# Human Rights Sector Report

**Barranquilla, Colombia**



## External Monitoring Missions
## 2004 - 2005

**External Monitoring System of EC Aid Development Programmes**
**LOT 4 – Latin America**

*This report, produced for the European Commission by the External Monitoring System of EC Development Programmes in Latin America does not necessarily reflect the opinions of the European Commission and is the sole responsibility of its authors.*

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# 1. Objectives of the Report

The present document was produced by the External Monitoring Service for Latin America. Its objectives are as follows:

- Present the current status of EC human rights cooperation in Latin America, noting major trends and challenges.
- Provide an overview of the quality of the projects monitored in 2004 and 2005.
- Stimulate reflection on the factors that continue to limit the impact of EC cooperation in the sector.
- Identify lessons learned and put forward recommendations as input for future programmes.

# 2. Regional context of human rights and democracy in Latin America – trends and challenges

The external monitoring of human rights projects in Latin America is undertaken in a very heterogeneous environment where several countries overcome military dictatorships and other internal armed conflicts. Colombia is currently the only country on the continent involved in an ongoing armed conflict. All of the region's countries have historical experience with political violence, although in quite different degrees. Transition to formal democracy over the last few years has brought important changes to Latin American societies. These include changes to constitutions, judicial reform and the incorporation of international human rights standards in national legislation. They also include the creation of a significant number of new institutions such as the Ombudsman, programmes and projects in various Ministries, parliamentary commissions and offices for human rights in judicial organisations, the armed forces and the police. The vast majority have ratified the principles of international human rights treaties, including the statutes of the International Court of Justice (ICJ). Mexico and Chile are the only two exceptions in the case of the ICJ.

*The evolution of the Inter-American Human Rights System*
The Inter-American Human Rights System (IAHRS) has also evolved with the acceptance and entry into force of new regional instruments such as the Inter-American Democracy Charter (2001), which established the promotion and protection of human rights as a basic condition for the existence of a democratic society and recognised the IAHRS as an instrument for the consolidation of democracy in the region. The significant regulatory reforms made by the Inter-American Commission for Human Rights (IACHR) in October 2003 and by the Inter-American Court of Human Rights in November 2003 increased procedural effectiveness and granted a more active role to victims. In addition, eight of the fourteen judges and commissioners were renewed in early 2004, for the first time in the history of the IAHRS. Over the past few years, the Commission and the Court have assumed an increasingly relevant role as political actors in the protection of human rights, for example in the case of Peru when they questioned the intervention of the Fujimori

government in the judicial system and the state's anti-terrorism policies. The Peru precedent is currently relevant in terms of policies that have been adopted by the government of Alvaro Uribe Velez to fight armed conflict in Colombia and which are incompatible with international human rights standards. The IAHRS has used preventative and temporary measures to protect the lives of thousands of people, among them many defenders of human rights and communities at risk. Nevertheless, the system has serious limitations. These hamper its ability to carry out its broad mandate and to make an impact on the structural transformation of the human rights environment in the region: the Organization of American States (OAS) has decreased the IAHRS budget over the past years; the challenge for Latin American states is to reverse this trend as it is contrary to the ratification of the region's main human rights instruments.

## Continued impunity and lack of access to the legal system

Some progress was made in 2004/2005 in terms of sentencing and national court actions, for example in Argentina and Chile. In many countries, however, those responsible for serious violations of human rights in the 1970s and 1980s, including forced disappearances, torture, massacre, genocide and the forced removal of populations, go unpunished. This is true in the case of crimes committed both by agents of the state and by armed opposition groups. Many of the recommendations made by Truth Commissions dealing with specific national issues, have not yet translated into concrete action. Today, victims of human rights violations and those close to them continue to encounter many obstacles at the national level in their search for truth, justice and reparations. Lack of effective and efficient national legal administrations not only prejudices reconciliation in societies which are in situations of post-armed conflict or post-dictatorship, it also (combined with corruption) reduces the confidence of Latin American citizens in their state institutions. It is essential that the EC intensify its support to local social organisations in their litigation efforts before national and international courts. In Latin America, the Center for Justice and International Law (CEJIL), with the support of the EC on numerous occasions, has played a strategic role in providing legal support to the victims of human rights violations and to community organisations in their negotiations with the IAHRS.

## Democratic regime and internal security policies

In addition to the historical debt owed to the victims of political violence must be added economic insecurity, crime, and social instability. These have reached alarming levels in Latin America. The state response to crime often relies on a limited and repressive concept of security, for example, in the response to gangs of juveniles. Certain segments of the population demand an authoritarian response to criminality and do not wish to see this response limited by concerns for human rights. As a result, there has been an increase in torture in democratic countries, justified by the necessity to react to exceptional cases of organised crime. There has also been a noticeable tendency to grant police functions to the military to respond to massive social mobilisations, such as those which took place in Brazil, Guatemala, Honduras, Mexico and Paraguay. Concurrently, there has been an increase in the numbers of self-defence groups and private police forces in a number of countries. These phenomena, which are particularly worrying in Ecuador and Bolivia in their similarities with the beginnings of paramilitarism in Colombia, represent a serious risk for the

consolidation of democracy and the Rule of Law in the region. These are expressions of a worrisome tendency to impute the region's consistent economic crises and lack of positive prospects for human development to the malfunctioning of democratic rule. In addition to facing structural problems such as poverty, hunger, disease, poor education, the destruction of the environment, discrimination and political exclusion, Latin American countries must also accept the challenge of defending democracy, the Rule of Law and human rights as worthy values in themselves which are not strictly subordinate to, or the result of, successful economic development.

## The Economic, Social and Cultural Rights (DESC) dimension

Over the past few years, the economic, social and cultural rights dimension (DESC) of human rights has gained greater importance alongside the concern for civil and political rights. According to the Economic Commission for Latin America and the Caribbean, 220 million people i.e 43%, currently live in poverty with one in five living in extreme poverty, with children and women most at risk. Many segments of the rural and urban population lack food security and adequate housing. The condition of the farming population remains affected by unequal land distribution which often leads to violent conflict, the imposition of single crops for export and to the constant fall in prices for raw materials. The ancestral lands of indigenous peoples are being taken over by the operations of multi-national extraction corporations, including European oil companies. In a context of increasing regional and sub-regional economic integration, many segments of the population and a number of regional governments are questioning the free trade policies promoted by the United States. Fears about the potential repercussions of the Free Trade Area of the Americas (FTAA) and bilateral agreements on economic, social and cultural rights have provoked massive social protest. Fears have focused on the protection of labour rights, environmental rights and access to public services such as healthcare. The latter has particularly significant implications given that the Caribbean has the second highest incidence of HIV/AIDS in the world.

## Violence against women

It is worthwhile stressing that Latin America tops the world list for cities in which women are at risk of being sexually abused. Serious incidents including rape, attempted rape, and sexual harassment reach 70%, according to a report from the UN. The discrimination and violations of rights experienced by Latin American women are multifold and structural and occur in an environment of near total impunity as demonstrated by the massive assassinations of women in Mexico and Guatemala.

Given the conditions described above, the challenge for the EC and the EU, in its entirety, is to contribute over the coming years to ensuring that the diverse human rights programmes and projects are channelled into National Human Rights Plans. The EC should work towards consolidating these plans in a State Policy. Concretely, the goal of EC cooperation should be to ensure that Latin American states assume responsibility for and provide sufficient funds in their national budgets for the implementation of pertinent human rights policies and that, over time, dependency of said policies on international assistance be gradually reduced.

# 3. Legal, financial and political framework of European cooperation in human rights and democracy in Latin America

The Policy for Development Cooperation, approved by the European Commission in 2000 defines democracy and human rights as one of six priority areas for reducing poverty at a global level. The main instrument for cooperation in this area is the "European Initiative for Democracy and Human Rights (EIDHR)" created by the European Parliament in 1994. As of 2004, the EIDHR combined various budget lines intended to promote human rights under paragraph 19.04 (previously B7-70). Its operation is regulated by Decrees 975/1999 and 976/1999 of the EU Council of Ministers, currently extended through December 2006. The proposal for cooperation in in the field of Human Rights, according to paragraph 19.04 defines three precise objectives:

- Promote and defend human rights and the fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other international instruments related to the development and consolidation of democracy and the Rule of Law.
- Support processes promoting the development of democracy.
- Support ways to promote respect for human rights and democracy through the prevention of conflict and by focusing on its consequences, in close collaboration with the relevant and competent institutions.

