

External evaluation of the project of the Association for the Prevention of Torture

Reducing the risk of torture and ill-treatment in Brazil, Madagascar and Thailand through the effective implementation of safeguards during the first hours of detention (2017-2021)

Evaluation Report – Final Version

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Executive Summary

The Association for the Prevention of Torture (APT) commissioned an external evaluation of its 3-year project, mainly funded by the Canton of Geneva, that aimed at supporting the practical implementation of safeguards during the first hours of detention in Brazil, Madagascar and Thailand with a view to reducing the risk of torture and ill-treatment. Conducted by a team of two independent consultants using mostly qualitative methodologies, the evaluation assessed the **relevance, effectiveness, efficiency, sustainability, and coherence** of the project, looked into cross-cutting dimensions – **innovation and gender** – identified **lessons learned** and established **recommendations**. In February and March 2021, the evaluation team collected data through: desk review of mostly APT-produced, project-related documents; semi-structured interviews with APT management and staff, national partners and international stakeholders, all conducted remotely due to COVID-19 travel restrictions and financial constraints; and direct observation.

The project took **different forms across the three countries**. In Brazil and Madagascar, APT focused on specific institutions that implement safeguards: the main strategy in Brazil was to improve the capacity of judges to conduct custody hearings, by directly collaborating with the National Council of Justice (CNJ); in Madagascar, the project assisted the National Police use three safeguards – notification of rights, notification to the family, register of detainees. In Thailand, APT diversified its engagements with numerous actors, launched a popular campaign on the right to notify someone about one's arrest and the right to be informed about one's right, engaged closely with academic experts and law enforcement agencies to raise awareness on torture prevention, and built bridges between authorities and local civil society.

Relevance

In all three countries, the selection of safeguards to be focused on was informed by an **in-depth needs assessment phase**, that included interviews or other forms of interaction with potential beneficiaries, both direct ones such as national institutions and indirect ones like torture victims/survivors. The phase was comprised of a pilot project that culminated in a roundtable in Geneva bringing together representatives from various countries, and followed by baseline studies – in some cases with findings compiled in a single, easily accessible document – that helped adjust strategies based on both gaps and good practices that were identified. APT further ensured that its strategy on safeguards was **consistent with the national legislative and policy frameworks** as well as the operational priorities of its key institutional partners, in some cases leading to adjustments of the initial plan. Relevant civil society groups were also consulted on their priorities, especially in Thailand.

Effectiveness

Regarding the **overarching strategic framework**, the evaluation team found that there were important changes between the initial project document submitted to the main donor – which remained the roadmap for reporting – and the strategies that were subsequently implemented. An evolution of the results framework is often unavoidable during a project lifetime; yet a document outlining the changes in attitudes and behaviors that the project was intended to catalyze in each country could have been helpful, both for better grasping the underlying theories of changes, and for monitoring and evaluation (M&E) purposes. The **M&E approach** proved to be a challenge in and of itself; it was difficult to collect data to inform indicators – not least because of the pandemic – and to define a sound methodology to measure progress towards changes in behaviours and practices.

Key approaches and partnerships

Three complementary and mutually supportive approaches were used to help implement safeguards. APT **mobilized relevant actors and facilitated dialogue** among them, e.g. between judges, other actors of the judicial system and civil society in Brazil, and bringing Thai authorities and civil society groups working on torture prevention closer to each other. Project staff further **raised awareness** about safeguards and torture prevention more broadly, specifically addressing the vulnerability of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) population during custody hearings in Brazil; and in Thailand, targeting both the general public – especially where the risk of arrest, detention and torture and ill-treatment was higher – and law enforcement officers – as implementers of safeguards and potential perpetrators. A key component of the project, **capacity-building** benefitted judges, CNJ national advisors, members of national and local mechanisms and representatives of LGBTI organization in Brazil, with a distinctive focus on practice over theory; while in Madagascar, building the capacity of police officers encompassed the development of tools to implement safeguards, a peer-to-peer dissemination, mentoring and monitoring mechanism (the so-called *référénts*), and the development of training and guidance material.

To implement these approaches, APT's strong, **strategic partnerships with national actors** proved instrumental. In Brazil, the distinctively “non-aggressive” collaboration with CNJ facilitated a privileged access to judicial authorities, which were a safer partner in the context of openly anti-human rights policies by the executive branch. Developed over time thanks to APT's respectful, constructive and flexible approach, the close collaboration with the Malagasy police was effective, as decisions on safeguards taken by the hierarchy trickled down easily across the institution. In Thailand, the formal partnership with the Ministry of Justice made it possible for APT to gain access to the main inter-agency body for torture and enforced disappearance and thereby reach out to several security and military agencies; all while the collaboration with a variety of Thai civil society organizations and academic institutions brought APT teams closer to the reality of torture and ill-treatment in the country.

