycle of the UPR review.

On-going violations of human rights

Despite a reform process, the government has maintained tight restrictions on freedom of expression, association, assembly and religious freedom. Security forces are reported to use excessive force against protesters and rioters, and detainees remain at risk of torture and other ill treatment. Armed groups carry out military attacks which result in the killing of civilians. Women are still discriminated in law and in practice and are not adequately protected against gender-based violence. No steps have been taken to address the legacy of impunity for gross human rights abuses committed in the past. Further death sentences have been handed down but the de facto moratorium has been respected.

CONTEXT ANALYSIS

Most controversial Human Rights

- Women rights
- Freedom of opinion, speech, meeting and association
- Freedom of information (cf. information law of 2012)
- Rights around national reconciliation
- Economic, social and cultural rights

Main obstacles for Human Rights realisation

Contextual challenges

Algeria is currently in a transition period and is being influenced by the Arab spring. This situation makes it difficult to plan and implement HR actions, but at the same time it opens new opportunities as the Government is more willing to compromise (cf. law on women quota that is considered as HR progress).

Lack of political will:

- indirect violation of Human Rights (especially political and civil rights)
- non-application of HR in practice (cf. Divorced women deprived of their rights despite the laws protecting them)
- lack of independence in the judiciary system
- lack of social dialogue

- arbitrary public funding

Lack of capacities:

- lack of HR capacities of CSOs, JTAs, Universities, Bar Associations, Lawyers etc...
- absence of HR culture

Weaknesses of the civil society:

- civil society law restricts foreign funding and weakens the status of CSOs
- lack of dialogue between the government and civil society
- lack of coordination between CSOs and competition for leadership
- lack of capacities

Steps needed in order to promote HR

- Ratify all international and regional HR conventions
- Apply and implement laws
- Strengthen national institutions in charge of promoting and protecting HR
- Strengthen justice reform in order to guarantee judge independence
- Build HR capacities of the civil society, the media, judiciary staff, lawyers and trade unions
- Unify regional HR curricula
- Create a dialogue between government and civil society
- Increase the number of specialised HR NGOs
- Raise public awareness on HR
- Develop regional networks

National stakeholders

Government institutions

- Ministry of Justice (Training Department and Department of Justice Modernization)
- Ministry of Justice (National Reconciliation Cell)
- Ministry of Family and Women
- Ministry of Interior (Department of Liberties and Judiciary Affairs)
- Ministry of Foreign Affairs (MDFCF)
- Direction of National Security (DGSN)

National institutions

- Constitutional Council
- Supreme Court
- National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH)
- Parliamentary Commission of Juridical and Administrative Affairs and Liberties

Academic institutions and JTAs:

- Ecole Supérieure de la Magistrature of Alger
- Ecole Nationale d'Administration (ENA)
- Law Faculty of Benaknoun University (Alger)
- Law Faculty of Badji Mokhtar University Annaba

Civil society organisations:

Local and/or regional organisations: There are more than 70 000 associations in Algeria. However there are fewer associations working directly with human rights and/or gender equality.

The main associations working for the defense of human rights are the three (3) leagues:

- a) The Algerian League for the Defense of Human Rights (LADDH) has split into two wings:
 - The LADDH chaired by Hocine Zehouane
 - The LADDH chaired by Nouredine Benissad
- b) The Algerian League for Human Rights (LADH) chaired by Boudjemaa Guechir

Other influential CSOs include:

- Adwa Rights for Democracy and Human Rights (which initiated in May 2012 the National Observatory of Elections together with other organisations though out Algeria)
- Association for Women in Need
- Association of Women in Communication
- Observatory of Violence against Women (OVIF)
- Information and Documentation Centre for the Defense of Women and Children's Rights (CIDDEF)
- WASSILA Network for Women and Children Victims of Violence
- NADA Network for the Defense of Children Rights
- Bar Associations

International organisations:

- Amnesty International (AI)
- Friedrich Ebert Foundation
- Konrad Adenauer Foundation
- International Federation of Journalists (IFJ)
- International Committee for the Development of People (CISP)
- Medecins du Monde (MdM)
- Handicap International
- Djazairouna
- Amousnaw
- NADA network

International stakeholders and funding community*France*

France is the first funding partner of Algeria. French cooperation is active in several areas, including support for good governance and the rule of law. It supports public, economic and social reforms initiated by the Algerian government. France also trains Algerian judges.

The EU

Several programmes supporting Human Rights have been funded within the framework of EU Neighborhood Policy:

Support to the reform of justice (Justice I) (2006 – 2011): the objectives were to improve the organisation of the judiciary system and to build the capacity of the judiciary staff. It also aimed to support the computerisation of all courts and to promote a qualitative justice. The budget for this project was 17 million Euro (15 million from the EU and 2million from the beneficiary -Ministry of Justice).

Support to penitentiary reform (Justice II) (since 2009): this project aims to build paedagogical and institutional capacities of penitentiary schools within the framework of penitentiary reform initiated in 2005 in Algeria. It also aims to improve the conditions of detention, to scale up sentence management, and to develop generalised security systems and IT technology in the prison management. The budget for this programme is 17 million euros.

Support to Algerian development associations (NGOs II): this aims to promote the role of civil society as part of the social development of Algeria. The budget for this project was 11 million euros, 10 million EU-funded EU programmes and projects are conducted by consultants primarily organised by European consortia.

UNDP

UNDP is supporting reforms aimed at strengthening the rule of law through institutional capacity building of Parliament and Civil Society. UNDP is also supporting the modernisation of the judiciary and the penitentiary systems.

GIZ

The German Cooperation is active in several areas related to economic and social development. The regional programme Good Governance - Maghreb (Algeria, Tunisia, Morocco, Mauritania) of GIZ accompanies processes of reforms and transition in these countries. This programme supports regional dialogue and networking around various approaches, and results related to key areas of reforms. This dialogue and networking involves public actors and representatives of civil society.

AECID

Spanish Cooperation is active in the capacity building field through training, especially in the area of good governance and citizen participation. These actions are implemented within the framework of a bilateral agreement with Algeria that mainly aims to support economic, social and institutional reforms.

CTB

Belgium has also signed a bilateral agreement with Algeria and Belgian cooperation supports (among other key areas) institutional empowerment (training of judges) and good governance.

EGYPT CONTEXT ANALYSIS

By Tamara Hallaq

BACKGROUND AND CONTEXT

Constitutional and legal framework for human rights in Egypt before February 2011

The Egyptian Constitution adopted in September 1971, amended in 1981 and in place until 2011, formally acknowledges the principle of equality among citizens and makes provision for the exercise of civil liberties, freedom of thought and conscience, freedom of the press, freedom of assembly, freedom of association, freedom to form political parties and the right to vote and to stand in elections. The Constitution furthermore recognises economic and social rights: the right to own property; the right to work and to hold public office; the right to free education in State institutions; the right to health care; the rights of the family, youth and children; and gender equality. Despite this formal framework, a wide range of human rights violations have been regularly reported by various human rights organisations, especially during the reign of Hosni Mubarak, appointed as a President in 1981 until he stepped down on February 11, 2011 - eighteen days after the beginning of the popular uprising in Egypt.

After it signed a peace treaty with Israel following the Camp David agreements of 1978, Egypt received tremendous material support from the international community. Since then, Egypt has become the second largest recipient of US foreign support –both economic and military support - after Israel.

Starting from the end of the 1990s, a programme of political reform and the promotion of human rights was initiated under the guidance/supervision of the international community and the international allies of Egypt. The successive United Nations Development Assistance Framework (UNDAF) has aimed, among other outcomes, to firmly establish democratic institutions and practices, as well as a culture of human rights through active citizenship. Egypt entered into a national human rights capacity-building process. In the framework of a human rights capacity-building programme run jointly by the Ministry of Foreign Affairs and the UN Development Programme (UNDP), by 2010, over 32,000 individuals had been trained: approximately 12,000 police personnel, 4,000 members of judicial and prosecution services, over 1,000 journalists, 1,100 lawyers and approximately 150 parliamentarians.

A few legal changes were introduced to the national framework. Article 76 of the Constitution was amended in 2005 to introduce a system whereby the President of the Republic is directly elected by a majority of votes, and no longer through a popular referendum with only one candidate. In 2007, article 34 of the Constitution was amended to read that the Arab Republic of Egypt is a democratic State founded on the principle of citizenship and to provide for increased participation by women in the Parliament through elections and through the establishment of parliamentary quotas for women. In addition, the fundamental right of citizens to a clean environment was written into the Constitution. Several human rights mechanisms were created, among them National Human Rights Institutions such as the National Council for Human Rights, the National Council for Women and the National Council for Childhood and Motherhood.

Furthermore, the Egyptian judiciary system has proved to be rather dynamic in trying to keep its independence, and has been responsible for the monitoring of elections (with limited results). The Judges' Club, a trade union funded in 1939 and aiming to guarantee the independency of judges, has long been the main leader of this movement.

Its achievements include the promulgation of the first law on the independence of the judiciary (1943), and the adoption of a new law on judicial authority that introduces the principle of financial autonomy for the judiciary (2006). Long considered a pro-reform and opposition movement to Mubarak, it is reported to have turned away from activism and to have taken a more conservative and pro-regime stance with the appointment of new leadership in 2005.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

At the end of 2010, the Arab Republic of Egypt was party to the CERD, the CCPR, the CESCR, the CAT, the CEDAW, the CRC, the CMW and the CRPD. However, optional protocols were not ratified and substantive reservations were expressed regarding key articles. The international Convention for the Protection of all Persons from Enforced Disappearances, which entered into force on 23 December 2010, has not yet been signed.

Under article 151 of the Constitution, international treaties become domestic law once they have been ratified and published in the Official Gazette. The courts directly apply the treaties to which Egypt is a party, provided that the treaties can be applied directly.

With regard to cooperation with UN special procedures, during the first half of 2009, Egypt received visits from the Special Rapporteur on the promotion and protection of human rights while countering terrorism, and the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.

2009 – 2011: Human Rights before the Egyptian Revolution

In February 2010, the Arab Republic of Egypt underwent the UN Human Rights Council's Universal Periodic Review (fourteenth session). The UPR acknowledged progress accomplished in the fields of economic, social and cultural rights, especially as far as the rights to food, adequate housing, drinking water and access to educational and health services are concerned. Progress towards the eradication of illiteracy and in women's rights was also highlighted. In total, the UPR made 165 recommendations.

The Arab Republic of Egypt accepted recommendations advising to:

- Consider withdrawing reservations entered to international human rights instruments, and to ratify optional protocols
- Continue harmonising legislation with international human rights treaties and effectively guarantee human rights, especially those related to the following topics: women, torture, the death penalty, freedom of expression, association and peaceful assembly, the right to participate in public life and politics, rights of migrants, legal detention and fair trial, freedom of belief and freedom of religious practice
- Continue efforts towards the eradication of illiteracy, human trafficking, and female genital mutilation, and for the promotion of health, education and children rights, dignified standard of living
- Lift the state of emergency that has been in effect since 1981 and replace the Emergency Law with a counterterrorism law that guarantees civil liberties

- Strengthen programmes for capacity building in the human rights field and raise the human rights awareness level for the general public and government officials

The Arab Republic of Egypt refused recommendations advising to:

- Adopt a unified family code to ensure the equal status of women under the law
- Promote tolerance and eliminate discrimination based on sex, gender and HIV status
- Abolish the death penalty
- Remove any categorisation by religion on State documents including ID cards
- Allow the visits of human rights special procedures that are pending to take place and consider issuing a standing invitation to human rights special procedures

Egypt deferred a recommendation to allow the UN Special Rapporteur on torture into Egypt.

2010 did not see a drastic improvement in the human rights situation of the country. The state of emergency was renewed in May 2010 for another two years, despite a presidential decree issued at the same time that narrowed the application of the Emergency Law to cases involving “terrorism” and drug trafficking.

At the time, several political and human rights activists demonstrating against the state of emergency and police abuses were arrested, beaten up and taken to remote detention facilities; a few of them were sentenced to prison terms.

Elections for the Shura, the upper house of the Parliament, in June 2010 and for the People’s Assembly in November and December 2010 resulted in large majorities for the ruling National Democratic Party, but were marred by serious allegations of fraud, vote-rigging and violence that left at least eight people dead. At least 1,200 supporters and candidates associated with the Muslim Brotherhood were detained. The leading opposition parties formally withdrew from the People’s Assembly elections after the first, and main, round of voting in November.

Despite the May presidential decree limiting the use of the Emergency Law, in practice the authorities continued to use emergency powers to detain opposition activists and to curb the freedom of expression. Human Rights organisations reported a high number of human rights violations, mainly under the orders of the Ministry of Interior, including detention without trial/administrative detention, detentions following trials whose procedures did not satisfy international standards for fair trial, incommunicado detention, torture & other ill-treatment (which led to the death in custody of an estimated four people). Impunity for people responsible for such violations has remained the main pattern of the police state.

Furthermore, the authorities continued restricting the freedom of expression by the media and violating the freedom of assembly and association through legal restrictions and other controls on political parties, NGOs, professional associations and trade unions. Some were denied legal registration. In March 2010, the Government drafted a new NGO law (meant to replace Law No. 84 of 2002) which provided further restrictions on NGOs. Under national and international pressure, the government did not submit the draft to the Parliament and promised further consultation with civil society regarding the text.

Women continued to suffer from discrimination, violence and sexual harassment. Recommendations of the CEDAW Committee from February 2010 to review and promptly

reform laws that discriminate against women, to strengthen the legal complaints system to allow women effective access to justice, and to adopt a comprehensive law criminalising all forms of violence against women, including domestic violence, marital rape and crimes committed in the name of “honor” were not followed by any implementation.

Despite efforts to allocate alternative housing units for slum-dwellers, the violation of the right to adequate housing remained a primary concern; forced evictions from informal settlements occurred, and as a result, many families were made homeless.

Lethal force against migrants attempting to leave Egypt and cross the border into Israel continued to be used and resulted in the death of at least 30 people; they were not investigated.

At least 185 death sentences were imposed and at least four prisoners were executed. In December, Egypt was one of a minority of states that voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.