### EIDHR structure and thematic coverage in Latin America

EIDHR activities are structured along four main themes:

1.) Support for the strengthening of democracy, good governance and the Rule of Law
2.) Support activities for the abolition of the death penalty
3.) Support for the fight against torture and impunity
4.) Support for the fight against racism, xenophobia and discrimination

These thematic priorities were split into campaigns during the 2004-2006 period:

1.) Promote justice and the Rule of Law
2.) Strengthen a culture of human rights
3.) Promote the democratic process and
4.) Advance equality, tolerance and peace

EIDHR activities in Latin American countries subject to external monitoring in 2004 and 2005 focused on points 2 and 4, with the exception of Guatemala which also benefited from activities within the framework of campaign 3. Campaign 2 paid particular attention to the rights of children, sensitisation to trafficking in human beings and human rights education. In addition, it focused on providing support to defenders of human rights and, in particular, to victims of impunity. Campaign 4 operations focused on the promotion of the human

rights of indigenous peoples and on related ethnic conflicts. Regional Programs for Human Rights and Democracy in Central America and the Andean Region, which expire in 2005/2006, complemented the operations within the campaign framework.

### Counterparts

The majority of EIHDR projects in Latin America are carried out by NGOs. Some are, however, run in association with public institutions including universities, Ombudsmen, international organizations like the United Nations and regional institutions like the Inter-American Court of Human Rights. Projects may be carried out without the consent of the host country government.

### Financial perspective

Within the EIHDR framework, the EC signed 626 contracts with organisations in 2005 for a total amount of 169 M€. Thirty-nine contracts were signed for the Latin American region for a total amount of 16 M€ or 9.5% of the total. This was 1.1% less than in 2004. It is important to note that EIHDR funds for Latin America have decreased since 2002. However, it is the only region in which the EIHDR has two local sub-regional offices: in Central America and the Andean region.

### Political framework

The principles of freedom, democracy, respect for human rights and the Rule of Law are founding principles of the European Union and also guide its Common Foreign and Security Policy (CFSP), as stipulated in the EU Treaty (Title V, Article 11). In this respect, the EIHDR is not just a financing instrument; it is also a political instrument which complements the EU Common Foreign Policy. The Council of Ministers has strengthened the EU's human rights activities in third countries by means of Guidelines covering the death penalty, torture, human rights dialogues, children in armed conflicts and defenders of human rights. Certain Guidelines give concrete directions regarding the actions to be taken by EC Delegations and Member State embassies when confronted with these issues. Among the EC documents which strive to give a more strategic and long-term orientation to human rights cooperation, is the Communiqué entitled "EU Promotion of Human Rights and Democracy in Third Countries" of 2001. The 2001 communiqué identified three areas which required more effective EC action and which are of particular significance when it comes to reviewing the impact of the projects monitored in 2004 and 2005: 1.) the **promotion of coherent and consistent policies** for human rights and democracy in between various EC policies, between EC policies and EU policies such as the CFSP, and between the EC and other member states and donors; 2.) the use of a **more pro-active rapprochement**, with instruments such as political dialogue, commerce and foreign aid; 3.) **a more strategic rapprochement** with the EIHDR, creating programmes and field projects compatible with EU commitments to democracy and human rights.

The manual on good governance entitled "EuropeAid Manual on Good Governance" is a complementary instrument intended to strengthen respect for human rights, access to the justice system and participation by civil society in conjunction with overall EU cooperation.

There are also multi-annual programmes for various countries and regions.  In the case of Latin America, both the 2002 to 2006 Regional Strategy and the Country Strategy Papers make reference to democracy, the Rule of Law and respect of human rights, however, with a greater or lesser degree of precision depending on the country.

### Human Rights and Cooperation Agreements

The EC signed the Political Dialogue and Cooperation Agreement for the region at the end of 2003. This granted greater importance to the subject of human rights, dialogue and participation by civil society. Ratification of these agreements is still pending for Central America and the Andean Region.

When considering EU Cooperation Agreements with third countries, it is important to note that, since 1995, they have included a "human rights clause" which is an "essential" element of the Agreements. Nevertheless, it should also be noted that not all of the agreements include a reference to procedures for suspending European aid in the event that this clause is violated. This implies a risk that EC bilateral cooperation (financial and technical) will continue despite repeated non-compliance by a counterpart state with the clause. This may occur, for example, because laws and policies contradicting the International Treaties for Human Rights ratified by the state in question are implemented. From the time this essential clause was introduced in commercial and cooperation agreements, experience with several countries in Latin America shows that political dialogue alone has not sufficed as a tool to "force" or ensure adherence to the clause. As long as counterpart states believe that there is no real cost for activities which impact negatively on human rights (whether through action or non action), they will continue to act without making any significant changes to their policies. As a result, the potential impact of European cooperation remains limited. This dilemma makes obvious the need to raise the level of conditionality with regard to third countries in Latin America – especially in key EIDHR countries – concrete results and sustained progress on human rights should be the basis for any effective cooperation.

## 4. Representativity of the external monitoring exercise

The number of human rights projects monitored in Latin America has been gradually increasing since 2002.

**HR External Monitoring 2002 – 2005**

| Monitoring activities | 2002 | 2003 | 2004 | 2005 |
|---|---|---|---|---|
| Number of projects | 6 | 12 | 22 | 14 |
| Financing amount (€ M) | 9,7 | 17,0 | 26,3 | 13,4 |

**Monitored projects represented approximately 83% of total contracts financed by the EIHDR in Latin America in 2005.**

The significant increase in 2004 can be explained by the overall increase in the total number of monitored projects, during the year in particular small projects, due to the increased interest on the part of Delegations in the performance of these projects within the context of the decentralisation process. Of the 22 projects monitored in 2004, nine (40%) received a contribution of less than 1 million € (nine of 14 projects in 2005). The significant decrease in monitored projects in 2005 was due to the fact that many Human Rights projects ended that year. It should also be noted that the newly approved projects do not yet meet the eligibility criteria (more than 6 months in execution). Of the 50 EIHCR projects in progress during 2004, with a total budget of approximately 40 M €, twenty-two projects were monitored (estimated financial value of 26.3 M €). This represents nearly 70% of cooperation in the human rights sector. Of the nine regional EIHCR projects underway, four were monitored: the two Human Rights and Democracy Programmes 2002 to 2005 in the Andean region (PDHD-CAN) consisting of five Country Programs and in Central America (PDHD-AC), consisting of six Country Programmes; the Justice of Peace and Community Programme in the Andean region 2002 to 2005 (JdP-CAN), consisting of five national sections, and the Ibero-American Regional Support Programme for Ombudsmen (PRADPI) 2002 to 2005, which was extended to all of Latin America. The regional programs took up the bulk of financing for monitored human rights projects in Latin America in 2004.

With respect to distribution by country in 2004, monitoring took place in 11 countries of the region. Peru was the country with the highest number of monitored projects. It was followed by Colombia and Guatemala with four projects each. In 2005, five of the region's countries were monitored. Guatemala had the most monitored projects during the year (5 of 14), followed by the key countries of Colombia and Mexico with four and two projects respectively. The table below summarises the number of monitored projects during the 2004-2005 period, including the national activities of the Ibero-American Regional Support Programme for Ombudsmen – PRADPI:

| Country | No. of projects monitored in 2004 | No. of projects monitored in 2005 |
|---|---|---|
| Argentina | 1 | - |
| Bolivia | 3 | - |
| Chile | 1 | - |
| Colombia | 4 | 4 |
| Costa Rica | 3 | - |
| Ecuador | 2 | - |
| El Salvador | 2 | 1 |
| Guatemala | 4 | 5 |
| México | - | 2 |
| Nicaragua | 1 | 2 |

| Peru | 5 | - |
|---|---|---|
| Venezuela | 2 | - |
| Total | 22 | 14 |

The monitored projects deal with many problems and beneficiary populations within the context of human rights including civil and political rights and increasingly, economic, social and cultural rights (DESC). Among the specific themes covered by the EIHDR, four projects for Indigenous Peoples and four projects focused on assisting victims of violence and torture and on the prevention of torture were monitored. In terms of methodology, the majority of the projects monitored in 2004 were implemented by NGOs or through NGO consortiums (17 cases). In 13 of these projects, the counterparts were local NGOs and in four, they were European NGOs.   This demonstrates progress made by the EIHDR in terms of the distribution of counterparts between Northern and Southern NGOs. The EC counterparts were universities in the case of only three projects (Regional Support Programme for Ombudsmen – PRADPI, Human Resources and Democracy Programme – Country Guatemala and Country Costa Rica). The United Nations High Commission for Human Rights is the counterpart in one of the monitored projects and the Community of Andean Nations (CAN) is the counterpart for another one.

