

**Review of Experiences  
Gained within Swedish supported  
Development Cooperation  
in Haiti 1998-2009  
with a focus on Human Rights,  
Democracy and Rule of Law**

**June 2009**

**Report for**

**Sida**

**OPS/KONFLIKT/REGLA**



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*Member of FCG*

## Table of Contents

1	Introduction.....	4
2	Methodology and scope .....	4
3	Review of activities and outputs supported by Sida .....	5
3.1	Cooperation strategy and portfolio .....	5
3.1	Improvements in the Justice sector - ILAC .....	6
3.2	Human Rights and Development of Democracy - ISPOS .....	8
3.3	Support to POHDH .....	9
3.4	RNDDH .....	10
3.5	SOFA .....	11
3.6	Supporting Women’s Transformational Leadership and Participation... - UNIFEM.....	11
3.7	OPC Child protection - UNICEF .....	12
3.8	OPC strengthening - UNDP .....	12
4	General findings and observations .....	13
4.1	Improvements in the HR situation .....	13
4.2	Gender .....	13
4.3	Cost-efficiency, effectiveness, feasibility and relevance .....	14
4.4	Added value of Sida funding .....	15
4.5	Sustainability of results .....	16
4.6	Exit actions.....	16
5	Conclusions and lessons.....	17
5.1	Has Sida’s small support shown positive and sustained results in a very difficult context? 17	
5.2	Are there lessons concerning development cooperation in a fragile state? .....	18
5.3	Are there lessons regarding the interplay of development cooperation and humanitarian assistance?.....	19
5.4	Has there been a sustainable exit for Swedish funding?.....	19
	Annex 1 – List of persons and organisations interviewed .....	20
	Annex 2 – Main documents consulted.....	24
	Annex 3 – Governance indicators .....	26
	Annex 4 – Terms of Reference .....	27

## Abbreviations

AFASDA	Association Femmes Soleil d'Haïti
BAJ	Bureau d'Assistance Juridique
BAL	Bureau d'Assistance Légale
CIAL	Commission Interministérielle des Affaires Législatives
CIDA/ACDI	Canadian International Development Agency
DfID	Department for International Development
ESCR	Economic, Social and Cultural Rights
FBH	Fédération des Barreaux d'Haïti
HR	Human Rights
ICCO	Interchurch Organisation for Development Cooperation
ICRC	International Committee of the Red Cross
ISHR	International Service for Human Rights
ILAC	International Legal Assistance Consortium
ISPOS	Institute for Advanced Social and Political Studies
SYNAL	Système National d'Aide Légale
MCFDF	Ministère à la Condition Féminine et aux Droits des Femmes
MCRP	Ministre Chargé des Relations avec le Parlement
MINUSTAH	Mission des Nations Unies pour la Stabilisation en Haïti
MJSP	Ministère de la Justice et de la Sécurité Publique
MOUFHED	Mouvement Haïtien des Femmes Pour l'Éducation et le Développement
MR-Fund	The Swedish NGO Fund for Human Rights
NCHR	Coalition nationale pour les droits des Haïtiens (predecessor to RNDDH)
NCSC	National Center for State Courts
OAS	Organisation of American States
OIF	Organisation Internationale de la Francophonie
OPC	Office de la Protection du Citoyen
OPIC	The Olof Palme International Center
PNH	Police Nationale d'Haïti
POHDH	Plate-forme des Organisations Haïtiennes de Droits Humains
RNDDH	Réseau National de Défense des Droits Humains
SOFA	Solidarite Fanm Ayisyen
SOPAA	Solidarity Oganizasyon Pou Pwomosyon Atizan Ayisyen
SYNAL	Système National d'Assistance Légale
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
URAMEL	Unité de Recherche et d'Action Médico-légale
USAID	United States Agency for International Development

## 1 Introduction

The purpose of this review is to conclude the most important experiences of eleven years of Swedish human rights, democracy and rule-of-law support in Haiti 1998-2009. This support consisted of about 10 programmes or projects, with a total volume of about SEK 34 million<sup>1</sup> channelled through Swedish or Sweden-based NGOs as well as the UN system. In addition, there has been humanitarian aid of roughly SEK 115 million during the same period. However, this review only concerns the development support, not the humanitarian aid.

As pointed out in the ToR, Sweden has been a very small donor<sup>2</sup> without a representation in Haiti. Haiti is considered a fragile state, and has during the period in question been most of the time in a state of political and/or humanitarian crisis. The basic question thus is if this small, apparently marginal, support has shown any distinguishable, positive and sustained results in relation to human rights, democracy and rule of law, given the very difficult context? But further, can any lessons be drawn from this support concerning development cooperation in a fragile state? Are there any lessons regarding the interplay of development cooperation and humanitarian assistance? Finally, what has been done to ensure a sustainable exit for Swedish funding?