January- February 2011: the Revolution

The Egyptian Revolution (or Revolution of 25th January) took place following a popular uprising that began on Tuesday, 25 January 2011. Millions of protesters from a variety of socio-economic and religious backgrounds protested against police brutality, state of emergency laws, lack of free elections and freedom of speech, uncontrollable corruption, and economic issues including high unemployment, food price inflation and low minimum wages. The protests led to the resignation from office of President Mubarak on February 11th 2011 and a transfer of power over to the Supreme Council of the Armed Forces (SCAF). An Egyptian Governmental Fact-Finding mission Known as "Fact-Finding National commission About 25th January Revolution" announced on 19 April that at least 846 Egyptians had died in the nearly three week long popular uprising, and around 6,000 were injured. Thousands have been detained and many were tortured or abused.

March 2011 – Present: Human Rights after the Revolution

The military junta, in the form of the SCAF, headed by Marshal Mohamed Hussein Tantawi, announced on 13 February 2011 that the 1971 Constitution would be suspended, both houses of parliament dissolved, and that the military would rule for six months until parliamentary elections could be held. Freedom was given to establish political parties and trade unions by "notifying" concerned authorities. As a result, several political parties named after, or in relation to, the 25th January revolution were established, as well as the long-banned Muslim Brotherhood and other proscribed organisations. Hosni Mubarak's National Democratic Party was dissolved in April. The State Security Intelligence (SSI) of the Ministry of Interior was disbanded and replaced by the National Security Agency without the undertaking of any effective and transparent reform. The SCAF also issued a Constitutional Declaration guaranteeing a number of rights, and released hundreds of administrative detainees.

On March 19th, amendments to the 1971 Constitution, prepared to pave the way for new parliamentary and presidential elections, were adopted by 77.27% of the population in Egypt's first free and transparent popular referendum. Starting from May 2011, Mubarak and other prominent figures of the former regime (such as former Interior Minister Habib Ibrahim El Adly) were ordered to stand trial on charges (among others) of pre-meditated murder of peaceful protestors and generalised corruption.

Since the fall of Former-President Mubarak and after the army took over power, human rights organisations have been documenting and reporting dangerous developments that question the Supreme Council of Armed Forces' ability to conduct a peaceful transition.

On 9 March 2011, there were 17 women amongst those arrested by the military when they violently dispersed the Tahrir sit-in. The detained protesters were taken to the Egyptian Museum where they were severely beaten, given electric shocks and verbally abused. The detainees were later transferred to the military Hykestep detention centre, where 7 women were threatened with prosecution, stripped of their clothes, and forced to submit to "virginity tests" administered by male army doctors.

On the 9th of October 2011, Coptic protesters marched towards Maspero, the State television building, denouncing the latest burning of a church in Aswan. Protesters were confronted with brutal violence from military forces as they fired live ammunition to disperse the crowd and ran over protesters with armed personnel carriers; this resulted in the death of 24 protesters and the injury of hundreds more.

On November 19th 2011, protesters clashed again with security forces following the violent dispersion of a sit-in in Tahrir square. Security forces excessively used tear gas, live ammunition, bird-shot pellets and rubber bullets. The clashes lasted for four days and resulted in the deaths of 45 protesters and the injury of thousands.

On December 17th 2011, military forces violently dispersed a sit-in at the Cabinet of Ministers, and arrested and detained several protesters. Protesters reported the mistreatment they faced during their detention, and also reported an unprecedented use of violence against female protesters.

On February 2nd 2012, protesters flocked to the streets in the vicinity of the Ministry of Interior to protest against a massacre in Port Said stadium that had occurred the previous day. Protesters believed that the security forces did not intervene to protect the Al-Ahly fans in the stadium, resulting in the death of 78 civilians according to official figures (179 deaths have been recorded by families of the victims). Security forces have fired excessive quantities of tear gas, bird-shot pellets, rubber bullets, and in some instances live ammunition, leading to the death of 15 protesters and the injury of hundreds.

Since the Military took over power in February 2011, military courts have tried more than 12,000 civilians. Military trials are not consistent with the minimum procedural guarantees for a fair trial. In April 2011, the Supreme Council of the armed forces issued a decree allowing the use of the death penalty for people under the age of 18 for crimes of rape. In June 2011, a military court sentenced a 17-year-old boy and three other men to death. Non-compliance with guarantees of due process of trial, and confessions extracted under torture, have raised serious concern among the human rights community.

Furthermore, restrictions on the media and violations of freedom of expression have continued. Migrants' rights violations include the shooting of people seeking to cross borders with Israel, and forced returns to unsafe countries.

Actions led by Egyptian authorities against NGOs and INGOs (raids of NGOs' offices, judicial prosecution of staff, financial restrictions) have violated their right to freedom of association. Investigations of NGOs operating without registration under the Associations Law of 2002 have been ongoing; it bears mentioning that many NGOs had repeatedly been denied registration by the authorities without being given proper justification. In April 2011, a law (law no. 34 of 2011) banning protests and strikes was issued. A new

draft law on Association was prepared by the government and reviewed by the Parliament's Human Rights Committee. The draft, prepared in consultation with civil society organisations, was meant to be discussed in plenary session of the People's Assembly by July, had the Parliament not been dissolved by a SCAF decree in June (see below).

The election of the new People's Assembly of Egypt took place between November 28th 2011 and January 11th 2012. The practical modalities of the elections were criticised and considered to give undue advantage to established parties (such as the Muslim Brotherhood). The Freedom and Justice party (led by the Muslim Brotherhood) and the Al Nour Salafi Islamist party obtained an absolute majority with 48% and 28%, respectively, of the parliament seats. Since the SCAF had ended the election law quota system that had previously reserved 12% of parliamentary seats for women, only six female deputies were elected at the Assembly. In March 2012, a Constituent Assembly was appointed, with half of its members being elected by members of parliament. The Assembly was charged to draft the new Constitution of Egypt and thus to determine the new institutional rules.

The first free presidential election in Egypt began on May 23rd and was overshadowed by the Constitutional Annex released by the Supreme Council of the armed forces (SCAF) on June 17th, 2012. The Annex amending the March 2011 Constitutional Declaration of the SCAF sought to extremely limit the powers of the president-to-be and to expand the prerogatives of the military, notably over the writing of the country's future Constitution.

In May 2012, a former head of the Judges Club, Zakariya Abdel Aziz, founded the Judges for Egypt movement, a group of reform-minded and independent judges which formed what it calls a "parallel Presidential Elections Committee (PEC)" to participate in the presidential election monitoring process, in collaboration with civil organisations.

The amendment to Article 53, that retroactively provides constitutional grounds for the expansion of the military's power to arrest civilians, was announced after the Minister of Justice issued a decree on June 13th, 2012 allowing military police and military intelligence to arrest civilians for non-military crimes set forth in the penal code. The decree, severely criticised by human rights organisations as being illegal and infringing upon Egyptian fundamental rights and freedoms, was seen as a flagrant circumvention of the official termination of the state of emergency and the institutionalisation of the military rule.

Furthermore, by amending article 56 of the Constitutional Declaration, the Army reasserted control over the legislative process, and over the country's budget, until the election of a new People's Assembly.

On June 14th, 2012, the High Constitution Court (HCC) declared Egypt's Parliamentary Elections Law, prepared by the SCAF to regulate the legislative elections. The HCC ruling resulted in the immediate dismantling of the People's Assembly.

Mohamed Morsi, the leader of the Freedom and Justice party (Muslim Brotherhood) was eventually elected as the first civilian President of the Republic of Egypt, after an election process considered as seriously monitored and supervised by the judiciary. He opposed the HCC decision to dismantle the People's Assembly by calling parliamentarians to attend a session of The People's Assembly. Eventually, under the pressure of the judiciary and the SCAF, Morsi had to step back. He appointed a vice-President and a Prime Minister and a new government in August 2012, first sharing power with the military by appointing figures of the previous regime to key ministries, and then extending its

influence on August 12th with the abrogation of the June 17th constitutional order (see above) and the forced withdrawal of prominent personalities from its government, including Marshal Tantawi and General Annan previously acting as Defense Minister and Chief of the Army.

MAIN OBSTACLES TO HUMAN RIGHTS REALISATION

Lack of political will

The political and social context in Egypt has changed tremendously over the last 15 months due to the Arab Spring popular uprising. Despite the fall of Mubarak and steps taken towards better governance and the rule of law, human rights violations are ongoing, and an overall lack of political will for change persists. The Egyptian state remains dominated by the “old guard” and current dominating political parties (the Muslim Brotherhood and its allies) tend towards an Islamic interpretation of human rights, thus placing certain rights (including women rights) at risk³³.

Great defiance towards human rights NGOs and foreign institutions must be seen as major obstacles. While civil society organisations face various challenges and are directly prevented from implementing activities (cf. refusal of registration, intimidations etc.), international stakeholders are often indirectly discouraged to deal with human rights issues as national authorities consider them to direct interaction with internal political issues. As a result, various international stakeholders (such as the American Bar Association) are prevented from dealing with direct human rights issues in order to secure their presence in Egypt. The Judiciary, which remains a very conservative and nationalist body, remains extremely reluctant to initiate partnerships (including in the capacity building field) with non-Arab institutions.

The Egyptian judiciary has lacked independence since the foundation of the Egyptian Republic. Within the current situation, judiciary power is struggling for its survival, and is therefore one of the most important conditions for promoting and monitoring Human Rights. A proper law regarding the judiciary is vitally necessary.

Lack of capacities

Capacity building of governmental as well as non-governmental institutions, that would enable the public raising of human rights awareness, is commonly admitted as one of the great needs in Egypt.

Most Egyptian Academic institutions don't have the capacity to offer human rights training or continuous education, mainly because they were not allowed to do so under the former political regime.

³³ See detailed context analysis in annex which highlights the relevance and the potential of the program in relation to the difficult and unpredictable political and institutional context in post-revolution Egypt.

Moreover, there is an urgent need for continuing legal education for practicing lawyers, prosecutors and judges, including through lectures, seminars and training. Indeed, there is no proper Academy of Justice in charge of training judiciary staff.

There are approximately 17 000 sitting judges in Egypt. Around 3000 lawyers apply to join the Judiciary each year and 150-250 of these are successful. Generally, a new judge will work in the office of the Prosecutor until he is 30, after which he's eligible for appointment as a sitting judge. Although in theory, it is possible to enter the profession as a legal academic or from private practice, most judges are former prosecutors³⁴. One of the big challenges facing the Judiciary is the very low level of qualification of lawyers and judges. A lawyer only needs a BA in law to register with the Bar Association and then takes a non-competitive exam to become a judge. No continuous education is provided to judges despite amazing outlook by the National Center for Judicial Studies. NCJS would logically be the most relevant partner to provide judges with human rights training. But both French cooperation and the Delegation of the European Commission tend to believe that a deep reform of the NCJS is needed, and both institutions are pushing for the establishment of a Judicial Academy that would replace the Center. The Judiciary can only be reformed and improved when the conditions to enter become stricter, and tough competitive exams ensure high-level professional requirements. A complete structural reform of judicial training in Egypt is required. As stated in the International Bar Association's report mentioned above, « there is a need to introduce a bar exam or similar requirement in Egypt. Requiring candidates to pass stringent examinations in order to secure the right to practice law is a useful guarantee of quality control. ...Given the legal education system that is producing thousands of graduates per year, many of whom are academically weak, quality control is required. »

NATIONAL STAKEHOLDERS

Egypt has a wide range of national stakeholders involved in the Human Rights field:

Governmental institutions

- Ministry of Justice

National institutions

- National Council of Human Rights
- National Council of Women Rights
- National Council of Childhood and Motherhood
- High Judicial Council

³⁴ « Justice at crossroads: the legal profession and the rule of law in Egypt », International Bar Association, Nov 2011

- National Center for Judicial Studies
- Parliamentary Human Rights Commission
- Parliamentary Legislative Commission

Academic institutions:

- University of Cairo
- University of Hilwan
- American University of Cairo

Civil society organisations:

Civil society has stepped in, to some extent, to fill the gap in training and legal education. The Arab Center for the Independence of the Judiciary and Legal Professions has trained 6,000 lawyers in international human rights law and the American Bar Association regularly conducts training for a small number of legal professionals who practice outside of Cairo.

Local and/or regional organisations:

- Arab Center for the Independence of the Judicial and Legal Professions
- Arab organization for Human Rights
- Cairo Institute for Human Rights Studies
- Egyptian Initiative for Personal Rights
- Hisham Mubarak Law Center

International organisations:

- International Federation of Human Rights (FIDH)
- Human Rights Watch (HRW)
- International Commission of Jurists (ICJ)
- Public International Law and Policy Group
- American Bar Association

INTERANTIONAL STAKEHOLDERS AND FUNDING COMMUNITY

The central and strategic place of Egypt in the MENA region and the key role played by its civil society in promoting and protecting human rights has led many institutional partners of Egypt to support programmes and projects aiming to build the capacities of civil society organisations as well as national institutions under the overall objective of paving the way towards good governance and rule of law.

In this framework, and in particular since the establishment of the Euro-Mediterranean partnership in 1995, a considerable number of training sessions, workshops and conferences in the field of human rights, good governance, institutional reforms have taken place, dedicated to NGOs and other civil society actors as well as to national institutions. But that training has essentially remained theoretical and has not had any trickle-down effect, as the beneficiaries have mostly been the highest-positioned institutional staff. Furthermore, most of those who have undergone training have been facilitated by international organisations and foreign trainers, thus creating a paradoxical situation where HR

training proposals and high theoretical human rights knowledge is not matched by good practice or by sufficient skilled training experts at the national level.

Among the main international stakeholders and funding partners:

- United Nations Development Program (UNDP)
- United Nations Populations Fund (UNFPA)
- The Delegation of the European Commission in Egypt
- USAID
- The French Cooperation
- GIZ
- Danida

It seems that in most cases, funding institutions make connections with the same « usual suspects » believed-to-be reliable regional organisations, such as the Arab Institute for Human Rights in Tunis, despite it being well-known that such institutions have had many so-called « Governmental NGOs » (GONGOS) in their network.

FINDINGS SECONDARY STAKEHOLDERS

Selection of secondary stakeholders

A representative sample of answers was achieved by selecting from organisations associated with each previous category. All these organisations have their activities and mandate related to the field of human rights and capacity building in Egypt. The Arab Organization for Human Rights and the Hisham Mubarak Law Center were contacted, but were not available to meet with evaluators, or to answer the questionnaire.

Furthermore, an interview with a student of the LLM programme of the American University of Cairo (AUC) took place in order gain insight into the university's activities and performance.