In 2005, nine of the monitored projects were implemented via NGOs or NGO consortia and three via public institutions: Human Rights Procurator (Procuraduría de DDHH) and two universities. The United Nations High Commission for Human Rights is the counterpart for one monitored project. As in 2004, most of the counterparts are European NGOs (6 out of 9 projects).

## EIHDR Projects Monitored in 2004

| Project N° | Name | M€ |
|---|---|---|
| B7-701/2002/0002 | Rehabilitation Centre – Grandmothers - Plaza de Mayo | 0.64 |
| B7-701/2001/2094 | Rehabilitation of Torture Victims | 0.55 |
| B7-701/2002/0016 | Rights of the Indigenous Peoples of Chaco | 0.35 |
| B7-703/1B/99/075-01 | Democracy and Human Rights – Country Bolivia | 1.10 |
| B7-701/2002/3058 | Rights of Persons Deprived of Freedom | 0.60 |
| B7-703/2001/0128 | Assistance to Communities at Risk | 1.26 |
| B7-703/1B/99/075-05 | Democracy and Human Rights – Country Colombia | 3.00 |
| B7-703/T-2000/086-06* | Democracy and Human Rights – Guatemala | 3.00 |
| B7-701/2002/173 | Struggle Against Ethnic and Gender Discrimination | 1.20 |
| B7-701/2001/20/28* | Psycho-social Rehabilitation of Victims of Violence | 0.64 |
| B7-703/T-2000/086-05 | Democracy and Human Rights – El Salvador | 1.80 |
| B7-703/T-2000/086-08 | Democracy and Human Rights – Nicaragua | 1.00 |

| | | |
|---|---|---|
| B7/703/1B/99/075-03 * | Democracy and  Human Rights – Country Peru | 2.00 |
| B7/703/1B/99/075-06 * | 'Ombudsman' Regional Programme | 1.30 |
| B7-701/2002/0106 | Prevention of torture | 0.82 |
| B7-701/2002/3064 | Stabilisation Initiative – Andean Region | 0.94 |
| B7-701/2001/0081 | Protecting the Rights of Indigenous peoples | 1.61 |
| B7-703/T-2000/86-02 | Struggle against impunity International Law | 0.70 |
| B7-703/T-2000/086-04 | Democracy and Human Rights – Costa Rica | 0.15 |
| B7-703/1B/99/075-02* | Democracy and Human Rights – Country Ecuador | 1.10 |
| B7-703/1B/99/075-04* | Democracy and Human Rights – Venezuela | 1.10 |
| B7-701/T-2000/092 | Support for Ombudsmen | 1.44 |
| **Total number monitored 2004** | | **26.3** |

\* monitored prior to 2003

## EIHDR Projects Monitored in 2005

| Project N° | Name | M€ |
|---|---|---|
| 2001/050-603*** | Democracy and Human Rights – Guatemala | 3.00 |
| 2003/069-456** | Struggle Against Ethnic and Gender Discrimination | 1.20 |
| 2003/057-701 | Community Radios - Guatemala | 0.80 |
| 2003/066-102 | Human Rights and Mayan Social Participation - Guatemala | 0.57 |
| 2003/075-556 | Decentralised Assistance HRP - Guatemala | 0.60 |
| 2001/050-605*** | Democracy and Human Rights – Nicaragua | 1.00 |
| 2003/073-831 | Promotion and Defence of the Rights of Indigenous Peoples and of Peoples of African Descent - Nicaragua | 0.9 |
| 2001/050-602*** | Democracy and Human Rights – El Salvador | 1.80 |
| 2003/074-299 | New Radio in Mexico: Women's Network on HR | 0.55 |
| 2003/074-826 | Consolidation of a Human Rights Policy in Mexico | 0.56 |
| 2004/076-929 | Peace Jurisdiction in the Eje Cafetero - Colombia | 0.90 |
| 2003/054-853** | Rights of Person Deprived of Freedom | 0.60 |
| 2003/060-586 | Public Instit. and  the Protection of Children - Colombia | 0.54 |
| 2003/063-759 | Human Rights of Unionised Workers in Colombia | 0.30 |
| **Total number monitored 2005** | | **12.4** |

\*\* monitored in 2004   \*\*\* monitored in 2003 and 2004

# 5. Global analysis of monitoring results 2004-2005

**Monitoring exercise 2004**

As shown in the table below, human rights projects are assessed as performing satisfactorily. Most of them obtain a "b" grade in all categories, with none of the projects receiving a "d" grade (which would indicate serious deficiencies). This leads to the conclusion that the difficulties faced by projects were in general within their control and appropriate solutions were found when needs be. Specific recommendations can be found in the monitoring reports.

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**Weighted Scores by Category for 2004**

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The majority of weaknesses were found in the relevance/qualityof design category;

|  | Relevance | Efficiency | Effectiveness | Impact | Sustainability |
|---|---|---|---|---|---|
| a | 6 | 1 | 7 | 6 | 2 |
| b | 12 | 17 | 12 | 15 | 18 |
| c | 4 | 3 | 2 | 0 | 2 |
| d | 0 | 0 | 0 | 0 | 0 |
| N/A | 0 | 1 | 1 | 1 | 0 |
| total | 22 | 22 | 22 | 22 | 22 |

While project relevance was confirmed in all cases, the quality of design was variable and is the aspect to which the EC and counterparts must pay the most attention in the future. Projects receiving a "c" suffered from various weaknesses such as deficiencies in the Logical Framework, or the lack of precision in the formulation of objectives, in many cases projects had several Specific Objectives which would indicate a lack of focus and/or inadequate linking of activities in the case of certain consortia.

In terms of efficiency, there were problems of an administrative and financial nature and with internal monitoring and follow up.  However, this did not affect the quality of results, which is the strength of many projects.

The effectiveness criteria also received satisfactory scores. This can be explained by the positive perception that beneficiaries have of the projects. A "c" grade for two of the projects was due to the fact that the number of beneficiaries was significantly lower than initially expected and adjustments to the projects to meet changing environments did not result in relevant strategic changes.

All of the projects have had some impact on their immediate surroundings. It is important to understand that the projects which take place in a worsening national context often serve to prevent a further deterioration of the situation and only rarely manage to have a direct

positive impact on structural changes to the human rights situation at the national level. This is due to a number of external factors which prejudice or prevent the structural transformation required in the countries of the region.