## 2 Methodology and scope

The review is based on studies of available documentation from Sida, supplemented with some limited additional material from the implementing partners and recipient organisations, followed by interviews with the implementing and recipient organisations, beneficiary participants in activities, as well as other stakeholders in Haiti. These interviews were complemented with interviews with other relevant development cooperation partners in Haiti supporting the same or similar programs and organisations, in order to try to assess the relative performance of the Sida programs. Although the direct recipient organisations and stakeholders have been the main interview sources for the individual programmes, the team has also solicited opinions from others, to confirm or otherwise the assessments.

However, the completeness, coverage and quality of the available documentation vary somewhat between the different programmes; especially concerning the earliest years. The institutional memory in some of the Haiti partner organisations is also limited (or has disappeared, as in the case of ISPOS). As a result, it has not always been possible to assess the specific results, but only to make indirect plausible judgments.

After discussion with Sida, the review has concentrated on the following major programmes/projects:

Supporting organisation	Organisation supported	Project title or type of support	Years	Amount (approx)
1. ILAC – International Legal	BAL legal aid clinic network, MJSP, and	Improvements in the Justice Sector 2005-2007	2005-2009	13.8

<sup>1</sup> The total in the Sida contributions table is about SEK 31 million for the 11 years, but there are significant additional amounts channelled for example to the MR-fund, but which are not labelled in the Sida system as specifically going to Haiti.

<sup>2</sup> According to the DAC database, Haiti has received about USD 350 million ODA per year on the average during these years. The justice sector, according to a study by URAMEL (an output from the ILAC support), has received at least a total of USD 100 million over last ten years (to be compared with the Sida rule-of-law/justice support of about SEK 14 million)

Assistance Consortium	other actors in the Justice sector			
2. OPIC – Olof Palme International Center	ISPOS - Institute for Advanced Social and Political Studies	Human Rights (HR) and Development of Democracy/training of social and political actors	2005-2007	2.5 M
3. OPIC (through Broderskapsrörelsen <sup>3</sup> )	POHDH (Plate-forme des Organisations Haïtiens de Droits Humains)	Program and institutional support/reinforce awareness on HR and contribute to improving the HR situation	2004-2005	0.8 M
4. MR Fund –The Swedish NGO Fund for Human Rights	RNDDH (NCHR) - Réseau National de Défense des Droits Humains	Program and institutional support/training programs for HR knowledge and action	1998-2008 <sup>4</sup>	0.2-0.5 M per year <sup>5</sup>
5. MR Fund	SOFA – Solidarite Fanm Ayisyen	Preparation and conduct of SOFA general assembly/organisational support	2006-2007	0.15 M
6. UNIFEM – United Nations Development Fund for Women	MOUFHED and two major women’s organisations (AFASDA, Fanm Deside), MCFDF	Supporting Women’s Transformational Leadership and Participation in Governance, Security and Peace Processes in Haiti/	2005-2008	0.75 M
7. UNICEF – United Nations Children’s Fund	OPC/Child Protection Unit	Reinforcement of the Rights of the Child within the Ombudsman’s Office/Institutional strengthening, awareness and advocacy	2004	0.3 M
8. UNDP – United Nations Development Programme	OPC – Office de la Protection du Citoyen	Support to the Ombudsman Office in Haiti/Institutional development	2001-2004	5.4 M

The team consisted of Francine Trempe, team leader, Stéphane Jeannet and Alf Persson. The visits and interviews in Haiti took place during the last two weeks of April 2009.

### 3 Review of activities and outputs supported by Sida

#### 3.1 Cooperation strategy and portfolio

For most of the period, the support to Haiti has not been based on an explicit development cooperation strategy, except for the period 2001-2005, but even this is rather general, as it says that support should be given for strategic inputs related to the democratisation process and respect for human rights, and concentrated on support to strengthen the rule of law, including the institutionalisation of the OPC, political and citizen rights with particular emphasis on the rights of women and children. Support should continue to be channelled through civil society and the UN system, and Swedish NGOs encouraged to seek contacts and cooperation with Haitian counterparts in the areas of democracy and human rights. This latter approach by and large confirms the approach that evolved in the early years, and has basically continued until now, since with the

<sup>3</sup> Swedish Christian Social Democrats

<sup>4</sup> Actually, yearly since 1996.