General remarks:

The first conclusion of the consultations conducted in Cairo is that the programme implemented by the Raul Wallenberg Institute is not well known. Except for two representatives of human rights NGOs in Egypt, none of the external stakeholders met during the evaluation had heard of the programme, though RWI did sound familiar to some.

National institutions, legislators, policy makers, NHRI

National Centre for Human Rights (NCHR)

The NCHR is composed of the HQs in Cairo and field offices in 6 governorates. The NCHR builds Human Rights capacities, conducts fact-finding missions and drafts Human Rights reports. The HQs burnt down during the revolution. However, the portfolio of the NCHR has been growing after the revolution due to an increased need for HR education and training.

The NCHR has partnerships with GIZ (ToTs for CSOs, trade unions etc), UNDP (In-san I and II), the EU (creation of an ombudsman office, USAID (dissemination of HR through outreach programmes targeting youth, students, policemen, judges etc.), Oslo university (development of the library), UNFPA, Danish Institute for HR and IRCT.

The NCHR started cooperation with SIDA in 2008. The aim was to build the capacities of the Arab Network for Ombudsmen. For funding reasons, collaboration with SIDA

stopped in 2009/2010. The Director expressed sorrow and consternation for the stopping of the project. According to the Director, SIDA is no longer operational in Egypt.

National Center for Judicial Studies (NCJS)

The National Center for Judicial Studies is the only official judicial training institution in Egypt. It trains judges, greffiers (registrars), army forces and police on a range of legal domains (civil law, family law, international law, Human Rights, economic law, labor law, procedures law etc).

The NCJS has no established curriculum, except for primary basic training. For other training, the Technical Office and the Director design each programme.

The NCJS mainly proposes practical training while universities only offer theoretical training. A training cooperation exists between the NCJS and four Egyptian Universities (Cairo University, Hilwan University, Banha University and Mansour University).

The UN and USAID mainly fund the NCJS, but partnerships with French and British Embassies are also ongoing. The NCJS has relationships with all Arab countries as well as with African, Asian and European countries. The NCJS is member of the Euro Arab Network (EU funded) since October 2011.

The plan is to transform the NCJS into a proper JTA in 2014. For the time being, all trainees are already civil servants.

The Head of the National Center for Judicial Studies, remembers having met with representatives of the RWI in October 2011 (in Amman) during which collaboration opportunities were mentioned. RWI promised to organise a follow-up meeting, but the NCJS was surprised not to hear after having opened their doors to RWI.

International/ National Governmental Organisations

United Nations Development Program (UNDP)

Activities: In Egypt, the main partners of UNDP are the National Council for Human Rights, the National Council for Women Rights, the National Council for Childhood and Motherhood, the Ministry of Justice and almost all the other Ministries.

For the time being, UNDP is not running any activities. UNDP is in the process of developing a new HR capacity-building programme that aims to integrate HR curricula with higher education training in partnership with the Ministry of Higher Education and universities.

Bena project: this project is a Human Rights capacity-building project implemented from 1998 to 2012 in two phases. The project was implemented in partnership with the Ministry of Foreign Affairs and funded by the EU, SIDA, Norway, the Netherlands, the Ford Foundation and UNDP (no US money). 32,000 participants (police staff, judges, public prosecutors, civil society, media and youth) benefited from the programme, receiving basic knowledge on Egypt's commitment to R instruments and participating in case studies. Selected participants were provided with advanced training and study tours.

According to some stakeholders and to the Ministry of Interior itself, the UNDP Bena project was not effective.

Insan project: this project provided direct support to institutions to set up procedures, reporting mechanisms and to develop national action plans for HR. It was implemented

from 2003 to 2011 in two phases in partnership with the National Council for Human Rights, the National Council for Women Rights and the National Council for Childhood and Motherhood. Achievements include support provided to Egypt's UPR (2011) and establishing the election monitoring unit. However, the upgrade of the National HR Plan did not take place.

UNDP could consider collaborating with RWI (even though they don't know RWI programme) and give them a role of technical assistance.

Context evaluation: Until now, at the Egyptian level, there have been attempts at the professor level to teach HR but it has not been institutional, mainstreamed nor recognised in the strategy of Higher Education.

UNDP has no partnership with the NCJS. However, UNDP is interested by the JTA project and would be interested in supporting the new curriculum after the infrastructure-building phase is finished.

A regional approach is needed because it is an important forum for exchange and peer learning. However, for other activities the sub-regional level would be more useful, with groups of countries composed according to their level of development, the political phase they are in, etc.

The academic and judiciary institutions in Egypt do not have in-depth knowledge of HR. They need to develop curricula, learning methods and research grants.

The Delegation of the European Commission in Egypt

Activities: The EC has three main programmes in the Good Governance, Human Rights and Justice fields that were designed before the revolution:

- 1/ Capacity building for civil servants on modern administration techniques in partnership with CARA and AMSAD. Budget: 2 million euro
- 2/ Support to the Public Administration Reform on public financial management, modernisation of public services and policies, capacity building of territorial civil servants. TA is provided by IMG Consortium. Budget: 9 million euro
- 3/ Anti-corruption project implemented in partnership with UNODC and Transparency International. Budget: 3.5 million euro

Context analysis: Good Governance is a matter of political will.

Egypt refuses twinning projects because of the commitment it involves.

To reform the judiciary, hiring should be competency-based and not "hereditary"; salaries should rise.

HR capacity building is necessary and useful, but should be seen as a tool to solve more global problems.

See document: "Corruption under Mubarak, a state symptom".

USAID

Activities: The Human Rights and Good Governance section of USAID in Egypt has a yearly budget of 25 million USD (it is one of the least funded sectors).

USAID used to have unilateral (directly with the supported organisation) and bilateral (through the government) projects. Currently, there are 41 grants and no one has asked to cancel grants.

Since October 2011, USAID has been trying to elaborate a new strategy.

Bilateral projects were in personal justice, support to prosecutors and women. Bilateral projects have now ended, except for one on the decentralisation process, due to end in 2011, which was extended for one year.

USAID no longer has relations with the NJCS and the High Judicial Council, but would be keen on reengaging with the Ministry of justice on Human Rights components.

USAID emitted the last call of proposals in April-July 2011 (transitional call) focusing on civic engagement and participation and Human Rights. The American Bar Association (which is working with academics) received a grant from USAID.

USAID has a large interest in elections, the tracking of Human Rights abuses during the appraisal and legal assistance.

USAID has an interest in building the institutional, operational, financial and programme management capacities of local HR organisations. However, USAID doesn't want to engage in direct HR capacity building because it is too sensitive and could be controversial.

USAID has no regional approach. Congress covers the Egyptian budget. Regional programmes are funded by Washington DC, but Mr. Goebel is not aware of any regional HR project.

Context analysis: USAID is very concerned about Human Rights CSOs, and wonders if they can be effective again. They are particularly worried about the current trial of 3 American HR NGOs.

USAID feels that a lot of organisations are reluctant to work with them.

There is a coordination sub-group on Governance and Democracy in Egypt, and a donor forum.

The French Cooperation

France is developing an important programme of cooperation between the French Judicial training academy (Ecole Nationale de la Magistrature) and the National Center for Judicial Studies in Egypt, to give training to prosecutors and judges. French magistrates, policemen, and military personnel (regarding military justice) are usually those providing training. The French Cooperation is very much interested in the JTA project (that is inspired by the Ecole Nationale de la Magistrature).

CSOs, lawyers and media

Human Rights Watch (HRW)

Activities: HRW has informal partnerships with Hisham Mubrak Law Centre, Arab network for HR, Cairo Institute and the Nadeem Centre for the Rehabilitation of Victims of Torture, but had never heard about RWI's initiatives in Egypt.

Context analysis: Egypt is in a shifting situation. At the beginning of 2012, the most controversial HR were pre-trial detention, torture and abuses. These violations still exist but have decreased. Now the most controversial rights are freedom of assembly, expression and opinion; these obstacles exist as they did under Mubarak. Economic and social rights (housing etc.) are deteriorating with the economic crisis and labour law and refu-

gee/migrants' rights are still being violated. Women's, children's and minorities' rights could be affected under the Muslim Brotherhood government.

Main obstacles:

- lack of political will (except regarding the creation of political parties and the right to vote)
- restricting law on NGOs
- weakness of civil society that is not given any political space
- lack academic institution capacities
- international community partner selection (for instance, the UNDP project was led by the regime and among them a person from the Ministry of foreign Affairs)

According to a key informant, the NCHR has no substance. It has good reporting capacities and ombudsman services, but it relies on the involvement of its members. The NCHR is well funded but has no real impact. The Muslim Brotherhood attacks both the NCHR and the NC on women's rights.

International Commission of Jurists (ICJ)

Activities: The ICJ is starting to work in Egypt and Tunisia and is focusing on the independence of the judiciary, reparation, and accountability and legal reforms.

The current project is funded for 2 years by Open Society/G. Soros and consists of seminars and conferences. ICJ is preparing its next conference in Cairo on the independence of the Judiciary (September 2012). A report and policy papers should be published during 2012.

The ICJ is also implementing a capacity-building project with the Hisham Mubarak Law Centre.

The ICJ is collaborating with the Egyptian Organisation for HR, but no formal MoU has been signed.

The ICJ wanted also to conduct monitoring activities but did not receive the requested license to do so.

Context analysis: Egyptians are reluctant to work with US organisations, including the ABA.

The judiciary is not aware of HR issues and the general level of lawyers is low.

The main controversial rights are: independence of the judiciary, transitional justice, impunity, reform of state institutions, women's rights, freedom of association and expression.

American Bar Association

The American Bar Association is implementing Rule of Law projects in 40 countries and has been active in Egypt since 2009. In Egypt, the American Bar Association has tried to fill in some gaps by putting together projects on continuing legal education, through which they worked with three universities (Hilwan University, Cairo University and Ein Shams University) on capacity-building and the development of young lawyers and law graduates. However, with the revolution, both Cairo and Ein Shams universities withdrew from the partnership, and only Hilwan University remains, despite the partnership avoiding controversy on topics such as HR. Over the last three years, 500 classes

were held with 25 students per class. Students are trained in public speaking, advocacy, consulting, negotiation and arbitration.

This represents a radical transformation of teaching modules and of teaching style.

Judicial training - moot courts and legal writing competitions are also organised and funded by USAID, Ford Foundation and the Swiss Cooperation. The students have requested Human Rights classes, but the ABA doesn't plan such classes in order to avoid problems with the government. However, legal clinics do have a HR component.

The ABA does not have a partnership with the AUC for reasons they did not wish to explain.

Other organisations providing training to lawyers:

Egyptian Bar Association (according to the ABA the EBA is not efficient due to an internal fight over leadership and their alignment with the Muslim Brotherhood)

Law firms (providing internal training)

The chilling effect of the American NGOs' trial is very obvious.

American University of Cairo (Human Rights Programme Department)

Although the University of Cairo offers human rights modules in some centres attached to the faculty of economic and political science (Cf. branch of Sorbonne University – Paris I called Institut International des Affaires), only the American University of Cairo, a private institution, has an LLM programme in human rights and international law. Not more than 10 to 15 students register every year for the Master's for which they have to pay 90 000 Egyptian pounds (the equivalent cost of enrolling in a Master's course abroad). This English-taught programme therefore remains accessible to a small elite of nationals and to international students, and in fact, half of the students are Egyptians and the other half is composed of foreigners. Most teachers are foreigners.

The students complain about very theoretical training, as the only practical exercise they have consists of a moot court. A few years back, as experienced by the International Federation for Human Rights, students had to do an internship with an human rights NGO to gain a more practical sense of human rights in action. This credit has disappeared, and the AUC faculty of law seems to be suffering from a severe lack of human resources; several staff specialised in human rights have left, and have not been replaced. Also, most AUC students go abroad after their BA or LLM, thus the programme's potential is currently very small and could certainly benefit from partnerships or networks between academic institutions in the region. The International Human Rights Law Outreach Programme of the American University of Cairo, which once provided local NGOs with capacity building, has stopped doing so due to lack of funding.

Cairo Institute for Human Rights Studies

The CIHRS, an Egyptian human rights organisation with a regional mandate that has organised 7 training sessions in human rights since 2009 (5 regional and 2 national) dedicated to young human rights activists, lawyers, journalists and students. One of the lessons learnt from those training sessions is that regardless of the instructional skill of trainers/coordinators, most are non-Arabic speaking foreigners, and the language barrier is a terrible obstacle to the efficiency of the training.

The CIHRS now has a decent pool of trainers from the MENA region who can be used as resources for ToT in other programmes. In this respect, the Executive Director of the

CIHRS wished that the RWI had contacted the CIHRS prior to, or at the beginning of, their programme. Later on, the CIHRS met with RWI but was surprised that no follow-up meeting took place.

List of the most important, powerful and reliable non-governmental organisations promoting, protecting and monitoring human rights in Egypt:

Egyptian Initiative for Personal Rights (EIPR):

This non-governmental organisation was established in 2002 by a young and prominent human rights activist, Hossam Bahgat, who continues to run it. This NGO was established to complement the work of other Egyptian human rights groups by adopting as its mandate and focus of its concern those rights that are closest to the human being, notably the right to health, freedom of religion and belief, right to privacy, violence and bodily integrity.

EIPR has become one of the most important, professional and reliable human rights NGOs in Egypt, consisting of a permanent staff composed of lawyers, practitioners, researchers and campaigners who document human rights violations, produce reports and position papers, propose alternative, rule of law inclusive policies to the official authorities and to the public. EIPR is also extremely active in advocacy activities and in using human rights mechanisms at the regional and international levels.

Hisham Mubarak Law Center (HMLC):

The Center is a continuation of the Egyptian Center for Human Rights that was established in 1999 as a law firm working in the human rights field through litigation, legal research and campaigns.

HMLC addresses human rights violations perpetrated in Egypt, and provides legal assistance and all forms of help to victims of human rights violations; it also works in close cooperation with other human rights institutions and organisations to propose legislative reforms, to fight against the impunity of those responsible for human rights violations and to attain remedies for the victims.

HMLC has been particularly active during the Egyptian revolution as its senior lawyers established a coalition of defence attorneys, known as the « Front for the defence of peaceful protesters » to assist and represent protesters arbitrarily arrested and detained by the armed forces. The Center is also very active in the campaign and network « No to military trials for civilians ».