Sustainability received the highest grade since a majority of projects undertook their activities as part of their institutional work plan and could count on diverse sources of international funding. The table below presents detailed scores for the 22 projects monitored in 2004:

**Projects Monitored in 2004 – Scores by Main Parameter**

| Project N° | Name | Rel | Effic | Effec | Imp | Sust |
|---|---|---|---|---|---|---|
| B7-701/2002/0002 | Rehabilitation Centre – Grandmothers Plaza de Mayo - Argentina | b | b | a | a | a |
| B7-701/2001/2094 | Rehabilitation of Torture Victims – Chile | c | b | b | b | b |
| B7-701/2002/3064 | Stabilisation Initiative Andean Region (CAN) | c | - | - | - | b |
| B7/703/1B/99/075-03 | Democracy and Human Rights - Country Peru | b | b | b | b | b |
| B7-701/2002/0106 | Prevention of Torture – Peru | a | a | a | a | b |
| B7-701/2001/0081 | Protecting Indigenous Peoples' Rights – Peru | a | b | b | b | b |
| B7/703/1B/99/075-06 | Regional Justice of the Peace Programme | c | b | b | b | b |
| B7-703/T-2000/086-06 | Democracy and Human Rights – Guatemala | b | c | b | b | b |
| B7-701/2002/173 | Struggle Against Ethnic and Gender Discrimination – Guatemala | b | b | a | a | b |
| B7-701/2001/20/28 | Psycho-social Rehabilitation of Victims of Violence | b | b | b | b | b |
| B7-703/T-2000/086-05 | Democracy and Human Rights – El Salvador | b | b | a | b | b |
| B7-703/T-2000/86-02 | Struggle Against Impunity International Law | a | b | a | a | b |
| B7-703/T-2000/086-04 | Democracy and Human Rights – Costa Rica | b | b | a | a | b |
| B7-703/1B/99/075-01 | Democracy and Human Rights – Country Bolivia | a | b | b | a | b |
| B7-701/2002/0016 | Rights of the Indigenous Peoples of Chaco – Bolivia | a | b | a | b | c |
| B7-701/2002/3058 | Rights of Persons Deprived of Freedom | a | b | b | b | b |
| B7-703/1B/99/075-05 | Democracy and Human Rights – Country Colombia | c | c | c | b | b |
| B7-703/2001/0128 | Assistance to Communities at Risk | b | c | c | b | c |
| B7-703/T-2000/086-08 | Democracy and Human Rights - Nicaragua | b | b | b | b | b |
| B7-701/T-2000/092 | Ibero-American Regional Support Programme for Ombudsmen (PRADPI) | b | b | b | b | a |
| B7-703/1B/99/075-04 | Democracy and Human Rights - Venezuela | b | b | b | b | b |
| B7-703/1B/99/075-02 | Democracy and Human Rights – Country Ecuador | b | b | b | b | b |

**Monitoring Exercise 2005**

Fourteen projects were monitored in 2005. When evaluating the grades given to these projects and, particularly, in order to make comparisons with the socres registered in 2004, it is important to take into account the changes in methodology which were implemented as of 2005. These relate specifically to the quality of design, impact and sustainability. With respect to quality of design, emphasis is now on current project design and the degree of flexibility shown by projects in adapting to changing cirumstances. In assessing potential "Impact" this is now heavily geared towards the fulfilment of hypotheses which may be less precise than the previous "impact to date" evaluation which could be established based on existing data. The current methodology relies much more on the monitor's subjective appreciation. Sustainability now has eight sub-criteria, whereas there were only six before.

No "a"s were granted in the Relevance and Efficiency categories in 2005. A single project received an "a" for Efficiency and two were awarded for Impact. Only one project received an "a" in the Sustainability category. Nevertheless, project results were very positive in general given that over 80% were awarded a "b" in all categories. This is particularly important for the Effectiveness category, indicating that most of the projects met their Specific Objective.

The weakest category was Sustainability. Over a fourth of the monitored projects (4 of 14) had problems with this parameter and there was a disimprovement as compared with the sample monitored in 2004 (when there were problems with a fifth of the projects: 4 of 22). The result can in large part be explained by the new, stricter, methodology for this criterion. However, "structural" problems were also carried over from the 2004 exercise and include low diversification with regard to sources of of finance, the continuing high dependency of the beneficiary population on external support, and often, the lack of an exit strategy for the executing entities.

One positive result of the new methodology was that it allow for a better follow through of the recommendations made by previous monitors; re-monitored projects appear to pay more attention to implementing recommendations.

**Weighted Scores by Category for 2005**

|      | Relevance | Efficiency | Effectiveness | Impact | Sustainability |
|------|-----------|------------|---------------|--------|----------------|
| a    | 0         | 0          | 1             | 2      | 1              |
| b    | 12        | 11         | 11            | 9      | 9              |
| c    | 2         | 3          | 2             | 3      | 4              |
| d    | 0         | 0          | 0             | 0      | 0              |
| N/A  | 0         | 0          | 0             | 0      | 0              |
| Tota | 14        | 14         | 14            | 14     | 14             |

| I | | | | | |
|---|---|---|---|---|---|

**Projects Monitored in 2005 – Scores by Main Parameter**

| Project N° | Name | Rel | Effic | Effec | Imp | Sust |
|---|---|---|---|---|---|---|
| 2001/050-603*** | Democracy and Human Rights – Guatemala | c | c | c | c | c |
| 2003/069-456** | Struggle against Ethnic and Gender Discrimination | b | b | a | a | b |
| 2003/057-701 | Community Radios - Guatemala | b | b | c | c | b |
| 2003/066-102 | Human Rights and Mayan Social Participation - Guatemala | b | b | b | b | b |
| 2003/075-556 | Decentralised assistance HRP - Guatemala | c | c | b | b | b |
| 2001/050-605*** | Democracy and Human Rights – Nicaragua | b | b | b | b | b |
| 2003/073-831 | Promotion and Defence of the Rights of Indigenous Peoples and of Peoples of African Descent on the Caribbean Coast of Nicaragua | b | b | b | a | a |
| 2001/050-602*** | Democracy and Human Rights – El Salvador | b | b | b | b | c |
| 2003/074-299 | New Radio in Mexico: Women's Network on HR | b | c | b | b | c |
| 2003/074-826 | Consolidation of a Human Rights Policy in Mexico | b | b | b | c | b |
| 2004/076-929 | Peace Jurisdiction in the Eje Cafetero - Colombia | b | b | b | b | b |
| 2003/054-853** | Rights of Persons Deprived of Freedom | b | b | b | b | c |
| 2003/060-586 | Public Instit. and the Protection of Children - Colombia | b | b | b | b | b |
| 2003/063-759 | Human Rights of Unionised Workers in Colombia | b | b | b | b | b |

# 6. Overall Relevance and Quality of Design

## Original design quality

Most projects are coherent with the Regional Strategy for Latin America, with the Sub-Regional Strategies for Central America and the Andean Region and with the Country Strategies. Most of the monitored projects have managed to clearly identify the needs

**Most projects manage a clear definition of needs whereas the application of planning instruments is an aspect which requires improvement.**

and problems to be solved; however, this has not always translated into the correct identification of objectives, especially Strategic Objectives (SO). Some projects have defined several Specific Objectives which can only be justified from a methodological standpoint for very complex projects managed by consortia of four to five NGOs where the SO's refer to the different components to be implemented. This is the case for certain Country Programmes which are part of the Pluriannual Democracy and Human Rights Programmes for Central America and the Andean Region. There are many structural similarities between the Country Programmes and other projects in terms of their activities and these have proven themselves to be adequate for enabling progress toward reaching stated objectives: 1.) legal defence and protection, 2.) investigation and publication, 3.) distribution, sensitisation and political impact and 4.) training. Few projects have an explicit component aimed at systematising experience. It should also be noted that the participation of the beneficiary population in the formulation of projects could be greater.

## Flexibility

In the case of the Country Programmes, there was a significant waiting period between identification and approval as this required the creation of local NGO consortia by the EC. The political context in some countries changed dramatically between project identification and start-up. This was the case in Venezuela which, in the past year, has experienced dramatic political polarisation. The new reality and lack of a stable environment created new challenges for some projects which were forced to adjust their strategies. The Bolivia Country Programme is an example of very successful adjustment. It was able to respond to new challenges including a national referendum on gas and the creation of a Constituent National Assembly following a change in government in 2003. In addition, the Bolivia Country Programme received approval from the government for a National Human Rights Plan.

With regard to internal operating processes, it is necessary to stress that the NGO consortia of the Country Programmes were not created on their own initiative but, with the exception of El Salvador, by the EC. This had an impact on both the implementation of activities and their efficiency. In addition, the process of consensus building and coordination within the consortium model was a new experience for many NGOs. It is obvious that involvement by the Coordination Offices in Nicaragua and Colombia boosted the consolidation of consortia and guaranteed training processes which resulted in improvemente to Logical Frameworks and POGs and POAs. In some Country Programmes it is feared that the transfer of reponsibilities from the Coordination Offices to the Delegations, within the framework of the decentralisation process, could lower the intensity of involvement given that new staff in the Delegations would be taking over a complex process, already several years old with its own specific methods of operation.