In these endeavors, **APT's attributes as an international actor** were seen as extremely helpful by national partners, in particular the organization's credibility and inherent expertise on torture prevention and safeguards (with international standards and benchmarking); its network, through which it connected national partners with human rights experts and other relevant stakeholders globally; and its reputation and the “Geneva brand” that helped access to and influence over authorities.

Main results

The project achieved an **important number of outputs**. In Brazil, over 150 people – including judges, CNJ advisers, members of national and local mechanisms, representatives of LGBTI organizations, forensic doctors and forensic psychologists, and public defenders – benefitted from training sessions on the conduct custody hearings, torture prevention, protection of LGBTI persons, and the identification and documentation of torture during custody hearings. Didactic material included a variety of videos, while APT co-developed a practical guide for preventing and combatting torture and ill-treatment during custody hearings. In Madagascar, a new register of detainees based on regional and international standards and adapted to local requirements, was introduced in more than 30 police stations, together with the practice of reading a letter of rights – developed in Malagasy and French – to the detainees shortly after arrest. 130 police officers were trained as *référénts* on the use of the new register and letter of rights, who in turn trained numerous other police officers. In Thailand, an action toolkit focusing on two key safeguards was distributed to approximately 1900 people and was praised for its user friendliness, colorful drawings and its QR code seen as an innovative dissemination approach. APT further drafted two chapters of a handbook on

the prevention of torture and enforced disappearances; once completed, the document of the Thai authorities will be used in training sessions and as a reference tool for law enforcement officers.

The evaluation team identified **four key outcomes**, which were changes in the behaviours, attitudes and practices of the different components of the security and military apparatus and judiciary and in the normative framework that governs them:

- **Effective implementation of new institutional practices related to safeguards:** in Brazil, APT's engagement contributed to a change of culture within CNJ where custody hearings are now often associated with torture prevention, as indicated by the inclusion of torture prevention in trainings and the publication of the practical guide. In Madagascar, two safeguards – based on two key tools, the register and the letter of rights – have become solidly anchored in day-to-day practices of dozens of police stations within three years; the peer-to-peer mechanism of *référents* helped to disseminate the new tools with a train-the-trainer approach, coach officers in using the tools beyond the initial training, and collect data and feedbacks, thereby serving as a harmonized monitoring, control and reporting mechanism to the police hierarchy.
- **Increased awareness of rights within the general public:** in Thailand, toolkit brochures and stickers with a QR code to access the toolkit online helped to reach up to 1900 people with campaign contents, especially in the conflict-affected Deep South and in the context of protests, via various events and traditional and social media engagement.
- **Increased awareness of the importance of safeguards to relevant authorities:** in Brazil, the project begot significant awareness among actors of the judicial system about the importance of custody hearings, which in 2019 were incorporated into Brazilian criminal procedural legislation. In Madagascar, the police rank-and-file's initial reluctance to apply safeguards, perceived as possibly threatening their prerogatives, was gradually overcome by highlighting their benefits for police officers, such as the protection from possible wrongful accusations of abuse by referring to a duly completed register. In Thailand, the close engagement with a variety of law enforcement agencies made it possible to hold sensitive discussions on torture: officers were given a space to constructively share their concerns and were exposed to a different narrative whereby safeguards are seen as bringing benefits to their duties.
- **Stronger relations and understanding among relevant national stakeholders:** in Thailand, APT performed a bridging function between Thai authorities – including law enforcement agencies and the justice ministry – and civil society groups working on torture prevention, in spite of the suspicion of Thai officials vis-à-vis civil society and overall difficult relations. The project empowered those representatives within the two sides who were ready to make a step forward.

A number of **factors influenced the achievement of results** positively, including the trust-based relations with proactive, open partners; the high level of relations with national institutions, with APT collaborating directly with senior officials; the local ownership of the project; the flexibility displayed by APT teams as well as its donor; and a favourable political, legislative and policy environment. However, the latter factor also appeared as an obstacle, e.g. the absence of an adopted anti-torture legislation in Thailand. Other factors influencing the incomplete achievement of certain results included, in some of the three countries: rather weak civil society partners; staff turnover in partner institutions; language and cultural barriers; limited human resources and physical distance; and connectivity issues. The **COVID-19 pandemic** also affected the implementation of the project, mostly negatively, by creating additional work internally and affecting staff's ability to carry out specific activities and monitor progress on the ground due to travel restrictions; but in some cases it also led to creative alternatives.