Nadeem Center for the Rehabilitation of victims of Torture:

Independent NGO established in 1993 which provides psychological rehabilitation to victims of torture and medico-legal reports whenever necessary. Together with other NGOs it also provides some form of social support and refers to legal aid resources.

The center extended its activities to publishing, campaigning and mobilising on different societal sectors against the practice of torture, violence against women, and other issues of democracy and freedom of civil society.

El Nadeem Center is a founding member of AMAM and regional network of centres working against torture. It has members from Palestine, Lebanon, Morocco, Sudan and Iran. Within the framework of that network, El Nadeem Center has provided training on

skills of management, rehabilitation of victims of torture and documentation of torture cases in Lebanon, Morocco and Sudan. Nadeem also provides for the training of women's grassroots activities including listening and counseling skills to female victims of violence in Egypt, Lebanon, and Tunisia, and has produced written guidelines on listening and counseling skills for female victims of violence.

Nadeem center has been involved in numerous campaigns conducted jointly with other Egyptian human rights NGOs.

Center for Economic and Social Rights- Egypt:

The Center works to promote social justice through human rights.

In this regard, it mainly works to promote the mainstreaming of economic, social and cultural rights in all economic and social policymaking; developing new methodologies for measuring and monitoring economic and social rights compliance, contributing to more effective accountability for ESC rights; empowering and building capacities of organisations within and beyond the human rights movement to advocate more effectively for the fulfilment of these rights; and advocating for greater accountability for ESC rights at the national and international levels.

Cairo Institute for Human Rights Studies (CIHRS):

Independent regional NGO founded in 1993. According to its mandate, « it aims at promoting respect for the principles of human rights and democracy, analysing the difficulties facing the application of International Human Rights Law and disseminating human rights culture in the Arab region as well as engaging in dialogue between cultures in respect to the various international human rights instruments ».

CIHRS works on human rights advocacy utilising national, regional and international mechanisms, and research and human rights education, for both youth and ongoing professional development for human rights defenders.

Part of CIHRS' mandate is to shape the understanding of the most pressing human rights issues within the region, and then to coordinate and mobilise the key players and NGOs in the Arab world to work together to raise public awareness about these issues; it reaches solutions in line with international human rights law.

Since 2009, CIHRS has given 7 training sessions (5 regional and 2 national), all on human rights mechanisms.

Partnerships with John Hopkins University, Harvard University, Open Society Foundation, CIDA (Canadian Cooperation), European Union and Switzerland.

Nazra for Feminist Studies:

This is a group that aims to build an Egyptian feminist movement, and believes that feminism and gender are political and social issues affecting freedom and development in all societies.

The team, which includes both men and women, works to provide all actors who strive to achieve gender-related causes with all necessary forms of support, and focuses more specifically on:

- Working on production of knowledge-based research, documentation, monitoring and analysis of methodologies.

- Supporting female human rights defenders through legal and psychological interventions.
- Supporting women in the political arena.
- Strategic litigation for gender-based legal cases at the national, regional and international levels.
- Advocacy to integrate gender issues in a political, legal, social and cultural context.

Arab Network for Human Rights Information (ANHRI):

Regional network defending freedom of opinion and expression in the Middle East and North Africa. Run by Gamal Eid, an Egyptian lawyer, the Network provides human rights resources and information to the media, activists and the general public. It also works at increasing access to information about specific human rights issues and expanding the circle of Arabic readers interested in learning more about human rights issues and organisations.

Here are some examples of ANHRI activities in capacity building provided to the civil society in the MENA region:

- Explaining human rights concepts found in regional and international instruments through the presentation of provisions related to fundamental rights within single topics: “What is Freedom of Opinion and Expression, Freedom and Personal Integrity, Fair Trial, the Right to Peaceful Assembly, the Rights of the Child, etc”
- Publishing guides on human rights research methodology (e.g. How To Take Testimony, Observe a Trial, Visit a Prison, Write a Legal Brief Based on Human Rights Instruments, Write a Complain to the UN and International Human Rights Committees) and making available guides prepared by other human rights organisations.
- Publishing reports and studies on freedom to exchange information on the internet and developments regarding freedom of opinion and expression, and restrictions placed on it, in order to clarify the policies of Middle Eastern and North African governments regarding these rights.
- Providing support and advice to Middle Eastern and North African human rights organisations, including assisting in the creation of their own websites, and training on secure communications and the use of internet technology to exchange information.

Egyptian Center for Women's Rights (ECWR):

Independent NGO dedicated to supporting women in their struggle for gender equality and the enjoyment of their rights. ECWR works on eliminating all forms of discrimination against women by urging legislative authorities to reconsider all legislation opposing female-related international legal instruments, such as the CEDAW.

Very active at the grassroots level, ECWR has a network of several hundred local organisations in the country with whom it works at raising people's awareness, ensuring women's access to justice, and enhancing the capacities of local communities and civil society organisations so as to support women's rights. The Center is also active in advo-

cating and campaigning to change the laws and policies that do not comply with international legal standards protecting women's rights.

Nehad Abul Qomsan, the Director of ECWR, a lawyer, has become a member of the National Council for Women. As such, she intends to use the council as leverage for further legal reforms and to raise awareness about the promotion of women's rights and gender equality.

Support to the civil society through capacity-building programmes implemented by international and regional NGOs

In addition to what regional organisations such as the CIHRS have been doing, some other regional and international organisations do provide support and training in human rights to local NGOs.

For instance, the International Federation for Human Rights (FIDH) has long provided capacity building and support to its member and partner organisations in the region through training sessions and thematic workshops, and giving local organisations access to the practical use of regional and international human rights mechanisms by bringing human rights defenders to meetings with UN experts and UN bodies' sessions in Geneva as well as with EU institutions in Brussels, or to the bi-annual sessions of the African Commission on Human and Peoples' Rights.

Lately, the popular uprisings of the « Arab Spring » have faced harsh repression, and in some countries, continued violence against the civilian population. FIDH has developed training for the documentation of serious human rights violations and the protection of victims and witnesses; this training is dedicated predominantly to human rights defenders and legal practitioners from Yemen, Libya and Syria, who have not had the opportunity to be trained on those aspects. FIDH relies on its network of member organisations to mobilise some of the expert staff as trainers.

The Arab organisation for human rights intends to do the same in Libya.

The Arab Institute for Human Rights, a regional institution based in Tunis, has also implemented human rights training sessions throughout the region over the last decade. That training was given by regional and international experts to human rights defenders, journalists, members of parliament, etc. The Arab institute is usually well connected with national academic and judicial institutions, and could be a good resource for RWI in establishing potential partnerships.

LEBANON CONTEXT ANALYSIS

By Marie Reine Sfeir

GENERAL BACKGROUND

After the end of the civil war (1975-1990), Syria continued to occupy large parts of Lebanon until 2005, while Israel remained in control of Southern Lebanon until 2000. Since 1990, Israel has led several military operations in Lebanon, most recently in the summer of 2006. After the attack of February 14, 2005 that killed Prime Minister Rafik Hariri and 22 other persons, the United Nations Security Council unanimously adopted Resolution 1559 on the 7th of April 2005, which called for an investigation into this assassination and led to the creation of the Special Tribunal for Lebanon.

Lebanon is a parliamentary democracy that takes confessionalism into account. This system is intended to deter sectarian conflict, and attempts to fairly represent the demographic distribution of 18 recognised religious groups in government.

Lebanon's judicial system, based on the Romano-Germanic tradition, is a mixture of Ottoman law, Napoleonic code, canon law and civil law. Religious courts have jurisdiction over personal matters within their own communities, including rules on matters such as marriage and inheritance.

During the project duration

Lebanon has remained very unstable politically, due to its complex internal and regional situation. The Lebanese Army Forces in May-September 2007 battled the Sunni extremist group Fatah al-Islam in the Nahr al-Bared Palestinian refugee camp, winning a decisive victory while also destroying the camp and displacing 30,000 Palestinian residents. In 2008, an internal conflict ended with the signature of the Doha agreement and the establishment of a national unity government led by Saad Hariri and his pro-Western coalition, the March 14 Alliance.

In early January 2011, the national unity government collapsed after all ten opposition ministers and one presidential appointee resigned due to tensions stemming from the so called false witness issue. The collapse resulted in a parliamentary majority by the Hezbollah-led opposition March 8 Alliance.

Tensions continued along the southern border with Israel. On 15 May 2011, according to the UN, seven Palestinian refugees were killed and 111 people were injured when Israeli troops fired on Palestinian refugees and others who had gathered at the border to commemorate Nakba Day.

In June 2011, the Special Tribunal for Lebanon indicted four members of Hezbollah, who remained at liberty.

Since the beginning of the revolt in Syria in March 2011, Lebanon has been affected by violence occurring between supporters and opponents of the Syrian regime, with the most recent clashes occurring at end of May 2012. Lebanon hosts a high number of Syrians who have fled violence in their own country.

Human Rights Background*Legal Framework*

The Lebanese Constitution guarantees the respect of Human Rights. In its preamble it stipulates "*Lebanon is also a founding and active member of the United Nations Organi-*

sation and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principals in all fields and areas without exception. Lebanon is a parliamentary democratic Republic based on respect for public liberties, especially the freedom of opinions and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination".

The Lebanese Government has ratified several international human rights instruments including CERD, CCPR, CESC, CAT and its optional protocol, CEDAW, CRC & CRC OPSC.

Lebanon is amending its laws to render them compatible with the ratified instruments.

In August 2012, the government repealed Article 562 of the Penal Code, which had allowed a person convicted of killing or injuring relatives to receive a reduced sentence if the crime was committed to uphold family “honor”. That same month, the Penal Code was amended to define the crime of trafficking of persons and to prescribe penalties for traffickers. In September 2012, labor laws were reformed to remove employment restrictions for non-Lebanese spouses and children of Lebanese women. Parliament also discussed but did not pass a draft law criminalising domestic violence, including marital rape. A draft law setting out the rights of domestic workers was also being discussed by Parliament. The Government has taken steps to address a legacy of past abuses, including the creation of a national committee to follow up on enforced disappearances.

Ongoing Violations

According to the U.S Bureau of Democracy, Human Rights and Labor Annual Human Rights' report, the primary human rights abuses reported this year include limitations on freedom of movement for some refugees, and poor prison and detention conditions sometimes involving torture. Detainees faced substandard prison conditions, lengthy pre-trial detention, and long delays in the court system.

Other human rights abuses included killings related to societal violence; reports of disappearances and harassment of Syrian political activists; arbitrary arrest and detention of individuals; violation of citizens' privacy rights; restrictions on freedoms of speech and press, including intimidation of journalists; official corruption and lack of transparency; societal, legal, and economic discrimination against women; widespread domestic violence; trafficking in persons; systematic discrimination against Palestinian refugees and minority groups; restricted labor rights for, and abuse of, migrant domestic workers; and child labor infractions.

Although the legal structure has provided for prosecution and punishment, government officials have enjoyed a measure of de facto impunity for human rights violations.

Human Rights Stakeholders

There are several types of human rights institutions in Lebanon, some institutions are governmental, some are parliamentary and some are non-governmental. Also, Lebanon hosts the OHCHR regional office.

Governmental institutions:

- National Committee for the Affairs of Lebanese Women (1995)

Parliamentarian institutions:

- Human rights committee

NGOs active in the field of human rights:

- The Lebanese Human Rights Association (1985)
- The Civil Society for Pursuing Women's Affairs (1993)
- The Lebanese Union for Child Care (1949)
- The National Association for Rights of the Disabled (1988)
- Peoples Rights Movement (1989)
- The Lebanese Association for Democratic Elections (1996)
- The Palestinian Organization for Human Rights/Rights (1997) and The Palestinian Organization for Human Rights/Witness working with Palestinian refugees and camps

Recommendations from the UN Human Rights Council's Universal Periodic Review

In January 2011, the Lebanese Republic underwent the UN Human Rights Council's Universal Periodic Review (sixteenth session) and formulated recommendations:

Recommendations that enjoyed the support of Lebanon:

- Consider becoming a party to the human rights instruments it has not yet ratified and establish a legal and institutional framework consistent with international standards (especially on women's and children's rights, migrant workers and human trafficking)
- Strengthen the institutional framework for human rights
- Continue its efforts to address the problem of missing persons
- Improve the quality of education
- Continue seeking technical and financial assistance for demining activities
- Accelerate the establishment of an independent national mechanism to visit prisons
- Amend the Penal Code to criminalise all forms of torture and Cruel, Inhuman or Degrading Treatment
- Make operational amendments to the Labor Law and the Social Security Law granting Palestinian refugees the right to work
- Strengthen capacity-building in the area of human rights

Recommendations that did not enjoy the support of Lebanon:

- Ratify the optional protocols to ICESCR and ICCPR and the optional protocols to CEDAW and withdraw all reservations to CEDAW and CAT
- Abolish death penalty
- Accede to the 1951 Convention Relating to the Status of Refugees and to its additional Protocol
- End the prerogatives of the Ministry of Defence and Military Courts to detain and to charge civilians respectively
- Raise the minimum age of criminal responsibility to comply with international standards
- Decriminalise homosexuality and ensure non-discrimination on the basis of sexual orientation and gender identity

- Fully resolve the problem of identification documents for Palestinian refugees and modify legislative provisions and policies that have discriminatory consequences for the Palestinian population as compared with other non-citizens

Secondary stakeholders – findings (selection, results, comments)

Interviewed secondary stakeholders highlighted that there are many challenges pertaining to the realisation of human rights in Lebanon including women rights, the situation of prisoners, and the Palestinian situation. Lebanese in general are not fully aware of their rights, and those who are accept the status quo. There is a lack of access to information throughout the region, and a lack of focus on economic and social rights. International donors focus on civil and political rights, and not on social and economic rights. What is needed is good governance and reconciliation.

Several respondents pinpointed corruption that hinders the promotion of human rights. No respondents were familiar with RWI or the programme.

IRAQ CONTEXT ANALYSIS

By Saad Hussain Fathullah

BACKGROUND

Under the current Constitution, Iraq is defined as an Islamic, democratic, federal parliamentary republic. The Government is composed of the executive, legislative, and judicial branches, as well as numerous independent commissions.

In 1958, the monarchy installed by the British former occupier was overthrown by an Iraqi Army coup, and the Republic of Iraq was created. In 1968, the President was overthrown by the Arab Socialist Ba'ath Party (Iraqi-led faction) and Saddam Hussein acceded to the presidency in 1979. The Iranian Revolution of Ayatollah Khomeini occurred shortly after Saddam Hussein took control of power. In order to address a potential threat against his power, Hussein declared war on Iran in 1980 with American and Western support. The war ended in stalemate in 1988, after the death of around 1,5 million people.