## Planning instruments

Nearly all of the projects operate with planning instruments such as the Logical Framework (LF). However, the degree of quality varies. NGOs which have experience in the execution of

EC projects demonstrate a greater ability to manage these planning instruments. It is clear that European NGOs could provide more support to local counterparts in the creation and use of these instruments for example, many of the monitored projects did not know about the new Project Cycle Management Manual, published in February 2004. In the case of projects carried out by consortia, it is necessary to ensure that all NGOs involved operate with the same LF. The establishment of the Global Objective, results and activities, is usually one of the strong points of LF, however, a weakness found with many LFs is the lack of precise Objectively Verifiable Indicators (OVI) in terms of quantity, quality and time. It is important to bear in mind that it is difficult to formulate OVIs in the case of human rights projects, which are often long-term projects lasting beyond the timeframe of EC contracts. This is true, for example, when measuring the results of training activities. In order to move forward with OVI definition, it was suggested to many projects that they elaborate a systematic follow-up strategy for training workshops and activities, given that many do not verify if and how workshop attendees have applied their knowledge.  With regard to assumptions, it has been necessary for projects to regularly review these in order to adjust to changing circumstances. While many projects have undertaken an adequate risk analysis – which is multiple in the case of human rights projects and often, involve the physical and moral safety of staff and of the beneficiary population – most of the monitored projects do not have an appropriate <u>risk management strategy.</u>

## 7. Overall Efficiency

Financial administration

The weaknesses in financial administration found in many projects can be explained primarily by the difficulties that local counterparts experience in dealing with EC procedures. Above all, local counterparts carrying out a project with the EC for the first time, state that they have difficulties in complying with proceedures which they perceive as being very complex and which require a long time to be able to apply correctly. From this point of view, external monitoring confirmed the EIDHR 2005-2006 programme conclusion: as long as current procedures are maintained, there is evidence that there is a need for greater NGO training on the subject of financial reporting. In many cases, defective reports have created delays in approval by Brussels resulting in consequent delays in payments which clearly has affected the timeliness of activities. Among the most frequently observed problems, are an incorrect application of the exchange rate and lack of clarity about proceedings related to budgetary changes. Two positive examples of projects which have had previous experience with EC financing that operate in a consortium and have well defined internal control systems are projects B7- 701/2002/0106, Prevention of Torture in Peru in which the counterpart is the Peruvian Institute for Education in Human Rights and Peace (IPEDHEP) and B7-701/2002/173, Fight Against Ethnic and Gender Discrimination in Guatemala, where IBIS Denmark is the counterpart. The counterparts of both projects have developed internal manuals dealing with the correct application of procedures.

A special case is when project counterparts are public institutions, for example Universities. EC attempts to strengthen institutional management capacity have not yet yielded positive results. State administrative procedures have had a negative impact on the flexibility of

project execution. A similar situation exists in the Country Programme consortia in which the Ombudsman participates, for example in Bolivia and Colombia. The requirement to open accounts in euros has not been easy for certain projects and has also caused delays, for example in the case of the National University of Costa Rica. It has also been found that European NGOs do not always share relevant financial information with the local executing NGO and, as a result, there can be gaps in the local counterpart's perception regarding the true state of the project's finances.

### Internal monitor

Defective internal monitoring of some projects has caused the staff responsible for coordination to invest too much time in administration and financial matters instead of concentrating on coordination and follow up activities. Regular consortia meetings are dominated by this issue and there is not enough time to analyse the current situation, plan strategies and team building. The low efficiency of these planning meetings is one of the reasons why some consortia have not progressed in articulating activities between the executing NGOs. It has been suggested that projects should deal with administrative and financial issues separately rather than within the context of strategy meetings. It was apparent in 2005, when the new monitoring methodology was implemented, that many projects are following recommendations made by previous monitoring missions and making progress in implementing them.

### Reach and quality of results

The administrative and financial difficulties described above have, in some cases, had repercussions on the timely execution of activities. Again, it is in the Country Programmes that gaps in the execution of the various components and an accumulation of pending activities is most evident. It is probable that various projects will not succeed in fulfilling their work plan before the end of their contract. In this environment, flexibility and the ability to adjust to new circumstances can be seen as a double-edged sword. Some projects take on new themes, coherent with their objectives, but they report an accumulation of non-executed activities in their POAs and find themselves facing difficulties when it comes to adequately prioritising activities towards the end of the project. Despite the problems described, most of the projects have made progress in the achievement of results and in terms of the quality of those results. It is important to make clear that the latter is the most important component in the evaluation of efficiency and therefore explains why projects with multiple administration and financial problems can still have a positive overall evaluation. The main areas of progress made in achieving results in thematic components, common to many projects, has been in national and international legal work, in strengthening local organisational structures, the increase of political involvement of the beneficiary population in their interactions with local and national authorities and the creation and dissemination of research on specific issues. The systematic follow-up work done by many NGOs in conjunction with the States to comply with ratified International human rights treaties should also be stressed.  This is a sign of the growing attention paid to the problems of Economic, Social and Cultural Rights in addition to the "traditional" themes of civil and political rights.

**Despite weaknesses at the administrative and financial levels many projects report good results.**

# 8. Overall effectiveness

### Beneficiaries

It appears that human rights projects perform careful analysis when selecting beneficiaries. In addition, most of the projects succeed in reaching a greater number of beneficiaries than originally planned. They assist wide segments of the population, especially vulnerable groups that are often victims of violations of human rights. These include children, women, people with HIV/Aids, indigenous peoples, people of African descent, farmers, people deprived of freedom, refugees and displaced persons, the families of prisoners, the "disappeared" and torture victims. The projects also provide support to local organisational structures including Human Rights Committees in marginal urban and rural communities. Other beneficiaries are university students, alumni, lawyers, judges, teachers, public institutions such as the Ombudsman, representatives of public authorities such as municipal governments and police and military officers. The work done with young people is especially effective. Examples which should be emphasised are the Guatemala Country Programme and the participation of young people as human rights observers in the Solalá zone, and the Venezuela Country Programme with its CECODAP activities with young people participating actively in municipal politics following training they received from the project. From the activities attended and interviews with teenagers, it was observed that they have an excellent capacity for political analysis and leadership. In addition, there is a high level of commitment to project activities which many young people – especially women – maintain, despite potential resistance from their parents who fear for the safety of their daughters and sons (for example, Guatemala).

### Beneficiary perceptions

Beneficiaries have a positive opinion of the services offered by the projects. It is often the only help within their reach. This is particularly true in terms of legal assistance and protection offered by NGOs to improve access to the justice system and for the physco-social support provided to the victims of severe violations of human rights, such as torture. The projects often operate as a result of the failure in state coverage. Under these circumstances, the projects carry out the delicate task of assisting the beneficiary population without attempting to usurp the state's role i.e. it offers its services to a given segment of the population and, at the same time, demands that the state – as part of its actions aimed at political sensitisation and political incidence – carry out its constitutional obligations, for example in the case of identity campaigns: identity cards are a prerequisite for gaining access to public services, however missing documents are a problem frequently encountered in very marginalised segments of the population and this issue has been tackled by a number of projects.

**The beneficiary population is very heterogeneous but the overall assessment of the services offered by the projects is positive. In many cases, it is the only help that they receive in the absence of state assistance.**

Beneficiaries are also positive about training activities. Didactic materials and training methods used for the projects are of good quality and focus on a specific audience. Many NGOs ensure that their training methodology is reproducible thereby leading to the creation and consolidation of local human rights structures i.e. a network of promoters or of committees. However, several weaknesses are sometimes found in training activities.

1.) Lack of follow up by the projects to check, post-training, how the workshop and seminar participants are applying the transferred knowledge and to determine the impact of these activities, 2.) Poor definition of eventual follow-up activities as part of a sustainability strategy 3.) Lack of information exchange between the NGOs of a same consortium about the contents, methodologies and experiences gained from training work. The advantage of consortia in this environment is their ability to tackle a greater number of beneficiaries in order to extend the activities across most of the national territory.