Efficiency

Overall, most activities foreseen in the project were **executed in a timely manner**. A number of activities were not implemented because they had lost their relevance or because there was a risk of duplicating efforts made by others. The planning for 2020 was adjusted, as field missions were no longer possible due to the pandemic, and some activities were held online, or dropped and replaced by other. The recent **changes in organizational development** – the so-called “transformation process” initiated by APT in 2019 – was found to **contribute to the organizational**

efficiency of the project, among others by enhancing the overall coordination of the project, encouraging staff to exchange ideas, and fostering cross-fertilization between the three components of the project.

Sustainability

While there was no formal exit strategy, several dimensions of the project approach contributed to ensuring the sustainability of the benefits of the project and mitigating the risk of partners dependency. **National partners were empowered**, and activities and mechanisms were designed in such way that the transfer of knowledge was effective and beneficiaries could continue to work without APT's support. In the three countries, the project generated **practical tools on safeguards** designed to be used over a longer period of time by officials and/or civil society. And some of the **training modules** developed for the project were eventually **institutionalized**.

Coherence

Regarding coherence within APT, the evaluation team identified **two levels of internal complementarities and synergies** of the safeguards project. Interactions between the three "country-based components" of the safeguards implementation project led to cross-fertilization of approaches; and bridges were built between the project in the three countries and the other components of the wider APT action plan on safeguards, especially the development of international guidelines on investigative interviewing. Regarding external coherence, APT teams conducted succinct mappings of other international actors involved in areas relating to safeguards or working with the same target institutions. In some cases, the mapping led to reorientation of project objectives or activities – e.g. to avoid duplication – or to synergies with these stakeholders.

Cross cutting dimensions: innovation and gender

Innovative approaches were applied by APT teams in the project, at both strategic and operational level. Strategic innovations included the development of formal partnerships with judiciary institutions and law enforcement agencies; the focus on custody hearings in Brazil; the interaction with torture victims and survivors in Thailand, while APT is more used to engaging institutions; and encouraging dialogue between different specialists during training sessions in Brazil. Innovative operational modalities of the project included creative and art-based approaches, which were used quite extensively in Thailand and in Madagascar; and the use of text-based learning to engage with police officers in Madagascar.

Regarding **gender**, APT's team in Brazil used a multifaced strategy to create awareness about the particular vulnerability of LGBTI population in custody hearings. This had practical incidence, e.g. forensic doctors realized different ways to examine and investigate violence with this public, and judges committed to include specific questions during their custody hearings. In Madagascar, gender-specific needs were taken into account when developing the various tools to be used by the police.

Lessons learned

The key lessons on **project contents** include the following: 1) APT's transparent, non-confrontational approaches based on trust-building were key to ensure access to authorities and further anchor torture in the policy agenda in difficult political contexts; 2) the peer-to-peer interaction, such as using the judges' own national council in Brazil and developing the police *référénts* system in Madagascar, was a successful model to influence partner organizations sustainably; 3) meaningful progress can be achieved despite an uncondusive political environment, as indicated by the Thailand experience, where assisting agents of change in key national institutions, strengthening resilient civil society partners, and fostering confidence-building among them can pave the way for effective safeguards once the political context changes; and 4) the stability of focal points within partner institutions is important to achieve results.

Regarding **internal processes**, the evaluation found that: 1) a solid pilot phase and medium-term planning (3-year time horizon) are essential to build strong relations with national stakeholders, set ambitious objectives, and ensure

more ownership and sustainability of results; 2) organizational agility helped APT adapt to changing circumstances (both endogenous and exogenous); and 3) working as pair contributed to increased staff ownership of the project.

Recommendations

Strengthen the strategic framework

- Use the house of prevention scheme as a change framework to more clearly outline the change pathways that lead to safeguards implementation and torture prevention.
- Conduct an internal programme design workshop to think through the assumptions that were made at the beginning of the project, and re-construct theories of change that have been tested in the three countries, or generate new ones.
- Establish a more robust monitoring and evaluation system to help to generate stronger evidence of results.
- Continue to integrate the actions of the three countries into a single project to reinforce joint lessons learning and cross-fertilization.

Deepen and broaden some of the existing components

- Support current and future dialogue between national stakeholders, bringing together key stakeholders, and acting as a link to international good practice and the latest in lessons learned throughout the world.
- Refine strategic alliances in focus states in Brazil to allow for a closer follow-up of local institutions and partners and make state level actions more effective.

Explore new avenues

- Build up on the peer-to-peer intervention strategy to help establish strong partnerships with other national institutions in charge of the implementation of safeguards.
- Empower rights holders and their families in Brazil, drawing from the experience of Thailand's project.
- Create awareness among judges in Brazil of the risk of torture and ill-treatment if the person under custody is sent to prison to have a bigger impact on their decision to whether a person needs or not to be deprived of liberty.