Following the end of the Iran-Iraq war, Iraq invaded and annexed Kuwait in August 1990. After Iraq refused to implement UN resolutions requesting Iraq to withdraw from Kuwait, the United States led an international coalition into Kuwait and Iraq. Shortly after the Iraqi defeat, Shiite Muslim and Kurdish Iraqis engaged in an intifada against the regime and were repressed (around 100, 000 people were killed).

Shortly after the war ended in 1991, no-fly zones were installed by the coalition to protect Kurdish and Shiite populations from attacks by aircraft, and economic sanctions were imposed by the UN on Iraq along with an Oil-for-Food Programme.

After September 11th 2001, the USA increased pressure on Iraq, accusing the regime of having well-established links with Al Qaeda and of developing a mass-destruction weapon programme. Despite no proven existence of such a programme, a US/GB organised coalition invaded Iraq in 2003 with support from the Kurdish Peshmerga. The regime was toppled, the Ba'ath Party was dismantled, and Iraq came under military occupation by a multinational coalition.

Iraqi Sovereignty was transferred to the Iraqi Interim Government in June 2004. A new constitution was then approved by referendum and a new Government was elected. Foreign troops remained in Iraq after the establishment of a new government and faced an insurgency that developed shortly after the invasion, and turned into Sunni-Shiite sectarian violence encouraged by Al Qaeda with violence peaking in mid-2007. Saddam Hussein and a number of his relatives were executed after trials whose fairness and impartiality were questioned. In December 2011, the last U.S. troops left the country in a devastated social, economic and political condition.

Hussein's regime was notorious for its human rights abuses, the most large-scale and systematic of which was the Al-Anfal Campaign that targeted the Kurdish population in Iraq and led to the killing of 50,000 – 100,000 civilians (1986-1989). The most infamous chemical attack was on the Kurdish town of Halabja, which the regime tried to justify as a punishment for elements of Kurdish support of Iran. However, UN sanctions, and the occupation of Iraq did not lead to human rights improvements. Indeed, hundreds of thousands of children are reported to have died from lack of food and health care, gross human rights violations were committed by coalition occupation forces (cf. Abu Ghraib scandal), and by private security companies which benefited from impunity. Though civil and political rights improved, economic, social and cultural rights were massively violated and public services were highly disrupted. Ongoing insecurity and poverty led to the displacement of around four million Iraqis (half of them seeking refuge outside the country – mainly in Syria, Jordan – and half of them becoming Internally Displaced People). Tens of thousands of Iraqis were victims of illegal detention, incommunicado detention, torture and other mistreatment.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

As of 1 May 2012, the Republic of Iraq had ratified the following international human rights instruments: CERD, CCPR, CESC, CAT, CEDAW and CRC. None optional protocol had been ratified. It is worth mentioning that CAT was ratified during the project duration (2011).

The US Government and the EC (EU Just Lex programme) fund large programmes that aim to train judicial, prison and police staff on Human Rights in order to consolidate the rule of law.

Universal Periodic Review

In March 2010, the Republic of Iraq underwent the UPR during the fourteenth session of the Human Rights Council. The UPR encouraged Iraq to:

- Ratify all human rights treaties as well as their optional protocols, and harmonise its Constitution and legislation with the accepted international law standards, issuance of a standing invitation to all human rights special procedures
- Establish an independent human rights commission and take effective measures to ensure the independence and neutrality of the judiciary and the right to access to justice; strengthen security for judicial staff and lawyers, and speed up its justice reforms to comply with international standards

- Spread the culture of human rights in all sectors and institutions of society, in particular to legislators and staff of the judicial system
- Take action to ensure the Supreme National Commission for Accountability and Justice is independent and operates towards the goal of free and fair elections with participation of all parties
- Achieve the national reconciliation project
- Ensure that any collaboration agreement signed with other States or contracts adjudicated to private security companies, guarantee the obligation of respecting international standards for the protection of human rights
- Deepen its efforts to improve accountability structures with the view to eradicate impunity
- Operate towards the goal of free and fair elections with participation by all parties
- Ensure appropriate treatment of detainees and unify the supervision of Iraq's prisons and detention centers under the Ministry of Justice, and increase efforts to eradicate torture
- Promote the development of a strong civil society including the promulgation of legislation that protects the rights of trade unions, NGO's and freedom of the media
- Advance the promotion of children's, women's and migrants' and minorities' rights
- Develop a national plan to provide assistance and compensation to internally displaced persons and to allow and support the return of refugees
- Undertake to abolish the death penalty
- Establish 18 as the age of adulthood, especially regarding penal responsibility

On-going violations of human rights

Both Iraqi authorities and Coalition forces have been responsible for human rights violations. Ongoing human rights violations in Iraq (both Federal state and Kurdish provinces) include gross human rights abuses (including indiscriminate killings) by armed groups, detention without trial, unfair trials (including against former Ba'ath and army officials, torture and other ill-treatment, excessive use of force in response to anti-government protests inspired by the Arab spring, attacks on media workers, implementation of death penalty).

CONTEXT ANALYSIS

Most controversial Human Rights

- detainees' rights and their treatment by security forces
- women's rights / gender equality
- right to a fair trial
- right to live (death penalty)
- freedom of opinion and expression
- right to peaceful demonstration
- right to information access

Main obstacles for Human Rights realisation

Contextual challenges

Iraq is still in a transition phase from a conflict to a post-conflict situation, and faces enormous development challenges (widespread poverty, economic stagnation, lack of opportunities, environmental degradation and an absence of basic services constitute “silent” human rights violations that affect large sectors of the population).

The political lack of stability (see absence of Government during year 2010 after the elections) contributed to a degree of inactivity in the implementation of reforms, and other measures aimed at ensuring the protection and provision of human rights for the Iraqi population.

The unstable security situation and continuous armed violence have had a negative impact on civilians and civilian infrastructures.

Lack of political will

- lack of political will which leads to gaps in law enforcement
- lack of credibility of government institutions
- gaps in the legal framework
- lack of judiciary independence
- weakness of public prosecution
- impunity of security forces

Lack of capacities

- Weakness of academic HR curricula
- lack of HR trainers and experts
- lack of knowledge of international instruments
- poor communication methods
- lack of HR culture

Weakness of the civil society

- Despite the high number of CSOs created after 2003 (there are more than 4000 registered Iraqi CSOs), civil society remains weak in Iraq because of:
- Lack of capacities
- Lack of funding
- Lack of effective HR networks monitoring and protecting HR
- Lack of coordination between Government and CSOs and between international NGOs and local CSOs
- Weak cooperation between CSOs and public prosecution
- Limited access of CSOs to monitor and document HR violations
- Lack of context knowledge of international organisations

Steps needed in order to promote HR

- clear political will
- implementation of ratified international conventions
- capacity building
- support to networks and organisations
- diffusion of HR culture

Main stakeholders*Governmental institutions*

- Ministry of Human Rights
- Ministry of Interior
- Ministry of Justice
- Ministry of Defense
- Ministry of Labor and Social Affairs
- Ministry of Foreign Affairs
- Human rights committees and units within ministries (Ministries of Interior, Defense, Justice, Health, Education, Higher Education and Scientific Research, Labor and Social Affairs, Housing and Reconstruction and Foreign affairs)

National institutions

- National Institute for HR (parliamentary institution created in 2012)
- National Centre for HR (created in 2008)
- High Commission for Human Rights
- Council of Representatives (CoR) Human Rights Committee:

Academic institutions

Central Iraq:

- University of Baghdad
- University of Nahrain (previously Saddam University)
- University of Mossoul
- University of Tikrit
- University of Thi Qar
- University of al Kufa (Najaf)
- University of Bassra

Kurdish Regional Government:

- University of Suleimaniyeh
- University of Salah Eddin (Erbil)

Judiciary Training Academies

- Higher Judicial Council/ Institute for Judge Development: proposes training for graduated judges and is already supported by many international stakeholders (EU, UNDP, USAID etc)
- Ministry of Justice/ Judicial Institute: proposes training to become a judge after several years experience as a lawyer

*Civil society organisations:***Local organisations:**

- Euro-Arab Centre for Human Rights
- Saviour of Human Rights
- Iraqi Centre for Humanitarian Activities
- My Home Organization for Human Rights

International stakeholders and funding community

- UN agencies (UNOPS, UNDP, UNICEF, UNESCO etc...)
- EU and EU JUSTLEX
- USAID
- DFID
- SIDA
- GIZ
- Norwegian Embassy
- DRC
- NRC
- Women for Women
- National Democratic Centre (USA)
- National Institution for Human Rights (Australia)
- Geneva Centre for Human Rights (Switzerland)
- Arab Centre for Human Rights (Tunisia)

JORDAN CONTEXT ANALYSIS

By Nael H. Abu Farha

CONTEXT ANALYSIS

Modern Jordan was founded in 1921 but the Hashemite Kingdom of Jordan was officially founded in 1949, and included the current West Bank until 1967. 70% of Jordanian inhabitants were originally Palestinians (naturalised, refugees, stateless). Furthermore, Jordan hosts numerous Iraqi asylum seekers.

Jordan is a constitutional monarchy with an appointed government. The current King, Abdallah II, acceded to the throne in 1999 upon the death of his father, King Hussein. Abdallah II confirmed the strategic choices of his father (peace treaty with Israel and privileged relations with the United States) while leading certain economic and political reforms. The reigning monarch is the chief executive and the commander-in-chief of the armed forces. The king exercises his executive authority through the Prime Minister and the Council of Ministers.

Jordan has close relations with the United States and the United Kingdom, and became a major non-NATO ally of the United States in 1996. The Jordanian Government signed a peace agreement with Israel in 1994.

Constitutional and legal framework for human rights

The Jordanian Constitution, complemented by the National Charter (guiding principles) and the National Agenda (strategies and plans) formally acknowledges the principle of full equality among citizens, including gender equity and female participation. It also recognises (with certain limitations) religious freedom, freedom of opinion and expression, freedom of the press, freedom of assembly, freedom of association, freedom to form political parties and the right to vote and to stand in elections. The Constitution furthermore recognises the right to education (which is free and compulsory at the elementary level).

Torture is criminalised and there is an ombudsman office and prison inspections. The death penalty is in effect.

Jordan recognises the difficult balance between human rights and national security, and that some laws (Anti-Terrorist Law adopted in 2006, Criminal Code, Law on Societies and Law No.7 of 1954) might restrict certain freedoms and rights.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

As of the 1st of May 2012, the Hashemite Kingdom of Jordan was party to CERD, the CCPR, the CESC, the CAT, the CEDAW, the CRC and the CRPD, but had not ratified their protocols. Jordan is party to the Rome statute for the establishment of the International Criminal Court. Jordan was the first Arab country to ratify the ICC Statute.

Human Rights stakeholders

Most types of Human Rights institutions exist in Jordan, such as national institutions, parliamentary committees and non-governmental organisations.

National institutions:

- The National Center for Human Rights (2002)

Parliamentary committees:

- Committee for freedoms and citizen rights

Non-governmental organisations

- The Arab Human Rights Organization in Jordan (1987)
- The Jordanian Society for Human Rights (1996)
- The Arab Center for Human Rights Training (1998)
- Amman Center for Human Rights Studies (1999)
- The National Society for Freedom and Democratic Way (1993)
- The Center for Protecting the Freedom of Journalists (1999)
- International Institute for Solidarity with Women in Jordan (1998)

Civil Society Networks:

- The Jordanian Coalition of Human Rights Organizations
- The Arab Network for Election Monitoring (2006)

HUMAN RIGHTS DURING PROJECT DURATION

Universal Periodic Review

In May 2009, the Hashemite Kingdom of Jordan underwent the UN Human Rights Council's Universal Periodic Review (eleventh session). The recommendations of the UPR mainly focused on Jordan:

- ratifying additional human rights instruments (such as the Optional Protocols 1 and 2 to ICCPR and the ICED)
- improving human rights education and training for judicial and law enforcement officials
- transferring the criminal jurisdiction of both the State Security Court and the Police Court to ordinary courts

- ensuring better protection of women's rights through reform of the Nationality Law and the Personal Status Act, and putting an end to certain customary social practices, honor crimes and crimes of revenge, domestic violence through development of penal legislation (Criminal Code), withdrawal of the reservations to CEDAW and implementation of the visit requested by the Special Rapporteur on violence against women
- combating torture and ill-treatment through the strict application of the rule of law for detainees, the facilitation of prison visits, the implementation of an independent and transparent complaints mechanism, prevention of impunity, the review of the use of administrative detention and provision to detainees of access to legal representation and to the courts, ratification of the CAT optional protocol and implementation of recommendations of the United Nations Special Rapporteur on torture
- reviewing the legislation applicable to crimes of terrorism to ensure it is in line with international human rights standards and standards for combating organised crime.
- considering the establishment of a legal framework for the protection of refugees and applicants for asylum, as well as becoming a State party to the related instruments (1951 Refugee Convention and its 1967 Protocol)
- protecting the rights of foreign workers
- enhancing children's rights through enlarged access to education, reform of the Criminal Code (cf corporal punishment) implementation of the recommendation of the Committee on the Rights of the Child, withdrawal of the reservations to the CRC
- transforming the de facto moratorium on the death penalty into a de jure moratorium and ratify the Optional Protocol to the ICCPR, aiming at the abolition of the death penalty
- revising the Societies Law in order to encourage broad participation in Jordanian civil society
- enhancing religious freedom through protection of those who convert to religions other than Islam
- promoting an open and free press and ending restrictions on media reporting
- establishing an independent electoral commission allowing for open participation of political parties and objective certification of election results
- further improvement to the health system and access to water

Arab spring

As in other countries in the region, Jordan has been impacted by the Arab spring and on 20th February 2011, a popular movement. Lessons from other countries and the religious legitimacy of the King allowed him to adopt a relatively soft response to popular demands, and to lead to some reforms.

In January 2011, demonstrations asking for political, economic and social reform led the King to appoint a new Prime Minister in charge of implementing reforms towards the transfer of power from the monarchy to parliament, so that future governments would be democratically elected and based on representative political parties.