## Secondary effects

Increased demand is often a secondary effect of the project results. Some projects have been able to successfully attend to a growing number of beneficiaries. Other projects wishing to take on increased numbers of beneficiaries have experienced an overload on staff and lack of focus due to inadequate prioritisation of activities in terms of truly sustainable processes. It is particularly important, when dealing with situations in which a permanent presence with the population can not be guaranteed and great distances must be covered to reach them, that pilot zones be identified first. When an appreciation of the impact of the activities on these zones is understood, extension of the project can be considered. Another secondary effect is the contribution of projects to the empowerment and organisational capacities of the beneficiary population beyond the specific themes worked on with them. For example, human rights projects often provide a spur for farming communities to begin strategically planning their dealings with municipal authorities and to more actively seek to participate in the political decisions which impact on them. In any event, it should be remembered that an increase in the population's organisational capacity does not necessarily reduce their dependence neither on external support nor on the advice/support that the NGOs provide. It is desirable that projects encourage greater independence of the beneficiary population, especially in the case of indigenous peoples. A positive example of this process is the project with the indigenous population of the Bolivian Chaco where young indigenous leaders who obtain various university degrees (law and public administration) are trained; the goal is to provide indigenous communities with their own experts who can negotiate on their behalf with state authorities.

## Adaptation to external factors

All of the human rights projects are conditioned by political, economic and social developments in their countries. They are under permanent pressure to adjust their work strategies, for example, to react to major political crises which involve a change in government, as in Bolivia, to political polarization with massive social protest as in Venezuela, or the approval of projects for laws and policies which have serious repercussions on the state of human rights as was the case in Colombia over the past few years. Executing NGOs have demonstrated a great deal of flexibility when the time came to adapt their strategies to a changing environment. This is particularly true in the case of legal and political incidence.

# 9. Overall impact

*Forecasted effects on the project environment*

The impact of human rights projects must be viewed on three separate levels:

1.) All of the projects have an <u>impact on their immediate environment.</u> They either contribute to an improvement, or they at least slow down the worsening of, conditions for the beneficiary population in the area they are operating in. This is particularly true with regard to the creation and consolidation of local organisational structures and in encouraging local populations to participate in municipal politics, for example in Municipal Development Committees, where they participate in the formulation of policies and decisions which directly affect their lives. One positive example of this is the Network of Economic, Social and Cultural Rights in the Peru Country Programme which seeks to work with local local human rights organisations for women, indigenous people, unions etc. to make Municipal Councils commit to the adoption of a municipal charter of human rights. This type of initiative benefits from the process of administrative decentralisation which is ongoing in several Latin American countries.

2.) Many projects and, in particular those which carry out legal protection work have an international impact. These include those related to the Inter-American Human Rights System (IAHRS) and the various thematic mechanisms of the United Nations Human Rights Commission, such as its Committees, Work Groups, Rapporteurs and Representatives of the Secretary General. The EC supports a key project with the IAHRS of the Center for Justice and International Law (CEJIL) in Central America.

3.) On the other hand, a substantial number of projects to date have not had a determinant impact on the transformation of structural problems in Latin American countries, where social and economic indicators do not report positive changes with regard to poverty and social exclusion. Despite this, there are examples of positive impact at the national level, including changes to internal legislation, which was promoted by projects. For example, thanks to the activities of the above-mentioned CEJIL project, rules which violated women's rights were removed from the Civil Code of Guatemala. In Peru, changes which included a series of improvements related to the treatment of persons deprived of freedom were made to the Penal Code. Of particular note is the approval, by Decree, of the National Strategy for Human Rights, the creation of the Inter-Institutional Council of Human Rights and the Interministerial Commission on Human Rights in Bolivia, all promoted by the Country Programme.

**The impact of a project is primarily felt in its immediate surroundings. Few projects are successful in having a transformational impact on structural problems at the national and regional levels.**

Taking into account that all of the projects are part of a long-term process, it is understandable that their real impact will not be seen until after the end of EC contracts. This fact would indicate that the EC should consider the continuation of a number of programmes – including the country programmes – which could have a greater impact at the national level in the medium to long-term.

The effect of external factors

Multiple factors outside of the control of projects affect their ability to have a positive impact. They are factors which either worsen the human rights situation in Latin American countries or impede improvement. As shown below, many of these factors are the responsibility of the state in question or of the international community, including that of some of the most important donors to Latin American countries.

1.) Continued threats against, and hostage-taking, of human rights defenders which often lead to judicial investigation into high ranking officias in the security services. High-risk situations can paralyse the NGOs' work and puts them under permanent pressure to act in a way that ensures better protection for the lives and moral integrity of their staff. Many EC counterparts enjoy protective measures offered by the Inter-American Commission for Human Rights. However, State action for the protection of persons at risk continues to be insufficient in many instances. Defenders of human rights in Colombia and Guatemala are currently confronted with the greatest risks. In June 2004, the Council of Ministers of the EU approved Guidelines on Human Rights Defenders which granted a specific mandate to the EC Delegations and the Embassies of the Member States to negotiate with the relevant state authorities in the event of serious risks for the Defenders of Human Rights in a given country.

**Many external factors continue to limit the possibilities for European cooperation to have a positive impact.**

2.) An increase in armed civilian groups, also called private justice groups, and lack of decisive action on the part of governments to successfully dismantle these groups. This phenomenon has been observed primarily in the Andean Region with worrisome trends in Bolivia, Ecuador and Venezuela. In some instances, there are dangerous similarities with the early days of paramilitarism in Colombia.

3.) The influence and control that many recently created American churches and evangelical sects have on marginal urban and rural communities. The presence of these religious groups often breaks up basic social organisations and affects the ability of the beneficiary population to effectively claim its rights from the government. This trend has been seen in Bolivia, Guatemala, Venezuela and Colombia. In addition to dismantling the social fabric, these groups provide a religious re-interpretation and distortion of the causes of human rights violations. They impose a vision on marginalised populations and victims of human rights abuses which infers that responsibility for their condition falls more on them than on external causes or actors.

4.) The definition of international policies which have an impact on access to justice at the national level, such as the decision of the Organisation of American States (OAS) to reduce the budget of the Inter-American System of Human Rights (IASHR). This decision contradicts human rights conventions ratified by the Member States of the OAS and seriously affects the IASHR's efficiency, effectiveness and ability to have an impact.

Coherence factors which could limit the impact of European cooperation

If the EC intends to maintain coherence and broaden opportunities for the IASHR to make an impact in Latin America, it is important that the following factors be addressed during the definition process for the future regional strategy for Latin America, 2007 to 2011:

- As another important donor to Latin America, the United States finances policies and methods used in the war against drugs, particularly in the Andean Region. These have contributed to systematic and massive violations of human rights as have been documented by the Ombudsmen of Colombia, Ecuador and Bolivia. Meanwhile, projects financed by the EC in these countries help the victims of the war on drugs, for example Colombian refugees in Ecuador. The EC should tackle this contradiction at a political level with the governments in question given that European cooperation in the affected countries should not be limited to undoing the damage caused by the military cooperation models of other donors.

- The presence and activities of transnational European oil companies, for example Maxu-Repsol in the Bolivian Chaco, can worsen the conditions of the population in the areas in which they operate, especially when they operate in indigenous territories. Maxus-Repsol for example, is present in the action area of an EC human rights project and the activities of the company have led to the disintegration of indigenous communities and have also contaminated the environment.

- The Member States of the EU continue to approve licenses and export weapons to countries which clearly do not comply with various criteria of the EU Code of Conduct. Although the Code of Conduct on Arms Exports is not binding, the lack of coherence among Member States seriously impacts the credibility and political reach of European cooperation overall. This is especially true given that the governments of third countries realise that, despite a terrible record of human rights, they continue to receive arms and equipment with no requirement for the implementation of effective controls on the use of military aid. The most problematic example is Colombia, where the United Nations has repeatedly observed that the current government is continuing a security policy which, in many of its facets, is incompatible with international standards of human rights and of International Humanitarian Law. Based on the most recent annual report from the EU Council on arms exports, the EC should seek to initiate a dialogue with COLAT to promote coherent Member State action on this issue.

- A potential risk which the EC should investigate is the impact of commercial policies on land concentration and food security in Latin American countries. Several EIHDR and NGO projects are working with rural and indigenous populations to help them gain title to their lands. Past agrarian reform in the region, much of it defective with respect to fair land distribution promoting sustainable development could suffer major setbacks. Competitive pressures from increasingly globalised markets could express itself in a greater tendency for land concentration with the goal of favouring massive production for exports of products such as beef, soya and African palm.  Monoculture can also

destroy soil fertility and does not contribute to enhancing food security for rural populations.

## Coordination between counterparts and other projects and donors

NGOs and other EC counterpart institutions are well integrated in national and international networks and platforms covering the specific issues they work on within the framework of their projects. There are many opportunities at the national level to meet with other organisations, projects and donors. However, there isn't very often national-level coordination of EC projects in the area of human rights, or between projects in this sector and those involved in other activities, for example education and health. Taking into account the focus on social cohesion in the future EC regional strategy, it would be useful for the EC to promote better coordination between projects which share zones of activity and/or subject matter. The goal would be to build complementarity and to avoid a dispersion of activities.

# 10.  Overall sustainability

## Support policies

A full public human rights policy does not exist in most Latin American countries. In most cases, legislation and institutional competences are not focused. The only countries which have formal National Human Rights Plans are Bolivia (since 2004), Brazil, Ecuador, Mexico and Venezuela. Even in these countries, however, there are still persistent defaulters resulting from the fact that the States do not provide sufficient funds in their national budgets and implementation must rely on resources provided from international cooperation. This means that strategies created with the participation of civil society, the result of major concertation efforts, do not translate into practice due to the lack of funds. However, historical experience demonstrates that even more than lack of funds, it is the lack of will of many Latin American governments which creates obstacles to the resolution of structural human rights problems. Projects seek to interact with public authorities at all levels: local, departmental and national. Some projects have been successful in reaching agreements with state institutions, for example with the Ministry of the Interior and the Ombudsman. However, the agreements of some state institutions do not trickle down to other levels of the State and not all public authorities see human rights as being part of State policy. This is despite the fact that these rights are founding blocks of the political constitutions of Latin American countries. Consequently, the sustainability of the benefits created by the human rights projects creates a basic political challenge for the EC and the EU in its entirety: the EC and the Member States of the EU needs to be more demanding of States receiving European cooperation on the basis of the essential clause related to Human rights in the various bilateral agreements.

**The absence of public policies in the matter of human rights is more than an issue of resources.  It is an expression of the lack of true political willingness on the part of Latin American governments to push forward  the necessary structural changes.**

## Institutional reinforcement

As is the case for other areas of European cooperation, human rights projects stimulate and support local capabilities and contribute to more focused and strategic work. Increased participation by the projects' beneficiary populations and their organisations in the definition

of local policies also contributes to the strengthening of public institutions given that greater social consensus about decisions increases their credibility.

### Sociocultural aspects

Activities include sociocultural aspects and human rights projects in Latin America have a special bias towards indigenous populations and populations of African descent, two groups which are especially discriminated against and marginalised. One issue that needs addressing is the fact that projects don't always have an indigenous or bilingual person on staff. Their presence has proven to be effective when dealing with this segment of the beneficiary population. Another area that needs improving is the training of indigenous leaders who can contribute to increased independence of these communities from external support.

### Gender

For projects which can not count on the participation of experts in gender matters attainment of goals in this area remains deficient in all areas of activity. The projects are reduced to promoting greater participation of women in activities without having clear strategies to change the attitudes of both sexes and without being able to tackle the cycle of discrimination against women and the violation of their rights. Of the 22 projects monitored in 2004, only three made the effort required to define gender indicators. On the other hand, 10 of the projects, nearly half, have a female coordinator and the percentage of women on human rights project staff is high. While progress has been made in the NGOs and counterpart institutions in terms of providing leadership opportunities for women, not enough women are being promoted to leadership positions in the beneficiary population. It has been observed, that in some projects, women's organisations' activities "clash" with the organisations of the Catholic Church when there is an overlap in the area of operation or in work themes, i.e. sexual health and reproduction. This can lead to confusion among the beneficiary population. As the focus of feminist organisations and the organisations of the Catholic Church and other themes related to women's rights are not compatible, this is an issue that EC cooperation projects will continue to come up against.

### The environment

Several projects have approached this subject in cooperation with specialised organisations from the perspective of Economic, Social and Cultural Rights. The environment is particularly relevant to projects working with indigenous peoples and to projects which assist the victims of the war on drugs such as those affected by the aerial spraying carried out within the framework of Plan Colombia.

### Financing

An inherent characteristic of European and Latin American NGOs is that they are not self-sustaining and that they depend on external funds.  While European NGOs receive funds from the governments of their home countries, Latin American NGOs – based on the principle of independence from State interference – are nearly exclusively dependent on international support. The main donors are the EU, the United States, Canada and

Switzerland. Most of the counterpart NGOs have several sources of financing and do not depend solely on EC support. It is mainly the small local NGOs which have the most difficult obtaining funds because they do not have access to many international contracts. An additional difficulty is experienced by countries which, in past years, received substantial international cooperation funds which are now being slowly redirected to other countries because of changed priorities in the donor community. This has been the case in El Salvador, Peru and Ecuador. Although most NGO counterparts guarantee sustainability to project activities by including them in their institutional work plan, many do not have a medium and long-term financial sustainability plan in place as they near the end of their EC contract.

# 11. Lessons learned

The lessons learned from external monitoring during 2004 and 2005 can be summarised and used as input for future EC programmes. Looking again at the activity structure of most of the programmes: 1.) legal defence and protection, 2.) investigation and publication, 3.) distribution, sensitisation and political impact and 4.) training, it should be stressed that strengths are evident in the areas of legal defence and investigation/publication, which are traditional areas covered by the oldest NGOs in Latin America which have been working for years on civil and political rights. The areas of sensitisation/political impact and training (for example, of public administrators) are relatively new fields of action for many Latin American NGOs which are in a learning phase in terms of their dialogue with their governments. The political incidence strategies of monitored NGOs are very diverse and when they operate in consortia, they do not maintain unity of criteria in their dealings with the State. Many of the regions' governments have refined their relationship with civil society, demonstrating a greater openness to dialogue, although, not always a greater openness to effective participation. As has often been observed, the agreements which many governments reach on human rights issues at the declarative level do not translate into concrete results. Therefore, dialogue progress is partly the result of effective political pressure from the international community and demonstrates the importance of coherent and consistent political support, especially from the European Union, with the goal of consolidating gains in the area of relations between the State and civil society.

Planning instruments such as the Logical Framework need to be incorporated by the majority of projects in order to improve their performance. This is particularly true when defining objectives, in order to ensure that they are not overly ambitious, and indicators, which should be based on studies already carried out by the EC and other institutions including, for example, the United Nations Development Programme (UNDP). Gender is an issue which cuts across all others. As a result, it is necessary to ensure that projects include this dimension in the definition of their strategies, integrating gender indicators in the Logical Framework.

Few projects identify good practices which can be replicated in other national contexts. One worthy addition to this area is the Manual of Good Institutional Practices for Latin American

Ombudsmen created with the Ibero-American Regional Support Programme for Ombudsmen (PRADPI). Activities to capitalise and exchange experience are considered of particular importance as input to the annual and multi-year EC programmes for the region.

A summary of specific observations relating to the Country Programmes within the framework of Pluriannual Democracy and Human Rights Programmes in Central America and the Andean Region deserve special attention given that they are pilot projects which will be ending soon and given that several of them have been monitored repeatedly.  Start up was generally difficult for the country programmes due to their special characteristics however many of them have made substantial progress and national NGO consortia have seen significant strengthening of their common and individual work. This experience deserves to be continued on the basis of the coordination capabilities created, although they should be adjusted to new national and regional political conditions.