Constitutional amendments improving the protection of civil and political rights (cf amended article 8 of the Constitution prohibiting torture and ill-treatment) were ratified in September. Constitutional amendments included the stipulation that civilians should not be tried before a panel comprising only military judges except in cases involving treason, espionage, or terrorism.

The Article 6(i) of the Constitution, which prohibits discrimination on grounds of “race, language or religion”, was not amended to prohibit discrimination on grounds of gender.

One month later a new government was appointed by royal decree and the head of the General Intelligence Department resigned, and was replaced by royal decree.

People fleeing violence in Syria have continued to arrive in Jordan. As of December, at least 2,300 Syrians had registered with UNHCR.

On-going violations of human rights

During this period, human rights violations have included excessive use of force against peaceful protesters, restriction of the freedom of expression and association through several laws (new amendment to the Public Gatherings Law, drafting of an Anti-Corruption Commission restricting media freedom), detention of opinion prisoners, incommunicado detention, torture and ill-treatment, unfair trials before the State Security Court (SSC), whose procedures did not satisfy international standards of trial fairness, detention without trial (under the 1954 Law on Crime Prevention), violence and discrimination against women in law (no reform of the Citizenship and Nationality Law) and in practice (honor crimes) and gender-based violence as reported by the UN Special Rapporteur on violence against women, violation of the rights of migrants and domestic workers (despite legislation and official regulations introduced since 2008). The death penalty was not abolished, though it is not implemented.

OPT CONTEX ANALYSIS

By Ammar Al-Dwaik

CONTEXT ANALYSIS

The Occupied Palestinian Territories comprising the West Bank, including East-Jerusalem, and the Gaza strip, are politically under the jurisdiction of the Palestinian National Authority, and the Hamas Government in Gaza. However, Israeli military authorities effectively govern parts of the West Bank. Israel regards East-Jerusalem as part of a unified Jerusalem, which it unilaterally considers the capital of the state of Israel, and is thus subject to Israeli law.

Despite the fact that the vast majority of world governments (over 120) have recognised Palestine as a state, it has the status of an observer entity at the UN General Assembly, where the Palestinian Liberation Organization (PLO) represents it. The PLO enjoys full membership in the Arab League and the Organization of Islamic Cooperation. It is a signatory to the Arab Human Rights Charter.

The UN and international legal bodies refer to Palestine as the Occupied Palestinian Territories (OPT), and Israel is designated the occupying power. The OPT don't constitute a sovereign and independent state.

After World War II and the Holocaust, the British Government announced its intention to terminate its mandate over Palestine, and in 1947 the United Nations General Assembly voted the partition of the territory into a Jewish and an Arab state. Rejecting this decision, surrounding Arab states initiated a military action that was defeated, and the state of Israel was declared in 1948. Around 700,000 Palestinians were expelled from their homes in 1947-1948 and Israel captured and incorporated a further 26% of the Mandate territory. Jordan captured the region known today as the West Bank, and the Gaza Strip was captured by Egypt. In the course of the June 1967 war, Israel captured the rest of Mandated Palestine from Jordan and Egypt, and embarked on a policy of building settlements inside the OPT. From 1987 to 1993, the First Palestinian Intifada against Israel took place, ending with the 1993 Oslo Peace Accords. Under these Accords, Israel agreed to transfer certain powers and responsibilities in the sphere of Social Welfare and internal security (policing) to the West Bank and the Gaza Strip from the Israeli military government and its Civil Administration to the Palestinians. This sphere includes, *inter alia*, education, health, agriculture, housing, employment, direct taxes (i.e., income tax), transportation, postal services, and social welfare.

On the other hand, Israel retained control of overall security in the OPT, control over international crossing points and borders, fiscal policy, indirect taxes, 80% of the land, water resources, and movement of persons and goods within the West Bank and Gaza, and outside these areas. At the security level, and despite the fact that the PNA has a limited jurisdiction over land, it is required to ensure the security of Israel and to prevent acts of terrorism, crime, and hostilities directed against Israeli targets (Oslo II, article XV). Apart from East Jerusalem, which continued to be under Israeli control, the Oslo Accords divided the WBG into three categories: Areas A (under total Palestinian control), Areas B (under Palestinian administration, but Israeli military control), and Areas C (sole Israeli control). In sum, the Oslo Accords provided an arrangement whereby Israel would be freed from the burden of the administration of the Palestinian population of OPT excluding East Jerusalem, while at the same time retaining its security and economic supremacy, and control over substantial portions of land and resources.

On the other hand, the Oslo Accords created, for the first time in Palestinian history, national governmental institutions that have some legislative power to take part in the direct responsibilities over Palestinian residents of the OPT, in addition to creating a framework for these institutions to evolve with international support and recognition to become the basis for the future Palestinian state.

Thus far, the peace process has not ended the Israeli occupation or led to the establishment of a sovereign Palestinian state within the 1967 borders (as requested by different UN resolutions). Israeli governments continued with the policy of building and expanding settlements while the refugee question has not been solved.

In 2000, the Second or Al-Aqsa Intifada began, putting a stronghold on peace negotiations. In 2005, Israeli forces withdrew from the Gaza Strip, ceding full effective control of the territory to the Palestinian Authority while maintaining control of the air space and coast.

After Hamas won a majority of seats in January 2006 parliamentary elections, international donors, who support over 40% of the Palestinian Authority's budget, boycotted the Hamas-led government that was established pursuant to the 2006 elections. After brief yet brutal fighting that lasted from June 7 to 14, 2007 between Fatah dominated PNA forces

and Hamas forces, the latter took over the Gaza Strip, opening a new chapter in the history of the PNA. On June 14, President Abbas declared a state of emergency, dismissed Prime Minister Haniyeh, head of the unity government and a Hamas leader, and appointed former Finance Minister and International Monetary Fund (IMF) official, Dr. Salam Fayyad, to head an emergency government. Fayyad was appointed without the approval of the PLC, which had been paralyzed due to Israeli arrests of around 40 of its (mostly Hamas) members, and the Haniyeh government in Gaza was continued as a caretaker government thereby introducing a de facto system, which is still in place, of parallel Palestinian governments, one in the West Bank and one in Gaza. Each sees itself as the administrator of all Palestinian Territories and does not acknowledge the other as an official government of the territories.

Since June 2007, Israel, with the support of the USA, instituted an unprecedented economic blockade on the Gaza Strip, while the West Bank government enjoyed substantial international support.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

Since the OPT have not been granted the status of full member state by the UN, and are not legally recognised as a state, they don't have the legal capacity to ratify international human rights instruments. The OPT does not undergo UPR review.

However, the Palestinian National Authority (PNA) has committed itself to international human rights treaties. Article 10 of the Palestinian Basic Law states that “1. Basic human rights and liberties shall be protected and respected. 2. The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights.” Additionally, the PNA, through the PLO³⁵, has symbolically ratified major international human rights treaties. Nevertheless, since the PNA is not recognised as a state and does not enjoy full membership within the UN, it cannot be held to account through international mechanisms as stipulated in UN human rights instruments.

Since the Palestinian territories are effectively under Israeli occupation, Israel is bound by international humanitarian law, in particular the Fourth Geneva Convention, as well as Additional Protocol I to the Geneva Conventions, to the Occupied Palestinian Territory, including East Jerusalem³⁶. However, Israel disputes the applicability of internal humanitarian law to the OPT.

However, the mandate of a Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories (occupied since 1967) was created in 1993, and reports on human rights violation in the OPT. Several commissions

35 The PLO manages foreign relations on behalf of the PNA, including joining international organisations or multilateral agreements.

36 See for example the advisory opinion of the International Court of Justice: Legal consequences of the construction of a wall in the Occupied Palestinian Territory, 9 July 2004.

were created to investigate specific events (such as the operation “Cast Lead” over Gaza in 2008-2009).

Since Oslo, the OPT have benefited from tremendous financial and technical support from the international community (especially the US Government and the EU). Palestine is the country that received the most important external assistance in terms of Human Rights capacity building of judiciary systems, civil servants and civil society organisations, and benefits from the dynamism of the law faculty of Birzeit. Different programmes have taken place to help the Palestinian Legislative Council (PLC) to unify the Palestinian legal system (Gaza is under common law, while West Bank is under civil law), but stopped with the 2006 elections.

On-going violations of human rights

Israeli authorities continue to implement the blockade of the Gaza Strip, and to violate the freedom of movement of Palestinians in the OPT. The ongoing expansion of settlements and construction of the fence/wall in the West Bank breaches international law.

The Israeli Government continues to proceed with the demolition of property in the West Bank and to force evictions. The Israeli army frequently uses excessive and lethal force against demonstrators in the West Bank and civilians in border areas within the Gaza Strip, leading to the death of dozens of civilians.

Israeli authorities have arrested thousands of West Bank Palestinians and have kept hundreds in custody without being charged (administrative detention). Military courts have tried Palestinian civilians. Reports of torture and other ill-treatment of detainees are ongoing.

Settler violence against Palestinians in the West Bank has increased and Israeli settlers and soldiers accused of committing abuses against Palestinians have generally enjoyed impunity.

No independent investigations have been conducted by Israeli authorities to clarify human rights violations, including alleged war crimes by Israeli forces during Operation “Cast Lead” in 2008-2009.

The state of human rights and freedoms has significantly deteriorated in the West Bank and Gaza as a result of continued internal Palestinian political division. The two governments in the West Bank and the Gaza Strip have imposed substantial restrictions on the freedoms of their political opponents. Illegal detentions, torture, restrictions on the freedom of speech and freedom of association have become widespread and systematic against political opponents. For example, in the West Bank, the Fatah-controlled Palestinian Authority has arbitrarily arrested and detained supporters of Hamas; in the Gaza Strip, the Hamas de facto administration has arbitrarily arrested and detained supporters of Fatah. In both areas, security forces have tortured and otherwise mistreated detainees with impunity. Both the PA and Hamas have restricted freedom of expression and association, and their security forces have used excessive force against demonstrators.

The Palestinian Authority has denied the right to a fair trial, and members of Hamas and civilians have continued to be tried before military courts that are neither independent nor impartial. Violence against women and girls has consistently occurred.

Additionally, the security agencies in the West Bank prohibit the printing and distribution of some Gaza-based newspapers with ties to Hamas and Islamic Jihad, particularly “al-Risala”, “Falastine” and “Minbar el-Islah”. Similarly, the Ministry of the Interior in

Gaza prohibits the distribution of three daily newspapers (Al-Quds, Al-Hayyat Al-Jadeedeh and Al-Ayyam) that are issued in the West Bank.

In Gaza, the death penalty was implemented while the West Bank observed a de facto moratorium. The humanitarian crisis affecting the Gaza Strip's 1.6 million residents has continued due to Israel's ongoing military blockade, and the sanctions imposed on the de facto Hamas authorities by other states. Missile continued to be fired at Israel from inside Gaza Israel.

In April 2011, Fatah and Hamas signed a reconciliation agreement in Cairo. The Agreement provides for, among other things, forming a transitional government of technocrats to prepare for legislative and presidential elections for the Palestinian Authority in one year. It also allows the Palestinian Authority to continue to handle security in the West Bank, as Hamas does in Gaza. However, both parties are supposed to form a joint security committee to decide on future security arrangements. Due to Israeli and US objections, in addition to continued Palestinian internal divisions, the Agreement has not been put into force.

MOROCCO CONTEXT ANALYSIS

By Hind Arroub

BACKGROUND AND CONTEXT

Morocco is a constitutional monarchy with an elected parliament. The King of Morocco holds vast executive powers, including the power to dissolve the parliament. Executive power is exercised by the government, but more importantly by the king himself. Legislative power is vested in both the government and the two chambers of parliament, though power separation remains highly challenged. The king has the exclusive right to issue decrees called "dahirs" which have the force of law.

The current King, Mohamed VI, acceded to the throne in 1999 upon the death of his father, King Hassan II. While the reign of Hassan II was characterised by a poor democratic and human rights record, Mohamad VI commonly embodies the willingness of reforms towards better governance and enhanced human rights. However, those reforms are often considered to be cosmetic reforms with no real impact on the ground.

Since 1975, regional conflict between Mauritania, Algeria and Morocco and the Sahrawi national liberation movement Polisario Front has continued over a disputed region of the Western Sahara. Since 1979, Morocco has secured effective control of most of the territory (seen by the authorities as the Southern Provinces), while the remaining part of the territory (the Sahrawi Arab Democratic Republic) is under control of the Polisario Front, strongly backed by Algeria.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

As of the 1st of May 2012, the Kingdom of Morocco was party of the CERD, the CCPR, the CESCR, the CAT, the CEDAW, the CRC (and its optional protocol), the CMW and the CRPD (and its optional Protocol). Furthermore, Morocco recognises the competence of the respective committees provided for in articles 14 of the ICERD and 22 of the CAT

and has withdrawn its reservations to article 20 of CAT and 14 of the CRC as well as to certain provisions of the CEDAW.

Morocco ratified the two additional protocols to the Geneva Conventions of 1949 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. The process of accession to optional protocols of CCPR, CEDAW and CAT is reported to have been initiated by the Government of Morocco. The ratification of the CPPED has been announced.

Morocco has not yet ratified the Treaty of Rome and therefore the Coalition for the International Criminal Court (NGO) has selected Morocco as a targeted country in its 2012 campaign that aims to advocate for the ratification of the treaty.

Universal Periodic Review

In April 2008, the Kingdom of Morocco underwent the UN Human Rights Council's Universal Periodic Review (eighth session). The UPR made 13 recommendations and the Kingdom of Morocco accepted recommendations advising to:

- Ratify the CRPD, sign the optional protocol to CAT and formalise the withdrawal of the reservations to CEDAW
- Continue harmonisation of its domestic law with regard to its international obligations on human rights
- Continue efforts to ensure respect for migrants' human rights and to improve prison conditions
- Continue implementing the remaining recommendations of the *Instance Équité - Reconciliation IER*
- Carry on the training of law enforcement officials based on the request for technical cooperation

Other recommendations to be examined by Morocco included the ratification of the Rome Statute of the International Criminal Court and the extension of a standing invitation to special procedures. Morocco underwent another UPR in June 2012. The final report has not been released, however some progress has been noted (ratification of human rights instruments, the upgrade of the Consultative Council for Human Rights (CCDH) into a National Council for Human Rights (CNDH), a better situation in detention centers etc...) but the need to improve general Human Rights situation through various tools (ratification of optional protocols, ratification of Rome Treaty, revision of Family Code towards gender equality, further implementation of the National Initiative on Human Development Programme, abolition of death penalty, fight against domestic violence, further reform of the criminal justice system, fight against torture, reform of the Press Code etc..) has been reaffirmed. Western Sahara remains a key concern.