Some of the lessons learned are presented below. This is not an exhaustive list given that the evaluation of neither regional programme had been finalised at the time of writing this report. They could provide guidelines for the work of future NGO consortia working on the national level:

1.) Public institution participation provides greater political weight to the NGO consortium. However, the NGO/public institution combination implies problems related to the timely execution of activities as public institutions must respect State accounting and administration procedures which are much less flexible than those of an NGO. This situation has caused delays in the execution of activities. It would be useful for NGOs to seek out strategic alliances with institutions such as the Ombudsman and universities and involve them in project activities without, however, granting them an administrative role.

2.) The national consortia of the Pluriannual Programmes were identified and created by the EC and not on their own initiative (with the exception of the El Salvador Country Programme, where there was already a NGO consortium). This explains why bringing together the activities of the consortiums of NGOs runs into difficulties. Inter-institutional work, joint execution of budgets, consensus building and unification of criteria were a new experience for many of the NGOs. Despite the difficulties described, the NGOs recognise that working as a consortium strengthened them each institutionally. This was particularly true for small, local NGOs. All stress the value in continuing to work together. The Country Programmes have overcome many of the difficulties described and consider themselves a successful model which can be duplicated in countries which are not part of the two regional Pluriannual Programmes. This underlines the fact that the Country Programmes are the projects with the greatest potential for structural impact in their national area. In this respect, their continuation is a strategic challenge for the EC. From the experience accumulated by the end of the 2005/2006 execution phase, improved conditions for the definition of the design for a second phase will in place given that NGOs identify more closely with inter-institutional work and that there are better prospects for success in articulating activities.

3.) The Pluriannual Programmes demonstrated the need to strengthen the exchange of experience within a consortium and also among consortia given that the structure of work components is similar in all of the Country Programmes. Mutual exchanges can be created based on: training (methodologies and comparison of materials), protection strategies within the Inter-American Human Rights System, distribution strategies and work with the media, strategies for political impact, etc. It should be pointed out that it was a failure of the identification phase not to plan funds for exchange activities in the Country Programme budgets.

4.) Improvement is required in nearly all of the Country Programmes in the area of communication, visibility strategies and project presentation to the outside world. The competent national authorities are not always conscious of the existence of a national programme supported by the EC and only see the activities of specific NGOs in the consortium.

# 12. General recommendations

**Quality of design:**

1.) The analysis presented in this report shows the need to ensure that the EIHDR will continue beyond December 2006 as a long-range political and financial instrument with its own legal foundations and consequent thematic subjects. To not maintain the EIHDR with its own legal identity would send the wrong political message to the governments of countries which benefit from European cooperation. It may also risk losing political gains already made to date thanks to cooperation. It is important in the Latin American context from the perspective of strengthening local capacities that the EC should continue to support micro projects and favour participation by local NGOs as counterparts. In the context of bilateral justice administration strengthening projects, EC support is considered strategic in the cases of initiatives providing legal assistance to local organisations such as the victims of human rights violations (civil and political as well as social and cultural). Legal assistance has proven to be especially important in land disputes which have had a destabilising effect on many of the region´s countries. It is the results of civil society legal work that has enabled the EC to measure whether or not its financial and technical cooperation in justice matters has moved towards greater effectiveness or not.

2.) In terms of the country strategy designs currently underway, the EC should maintain coherence with the recommendations of the various thematic mechanisms and the field offices of the United Nations High Commission for Human Rights. It should also take into account the reports and decisions of the Inter-American System of Human Rights.

3.) The quality of dialogue with Latin American civil society should be improved. For example, many EC counterparts are not familiar with the negotiation processes involved int eh elaboration of the Political Dialogue and Cooperation Agreements in Central

America and the Andean Region. Only those that were aware of them were able to comment on the final texts of the Agreements via Internet. That is, comments were requested from the NGOs when there was no longer any possibility of changing the agreements made with the governments of both regions. As a result, an important opportunity to define the most precise formulas possible for the human rights dimension of these agreements, that is, their very foundation, was lost. A real dialogue with civil society implies its inclusion in a discussion process which occurs before decision-making.

4.) Projects should revise their assumptions on a regular basis, especially when the political circumstances in a country change substantially. In addition, they should develop a risk management strategy.

**Efficiency**

5.) Projects should emphasize training on the application of planning instruments, and particularly on the definition of OVIs.

6.) NGOs executing a project with the EC for the first time should be guaranteed sufficient training in administrative and financial matters before the project begins, especially on the correct presentation of financial reports.

7.) It is necessary for NGOs and their institutional counterparts to follow up more closely on the well-being of their staff in order to avoid permanent overloading and the resulting physical and psychological stress.

8.) Delegations should obtain and apply the various Directives of the EU Council of Ministers in matters of human rights. These include the Directives defining action to be taken on particular themes and requiring Delegation management, for example the Directives related to Defenders of Human Rights (June 2004). By the same token, it is important to ensure that Delegations can count on the cooperation of personnel with expertise in human rights who can effectively apply the Directives and provide greater incorporation of human rights issues across the entire EC cooperation effort (including TFC).

9.) It is important that the Delegations maintain fluid communications and consult with the Regional Coordination Offices about decisions relating to the Country Programmes of the Pluriannual Human Rights and Democracy Programmes in Central America and the Andean Region. This is important given that the Regional Coordination Offices have accompanied the complex NGO consortia process from the beginning and can facilitate the work of the Delegations and help to systematize the experience of the Regional Programmes.

**Effectiveness**

10.) The EC should facilitate greater exchange 1.) between projects in a specific sector and 2.) between projects of different sectors when they share action zones and work themes. Finding synergies is particularly interesting in the case of social cohesion and the EUROSOCIAL programme. The coordination of human rights programmes with social development projects, for example in heath and education and whether in bilateral cooperation or under the auspices of NGOs, can potentially lead to a more integrated vision of the prospects for development in a given sector or in a given country. With respect to the improvement of coherence between the EC and the Member States, the experience of the Mesodialogo in Guatemala is a model which should be duplicated in other countries. The Mesodiálogo brings together the EC, the Member States, the European and national NGO counterparts and representatives of the State. The goals of this model are: 1.) to contribute to coherence among the EC and its Member States and 2.) to provide the possibility for permanent monitoring of the quality and efficiency of state activity given that the Mesodiálogo brings together a common agenda and that participants must account for their progress in accomplishing their work agenda. In this respect, the Mesodiálogo intends to promote greater political willingness on the part of the State to honour its agreements and obligations to its society and to the international community.

**Potential impact**

11.) In order to build a future, coherent regional strategy, it is important that the EC rely on an analysis of the real and potential impact of the cooperation models of other donors in the fields of security, commerce and the war on drugs and the effect that these models have on various sectors of European cooperation including human rights, rural development, food security, health and the environment. Any contradictions found should be addressed at the political level with the governments in question. European cooperation should not be reduced to mitigating the negative effects of cooperation imposed by other donors.

12.) In order to increase the impact and sustainability of cooperation in human rights, and democracy, the EC should elevate requirement levels and apply the tools available to it more vigorously - especially the "essential clause" – to influence the political will of Latin American governments. The EC should coordinate a strategic plan with EU Member States in every country. The plan should direct the political dialogue and <u>define concrete results and progress</u> with the State benefiting form bilateral cooperation and should address its compliance with ratified International Treaties. In addition, a strategic plan should <u>define the consequences and pertinent responsibilities of the EC</u> and the Member States if the States receiving bilateral cooperation repeatedly refuse to cooperate or do not achieve stated results. This is particularly important for the focus countries of Colombia, Guatemala and Mexico.

**Sustainability:**

1.) Projects should identify good practices which are replicable in other nations in which there are projects with similar themes (for example, training in torture prevention with security forces, psychosocial support for victims of political violence).

2.) NGOs and institutional counterparts should present a political and financial sustainability plan at least one year before the end of the contract with the EC.

3.) Projects should strengthen their gender focus by fully integrating it into their action plans and by explicitly supporting leadership roles for women, respecting, however, socio-cultural rules which define the internal organisation and distribution of roles in indigenous communities.

Of their own initiative, counterpart organisations should emphasize the search for alliances with other organizations/institutions and networks, especially with a view to their political impact on national government policies or regional institutions (for example, the Andean Community of Nations and MERCOSUR). From a national standpoint, it is important to bring together smaller local organisations and organisations which work at the national level (a positive example is the Venezuela Country Programme)