Political context, constitutional and legal framework during project duration

As with other countries in the region, Morocco has been impacted by the Arab spring and on 20th February 2011, a popular movement (called the 20 February Movement) started, that asked for greater democracy, a new constitution, an end to corruption, improved economic conditions, and better health and public services. Lessons learned from other countries and the religious legitimacy of the King allowed him to adopt a relatively soft approach to the popular demands, and led to some reforms. Indeed, the movement's demon-

strations were authorised and generally peaceful. As a response to the movement, a new National Human Rights Council was created; replacing the Advisory Council on Human Rights and the King announced a constitutional reform process, which was boycotted by protest leaders.

The proposed new Constitution was endorsed in a national referendum on 1 July, which transferred the King's powers to appoint government officials and dissolve parliament to the Prime Minister, though the King still nominates the Prime Minister and judges and remains Morocco's commander of the armed forces, chairperson of the Council of Ministers and the High Security council, and the highest religious authority.

Furthermore, the new Constitution provides for freedom of expression and equality between women and men, and criminalises torture, arbitrary detention and enforced disappearances.

The parliamentary elections of November 25th gave the majority of seats to the Islamist Justice and Development Party and led to the formation of a new government headed by Abdelilah Benkirane.

Constitutional and legal framework for human rights in Morocco

As explained above, the new Constitution provides for better governance (with greater sharing of power) and an enhanced respect for human rights.

Morocco has also developed an institutional framework for the promotion and protection of human rights, including the establishment of the Inter-ministerial Unit on Human Rights (2011), of the National Human Rights Council (replacing the Consultative Council on Human Rights) and of the Office of the Ombudsman (2011) in charge of ensuring access to public services and of monitoring the implementation of judicial decisions against administrative authorities.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

Over the course of the project, the Kingdom of Morocco ratified the CRPD and its Optional Protocol, the two additional protocols to the Geneva Conventions of 1949, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Optional Protocol to the CRC. Furthermore, reforms to laws on the family and nationality led to the withdrawal of reservations to articles 9 (paragraph 2) and 16 of CEDAW (reservations related to children's nationality and discrimination in marriage). Morocco also announced that it would ratify the Optional Protocols to the Convention against Torture and CEDAW.

From 2008 to 2012, Morocco hosted visits from three special procedures mandate holders: the Working Groups on Enforced or Involuntary Disappearances and on the issue of discrimination against women in law and in practice and independent expert in the field of cultural rights. In April 2011, Morocco expressly stated its openness to cooperation with the Human Rights Council special procedures. Furthermore, Morocco continues to proceed with annual voluntary contribution to the OHCHR.

In addition, the EU provided 20 million euro to assist the government to introduce legal reforms, and 8 million euro towards preserving the memory and archives of the gross human rights violations between 1956 and 1999.

Ongoing violations of human rights

Despite a recognised willingness to respect human rights, many violations still took place over the course of the project. According to human rights organisations, security forces used excessive force against protesters. Critics of the monarchy and state institutions continued to face prosecution and imprisonment. Freedom Attacks on independent media continued and measures were taken to restrict freedom of expression (especially against state officials or institutions) and media coverage of politically sensitive issues. There are still many opinion detainees despite the pronouncement of a few royal amnesties in favor of opinion prisoners.

Reports of torture and other mistreatment of detainees, notably by the Directorate for Surveillance of the Territory, have persisted. Detainees have continued to be held incommunicado, in some cases allegedly beyond the 12 days permitted by law. Detainees awaiting trial on terrorism-related charges have staged hunger strikes to protest against their alleged torture and conditions of imprisonment. In May 2011 a riot organised by prisoners convicted of terrorism related offences took place in protest against unfair trials and use of torture. Repression by prison authorities led to the injury of several prisoners.

While death sentences were passed, no executions were carried out. Following a bombing at a café in Marrakesh in April 2011 that led to the death of 17 people, a man was convicted and condemned to death (the sentence was not implemented).

The authorities have failed to implement key recommendations made by the Equity and Reconciliation Commission including recommendations to reform the judiciary and security forces. Victims have continued to be denied effective access to justice for gross violations of human rights committed between Morocco's independence in 1956, and the death of King Hassan II in 1999.

Arrests and collective expulsions of foreign nationals have continued, including those of 130 foreign Christians under suspicion of proselytising (a criminal offence under the Penal Code); none were charged with this offence.

Western Sahara

Negotiations between Morocco and the Polisario Front have continued with regard to the status of Western Sahara without resolution. The Polisario Front has continued to call for the independence of the territory, which Morocco annexed in 1975. In April 2012, the UN Security Council again renewed the mandate of the UN Mission for the Referendum in Western Sahara without including a human rights monitoring component.

Sahrawi activists and Sahrawi are advocating self-determination for the people of Western Sahara who remain subject to restrictions on their freedoms of expression, association and assembly, while leading activists continued to face prosecution. Sahrawi human rights organisations continued to be blocked from obtaining official registration. Torture and other mistreatment of detainees has persisted along with detention without trial, or following military trial. Government repression of protests in Sahrawi camps has led to deaths.

The Polisario Front took no measures to end impunity for those accused of committing human rights abuses in the 1970s and 1980s in Tindouf camp (located in Algeria).

Most controversial Human Rights

The most controversial human rights are:

- Political & civil rights
- Women' rights
- Freedom of expression, association and assembly (red lines: Monarchy - Religion Homeland)
- Self-determination right
- Right to fair trial and detainees' rights
- Freedom of sexual orientation

Main obstacles for Human Rights realisation

Lack of political will

Upon attaining power, Mohamad VI announced a policy of “change inside continuity” and increased efforts towards democratic reforms. However, his policy has often been criticised as providing only cosmetic changes. For other observers, a globally positive evolution coincides with steps backward.

A new chapter of the new Constitution (2011) contains covers Human Rights, but has yet to be implemented. The follow-up of the IER was disappointing, but things have progressed somewhat with the Arab spring. The previous UPR reporting was taken very seriously by Morocco.

Furthermore, the lack of political will led to continued impunity and a lack of independence for the judiciary.

Lack of capacities

The High Judicial Council needs capacity building, especially concerning the primacy of international law over national law. On the contrary, it seems (according to the French Embassy) that the High Institute for the Judiciary is evolving positively, and that its training is rather good.

The legal training in Morocco is not very good, through they are trying to improve. The University of Rabat (Mohamad V) is of low quality, while University Hassan II of Casablanca is better. The best legal training is provided at the University of Marrakech (Cadi Ayyad). The HR curricula are generally taught by activist professors who mainly on procedural aspects (National Law and HR law, Penitentiary law and HR etc...).

The civil society needs capacity building and to strengthen its ownership through the implementation of activities.

Lack of coordination

The main local HR stakeholders concur with the HR leadership in Morocco (AMDH/ OMDH and CCDH/ CNDH) and therefore don't coordinate. Thus, there is no strong national HR network.

There are also ideological tensions between them. Indeed, the Moroccan civil society is divided between organisations that adopt a conciliatory attitude towards the regime (such as OMDH), and organisations opposing regime abuses (AMDH which refuses, for example, to work with the USG, Transparency Morocco).

National stakeholders

Governmental institutions:

- Ministry of Justice

- Ministry of Interior

The Ministry of Human Rights was dissolved in 2004 and its components were distributed to other concerned agencies. However, an Inter-ministerial Unit on Human Rights was created in 2011.

National institutions:

- National Council for Human Rights (CNDH) – previously the Consultative Council for Human Rights (CCDH)
- The Office of the Ombudsman (2011)
- The Grievances Court (2001)
- The Commission for Equity and Reconciliation (2004)
- Higher Judiciary Council
- High Institute for Judiciary

Academic institutions:

- Caddi Ayyad University (Marrakech)
- Hassan II University (Casablanca)
- Mohamad V University (Rabat) where a « Chaire UNESCO pour l'enseignement, la formation et la recherche en matière des droits de l'homme » was created in 1996.

Civil society organisations:

Local organisations:

- The Moroccan Association for Human Rights (1979)
- The Moroccan Organization for Human Rights (1988)
- The Moroccan League for the Defense of Human Rights
- The Union Working on Integrating Women in Development (1995)
- The Human Right Center for Studies, Research, Legal Reform and Human Rights Education (2000)
- Moroccan Forum for truth and Equity
- Transparency Morocco
- Moroccan Observatory of Prisons
- Adala Association
- Moroccan Association for Progressive Women
- Moroccan Association for the defense of judicial independence
- International Organizations at Islamic Educational, Scientific and Cultural Organization (ISESCO)

International organisations:

- International Federation of Human Rights (FIDH)
- Human Rights Watch (HRW)
- Amnesty International (HI)
- Friedrich Ebert
- Friedrich Naumann
- Konrad Adenauer
- The North African Human Rights Coordination Group (2006)

International stakeholders and funding community

Among the main international stakeholders and funding partners:

- The Delegation of the European Commission in Morocco
- The French Cooperation
- US Government
- World Bank
- United Nations Development Fund (UNDP)
- United Nations Populations Fund (UNFPA)
- Swiss Cooperation
- Dutch Cooperation

Judiciary cooperation in Morocco is complex. All big funding agencies (WB, EC, USAID) have suspended their funding since 2008 because Morocco has not honored its commitments in terms of judiciary reform, independence of justice, fight against corruption etc....

In July 2009, the King made a speech about judiciary reform, and in January 2010 several reforms were announced.

In 2011, an agreement was signed between the EC and Morocco for a new assistance project, but the funding (50 million euro over 3 years) has not been released due to a lack of trust. There is currently (and until 2013) a substantive national debate on reform; the justice and international communities await its outcomes.

TUNISIA CONTEXT ANALYSIS

By Tunisia, Dolly Najjar

BACKGROUND

Tunisia is a constitutional republic, with a President serving as chief of state, a Prime Minister as head of government, a bicameral legislature and a court system influenced by French civil code and Islamic law. Tunisia is a member of the African Union, the Arab League and the Arab Maghreb Union.

Until 2010, Tunisia was formally a democracy with a multi-party system, but in reality the secular Constitutional Democratic Rally (RCD), formerly Neo Destour, had complete control of the country from its independence in 1956. Bourguiba, the father of independence and the first Tunisian President, remained in power from 1956 to 1987. In 1987, Bourguiba was declared unfit to rule and Prime Minister Ben Ali assumed the presidency in a bloodless coup d'état.

Ben Ali ruled Tunisia from 1987 until he fled the country amid popular unrest in January 2011. During his presidency, he had been consistently re-elected with enormous majorities every election (the last being in October 2009). Such elections were not considered to meet international standards by human rights organisations.

Formal democratic reforms (abolition of presidency for life, opening up of the parliament to opposition parties, freedom of press) led under Ben Ali's presidency were regularly denounced by human rights organisation as misleading and hid ongoing violations of human rights. Such violations included restrictions to freedom of the press and expression, arbitrary detention, use of torture, impunity, restriction of freedom of movement and

communication (including internet censorship). The authorities had also prevented the emergence of an independent judiciary. Furthermore, the reign of Ben Ali was characterised by corruption and nepotism.

The Tunisian revolution started on December 2010 with the immolation of Mohamed Bouaziz. This act became the catalyst for mass demonstrations and riots throughout Tunisia to protest social and political issues in the country. The demonstrations were precipitated by high unemployment, food inflation, corruption, an absence of the freedom of speech and other political freedoms, and poor living conditions. They resulted in around 300 deaths and hundreds of injuries, most of which resulted from action by police and security forces against demonstrators. On January 14th 2011, despite the declaration of a state of emergency, the dissolution of the Government and the announcement of new legislative elections, Ben Ali stepped down. The Tunisian revolution inspired Arab spring movements all over the region.

Two of the first actions made after the appointment of the new government in March 2011 were the decision of the Tunis court to ban the ex-ruling party RCD and to confiscate all its resources, and a decree by the Minister of Interior banning the "political police", including the state security special forces. Political prisoners were released, legal restrictions on political parties and NGOs were eased, and Tunisia became party to additional international human rights treaties. Three commissions were formed; the High Commission for achieving the aims of the revolution, political reform and democratic transition, the National Committee for investigating cases of bribery and corruption and the Fact-Finding Commission on Abuses Committed in the Last Period.

On 23 October 2011, elections to a Constituent Assembly were held and led to the victory of the formerly banned Ennahda Movement, a moderate Islamic party.

The trial of a group of 139 former officials, including the former President and the two former Interior Ministers, began in November 2011. Former President Ben Ali and members of his family were also tried in their absence, and convicted on corruption and drugs-related charges.

On 12 December 2011, former dissident and veteran human rights activist Moncef Marzouki was elected as president of Tunisia.

Ratification of international human rights instruments and cooperation with international human rights mechanisms

As of 1 May 2012, the Republic of Tunisia had ratified the following international human rights instruments: CERD, CCPR and its optional protocol, CESC, CAT and its optional protocol, CEDAW and its optional protocol, CRC, CMW, CRPD and its optional protocol and CPPED. The ratification of CAT optional protocol and CEDAW optional protocol is exceptional in the region and worthy of being highlighted. After the 2011 revolution, Tunisia ratified the Optional Protocol to the CCPR, the Optional Protocol to the CAT, CED and withdrew its reservations to CEDAW. Tunisia also ratified the Rome Statute of the International Criminal Court.

Both the UN Special Rapporteur on torture and the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism visited Tunisia in May 2011.

In 2011, the OHCHR set up a national office in Tunisia.

Universal Periodic Review

In May 2008, the Republic of Tunisia underwent the UPR during the eighth session of the Human Rights Council. The UPR encouraged Tunisia to work closely with international human rights bodies and to consider cooperation with, among others, the Special Rapporteur on the question of torture and the Special Rapporteur on the promotion and protection of human rights while countering terrorism. Recommendations were made for Tunisia to ratify the Optional Protocol to CAT as soon as possible and to withdraw recommendations to CEDAW. The UPR also recommended the reinforcement of freedom of expression and assembly (in particular through the revision of article 51 of the Press Code), the facilitation of the registration of civil society, unions and political parties, and a follow-up to the decision to not carry out the death penalty.

Tunisia underwent the second UPR review in May 2012.

On-going violations of human rights

First of all, it is worth mentioning that women's rights are more protected in Tunisia than anywhere in the Arab world; women hold more than 20% of seats in both chambers of parliament, and polygamy has been interdicted and repudiated in the Code of Personal Status. The Code also outlaws the husband's right to unilaterally divorce his wife. The Code of Personal Status remains one of the most progressive civil codes in the Middle East and the Muslim world.

Despite progress achieved since the revolution, continuing human rights violations have taken place since January 2011, such as excessive use of force by security forces against protesters, and torture and ill-treatment of protesters during arrest and in detention. Freedom of expression remained restricted and no steps were taken to ensure accountability for the gross human rights violations committed during President Ben Ali's 23 years in power. Women continued to face discrimination in law and practice. The death penalty remained in force but no new death sentences were reported, and there were no executions.

CONTEXT ANALYSIS

Main obstacles for Human Rights realisation

Contextual challenges

- The economic and social instability and lack of security (AI, AIHR), and the challenges raised by some specific issues such as transitional justice and social equality (AIHR)
- The rise of religious extremism and its consequences on HR, including Women's rights and freedom of expression (AI), in other words the emergence of extremist movements that declare their hostility to democracy and HR (AIHR)
- Weak HR culture (Ministry of HR and Transitional Justice)

Lack of political will

- The legacy of the past including the repetition of practices of the previous regime (OHCHR)

- The lack of action by the authorities against violations of freedom of expression and peaceful assembly (HRW, AI)
- The lack or delay of initiatives (HCDH)
- The inability of transitional governments to develop appropriate visions and solutions to certain issues such as transitional justice and legal reform (AIHR)
- The inconsistency between the Law and the reality, and the gap between the will to change and the actions taken (EC delegation)

Lack of capacities

- Lack of human and financial resources for the implementation of HR (Ministry of Women's Affairs and Family)
- Lack of a practical approach by the academic system, the Lawyer Training Institute and the ISM in the HR trainings (Ministry of Justice and the EC)

Weakness of the civil society³⁷

- Lack of expertise for the vast majority of civil society (AIHR)
- Lack of coordination between non-governmental organisations (HRW)
- Competition and ideological opposition from HR CSOs
- Lack of trust from CSOs and state actors

More than 2,000 CSOs have been established since the Revolution

Steps needed in order to promote HR in Tunisia

- legal reform integrating HR law
- full implementation of available texts
- build the human and financial capacities of the state institutions
- capacity building of the civil society
- emphasise on vulnerable and/or isolated areas
- focus on vulnerable populations (disabled, emigrated women and single mothers)
- continuous HR training
- revision of the current ISM curriculum (that is currently only a repetition of the university curriculum)
- modernisation of the ISM curriculum and the University curriculum
- establishment of partnerships with universities
- reform the penitentiary system
- improve coordination between ministries and civil society
- allow the media to raise HR awareness via awareness campaigns

National stakeholders

³⁷ See the « Rapport de Diagnostic sur la Société Civile Tunisienne » of the EC (March 2012)

Tunisia has a wide range of national stakeholders involved in the Human Rights field:

Governmental institutions

- Ministry of Human Rights and Transitional Justice
- Ministry of Justice
- Ministry of Women's and Family's Affairs
- Ministry of Interior

National institutions

- Comité Supérieur des Droits de l'Homme et des Libertés Fondamentales
- Institut de Formation des Avocats
- Institut Supérieur de la Magistrature (ISM)

Academic institutions:

- Law Faculty of Al Manar University (Tunis)
- Juridical, political and social sciences Faculty of Tunis
- Private Law and Management School of the Central University
- Law, Economy and Management Faculty of the Free University of Tunis

Civil society organisations:

- Local and/or regional organisations:
- Arab Institute for Human Rights (IADH)
- Tunisian Human Rights League (LTDH)
- Tunisian Association of Democratic Women
- Tunisian Association for the Defense of Children's rights

International organisations:

- International Federation of Human Rights (FIDH)
- Human Rights Watch (HRW)
- Amnesty International (AI)
- World Organization against Torture (OMCT)
- International Commission of Jurists (ICJ)

International stakeholders and funding community

- Among the main international stakeholders and funding partners:
- Office of the High Commissioner for Human Rights (OHCHR)
- International Committee of the Red Cross (ICRC)
- United Nations Development Program (UNDP)
- United Nations High Commissioner for Refugees (UNHCR)
- The Delegation of the European Commission in Tunisia (EC)

Annex 7 – Local Consultants

Country	Name	Key Qualifications
Egypt	Stéphanie David	Education: DEA (Master degree) in Public International Law and International Organizations, 1998, La Sorbonne University Master training in Legal Studies on the Arab World, 1998-1999 Work: <i>Middle East and North Africa Director, International Federation of Human Rights (FIDH), Cairo, 2006-Present.</i> Ultimately responsible for FIDH's work on the Middle East, established the first FIDH regional office <i>Programme Officer, FIDH, Paris 2003-2006,</i> Contributed reporting and writing to reports on several Arab countries, Interacted with international and regional human rights mechanisms (UN treaty bodies and organs, African Commission for Human and Peoples's Rights), Organised and conducted training sessions and regional seminars for human rights defenders in Middle-East/ North Africa, Worked on transitional justice projects (Morocco, Algeria, Lebanon). <i>Legal Researcher, Institute of Law, Birzeit University, Palestinian Territories, 1999-2002</i> Contributed to the conceptualisation and realisation of a computerised database for international documents related to the Question of Palestine dedicated to researchers and the Palestinian legal community. Coordinated the development of international law studies and research at Birzeit University: new conception of the curriculum for the Masters programme of the Institute, establishment of a international as well as a regional network of international law specialists in order to set up a reliable group of teachers and professors willing to work in Palestine.
Morocco	Hind Arroub	Education: PhD in Law and Political Science, Mohammed V University of Juridical, Economic and Social Sciences in Rabat- Morocco. 2007 Graduate Diploma in Political Science and Constitutional law, Mohammed V University of Juridical, Economic and Social Sciences in Rabat-Morocco. 2003 Degree in Public Law, Specialty: International Law, Mohammed V University of Juridical, Economic and Social Sciences in Rabat- Morocco. 2000

		Work: 2011-till now: Founder & director of a think tank based in Rabat “ Institutue Hypatia d’Alexandrie pour la Reflexion et les Etudes” (www.ihare.net). 2011: Project Manager in Moulay Hicham Science Foundation for Social Research on North Africa and the Middle East. 2010-2011: Researcher at the Center on Democracy and Rule of Law Development “CDDRL”, Stanford University: Programme on Good Governance and Political Reform in the Arab World, the United States. 2008-till now: Associate Researcher at the Laboratory of Sociology "Cultures & Societies in Europe"CNRS & University of Strasbourg, France. 2007-2008: Part-time lecturer at the University Hassan II – School of Law / Casablanca: Class and Hours: Constitutional law and political institutions (8 hours per week).Member of the executive of the association “l’association Epanouissement Féminin” Memberships Member of team teaching project Forat (AMDH in partnership with the European Union concerning the training of trainers in human rights). Leading and monitoring workshops on human rights and socio-political issues.
Tunisia	Dolly Najjar	Education: PHD in Penal Law, Lebanese University, 2001 : Thesis : Penal responsibility in genocide crimes Masters in Penal Law, Lebanese University, 1998 Work <i>University teacher in:</i> - Human Rights at the Tunis El- Manar University, 2009-2011 - Islamic Law at the Université Libre de Tunis, 2009-2010 - Succession Law at the Université Libre de Tunis, 2009-2010 - Family Law at the Université Libre de Tunis, 2009-2010 <i>Legal advisor at the Presidency of the Lebanese Minister Council, 2001-2004</i> <i>Author of relevant articles and seminar communications</i>
Algeria	Aicha Zinai	Education: Masters in Law and Administrative Sciences, University of Constantine, Algeria 1982-1989 Lawyer Certification of the Bar Union of Constantine, Algeria 1989-1990 Work:

		<i>Project Coordinator for the Friedrich Naumann Foundation for Liberty in Algeria - 2012</i> : Coordination of the Foundation's programmes in Algeria <i>Consultant for GIZ, ASA, SOFRECO and TRANSTEC in Algeria 2008-20011</i> : Conducting trainings, drafting training manuals, providing contextual and technical analysis within human rights, good governance and gender projects <i>Consultant for the Algeria American Bar Association, Algeria-2009</i>: Training lawyers on human rights <i>Consultant, trainer and analyst for UNIFEM, UNESCO, Cawtar, Amnesty International, Algeria Solidarity Centre, Freedom House, UGTA, Algerian League of Human Rights in Tunisia, Morocco and Algeria 2006-2009</i>: Conducting trainings, drafting training manuals, providing contextual and technical analysis in the field of human rights <i>Lawyer at the Bar Union of Constantine, Algeria 1989-2005</i>
Lebanon	Marie Reine Sfeir	Education: Master in Public Law, Saint-Joseph University– Beirut – Lebanon, 2001 Diploma in "Continuous Education on Human Rights", 2004 Work: Representing The Victims' Participation Unit (VPU) at the <i>Special Tribunal for Lebanon (STL)</i> / Lebanon and The Netherlands (2011-present), <i>Assignments for the American Bar Association (ABA)</i>: Establishing and Directing a Legal Aid Center in Northern Lebanon for Juvenile offenders, refugees and stateless persons 2009-2011; Co-development and implementation of a Human Rights Clinical Education Program at the Law Faculty of La Sagesse University in Beirut including syllabus and curriculum development 2007-2008; Preparation and organisation of moot court competitions for 4th year law students in summer of 2007, 2008, 2009 - Trained the student on Court skills and substantive International Constitutional Law and Human Rights Law <i>Assignments for the Beirut Bar Association (BBA), Institute for Human Rights</i>: Controlling, managing programmes funded by international and local donors such as EU, Embassies, Ministries., writing narrative reports and elaborating budgets for the institute and liaison with the Medias, the fundraisers, the universities, the international regional and local NGO's and Ministries in Lebanon
Jordan	Nael H. Abu Farha	Education: M.A. in Law, University of Jordan, Amman, 2000 Qualified as a Private Mediator from the Ministry of Justice

		Work: <i>Legal Consultant for the Ombudsman Bureau:</i> Involved in setting strategic plans and objectives of the Bureau, and in developing necessary work plans to achieve them; Involved in setting memorandums of agreement with the ministries in the kingdom; Actively participated in writing research papers on transparency and accountability in the field of administrative corruption. <i>Nael Abu Farha: Legal Consultants & Advocates:</i> Handling Civil, Commercial, Criminal, Labour, Human Rights and Insurance cases; Defending accused persons before various courts; preparation of pleas and petitions; <i>Amman Center for Human Rights Studies:</i> Training of Trainers in Human Rights, 2008 <i>Arab Center for Human Rights, Anabtawi:</i> Tunisia, Professional Training in Human Rights, 2008 Member of Arab Organization for Human Rights http://www.aohr.net/ ;Member of Arabic Network for Training on Human Rights www.hrtwaw.org
Iraq	Saad Hussain Fathullah	Education: Diploma in Human Rights and Equality, from Lund University, Sweden, 2006. PhD in Econometrics, from Al-Mustansiriyah University, Iraq, 1993. MSc in Labor Economy, from Al-Mustansiriyah University, Iraq, 1986. Work: <i>Senior Researcher at the Ministry of Human Rights, -Directorate of public relations, in Iraq for the period 2003-2005.</i> <i>Deputy Director General of the directorate of researches & studies at the Ministry of Human Rights for the period 2005-2006.</i> <i>Director General of the directorate of researches & studies at the Ministry of human rights in Iraq for the period 2006-2008.</i> <i>Dean of the National Institute for Human Rights in Iraq for the period 2008- 2012.</i> <i>Now retired.</i> <i>Worked on Access to Justice programme with USAID.</i> <i>Worked with UNDP on developing a strategic plan to Ministry of human rights and to the National Institute for human rights for the period 2007-2008.</i> <i>Worked with UNDP on developing the curriculums for the Na-</i>

		tional institute for human rights in Iraq in association with Canadian Experts. Membership: • Member of the Human Rights Organization in Iraq (NGO). • Member of Iraqi Jurists Union. • Member of Iraqi Economist association. • Member of <i>Economics researches</i> association in Egypt. • Member of the Arab Experts for Human Rights in the Arab League. • Head of the Iraqi Committee for UPR. • Head of the Iraqi Committee for CCPR. • Head of the Iraqi Committee for CESC. • Head of the Iraqi Committee for CEDAW. • Head of the Iraqi Committee for CERD. • Head of the Iraqi Committee for Human Trafficking. • Head of the Iraqi Committee for National Plan of Human Rights. • Head of the Iraqi Committee for Human Rights Education. • Member of the Iraqi National Commission for Education, Culture and Science. • Member of Iraqi Committee for CRC.
OPT	Ammar Al-Dwaik	Education: PhD in Social Policy and Management, Brandeis University, The Heller School for Social Policy and Management – USA Masters of Law in Law and Government with focus on anti-corruption and good governance, American University, Washington College of Law (WCL- AU) –USA Work: Consultant in the area of programme/project identification and preparation/formulation; programme/project implementation; strategic management, planning, and implementation; legislation, regulations and law enforcement; training and research; institutional building; democratisation and political development; enhance the role of civil society; legislative drafting, and legal translation.



Evaluation of the Raoul Wallenberg Institute's regional programme "Building Human Rights Knowledge and Resources in the Middle East and North Africa"

RWI is appreciated as a highly experienced, technical expert in human rights law and human rights training. Capacity development of the academic and judiciary institutions in HR training and research in the MENA region are relevant to the changing context and highly appreciated by the partners so far included in the networks. However, effectiveness, cost efficiency and sustainability of the programme are limited. The results framework created to guide the programme implementation is weak in logic and the activities undertaken so far have not been chosen or designed to make the most strategic contribution to the expected outcome. The capacity of RWI to plan, implement and monitor development programmes needs to be enhanced and synergies with other on-going initiatives should be sought.

Sida has approved a programme with a results framework which has logical problems and vaguely formulated outputs and outcomes and is implemented by an institution that has limited capacity and experience to implement programmes of this scale (recognised as a risk in the Sida project memo). The capacity of Sida to engage in dialogue in the planning phase of programmes and to proactively encourage synergies between various initiatives relevant to the portfolio needs to be looked into. This evaluation offers lessons both for RWI and for Sida.

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