<sup>5</sup> The Sida statistics tables that were made available are incomplete; this is an estimate based on oral information from the MR fund and RNDDH

Swedish Government decision to terminate development cooperation with Haiti, it did not make much sense to try to develop a new strategy.

The resulting portfolio as reflected above is mostly centred on human rights and rule of law/justice, but not so much on democracy (except ISPOS). The Haitian NGO partner organisations selected have all been well-known and reputable organisations with a track record in their fields; this has lowered the risks associated with lack of presence in Haiti, both from Sida and the Swedish supporting organisations. The rights of women and children, and more generally gender issues, have been addressed through several of the projects (UNIFEM, UNICEF, SOFA) but have also since a few years been included as transversal issues within the programs of HR recipient organisations supported by Swedish funding (RNDDH, POHDH).

The poverty perspective is generally not explicit in the portfolio; however in context of such widespread poverty, by their nature, a large proportion of the support is directly or indirectly targeting poor people (for example legal assistance is only given to persons without resources; poor people are the main victims of HR violations that are denounced and followed up).

The general situation in Haiti, and in particular the HR and justice situation, are widely known and have been described elsewhere, and will not be repeated here; the World Bank governance indicators for Haiti reproduced in Annex 3 succinctly summarize the situation and the trends over the last decade.

### **3.1 Improvements in the Justice sector - ILAC**

ILAC, The International Legal Assistance Consortium, founded in 2002, is a network of bar associations and other legal professional organisations world-wide, based in Stockholm, with funding from a number of donors including Sida. Its mission is to provide legal development assistance, especially in rebuilding justice systems. It is not normally an implementing organisation (that is the role of its member organisations), but in some countries such as Haiti it has for various reasons taken on this role, although it has limited experience of direct donor project implementation.

The Swedish support through ILAC consists of a major program of legal assistance plus a series of related or stand-alone activities promoting the rule of law. The ILAC program as a whole represents 40% or more of the total Sida development support to Haiti. ILAC started its activities in Haiti in late 2004, and the first Sida-support started in late 2005. Overall goal was improved quality of the Justice system, and specifically increased access for the public to a better functioning justice system (see below under 'Other outputs and activities'). In mid 2007, this first support was succeeded by a specific program BAL/SYNAL to set-up a series of 10 legal aid clinics (BAL) around the country in cooperation with the United Nations mission to Haiti, MINUSTAH, and to a lesser extent the international francophonie organisation OIF and the National Center for State Courts (NCSC), plus additional 'other outputs'

#### Legal assistance

The BAL/SYNAL component has a budget of about 7 MSEK, originally about half to be managed by ILAC/Sida and half through MINUSTAH<sup>6</sup>. Preparatory work started in early 2007, and the first

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<sup>6</sup> These figures are approximate estimates, and include ILAC technical assistance costs and overhead pro rata as well as preparation studies; the documentation and budget data made available to the Team are only partially output oriented. The originally envisaged collaboration and management arrangements with MINUSTAH have had to be adjusted

BALs started in early 2008. At the time of the review, 9 BALs are operating, the oldest just having celebrated their first anniversary<sup>7</sup>.

The concept for the legal assistance clinics is based on the tested and successfully implemented and long operational model in Cap Haïtien (BAJ); the BAJ was contracted by ILAC to help design the BAL program and the current National SYNAL Coordinator comes from the BAJ project. Legal assistance is currently extended free-of-charge to indigent persons in the 'penal chain' from police arrest to (final) court judgment; clients are proactively searched for and approached at police stations, prisons and courts. The concept is very well thought out to minimize costs (extensive use of interns, offices put at disposal by the local court etc), maximize local stakeholder commitment, involving the local bar association, its leading figures, and lawyers-in-training (1-2 year internships are required of new lawyers) in a win-win configuration that also draws in prosecutors and judges, and on the periphery local government and politicians as well. The BALs are generally very active, with an average case load of 30-40 cases per month per BAL, resulting inter alia in the release of 10 or so detainees per month per BAL, some of which have been detained for months, even years. The interns are very diligent in visiting courts, police stations and prisons regularly, on a weekly and even daily basis, and indigent detainees are no longer without legal representation for lack of money. Judging from reports and presentations at the workshop (see Annex 1) as well as a half-day visit to one BAL, there is a genuine commitment, dynamism and enthusiasm – the BALs function and are making noticeable, albeit still modest, differences in the local dispensation and speed of justice for poor people.

The Project has also worked skilfully to anchor the concept and system at Government level, in the MJSP and with successive ministers of Justice, at the Primature and the President's Office. As a result, the Government has agreed (and created corresponding budget lines) to progressively finance an increasing share of the BAL running costs from 2010 (100% by 2013/2014), which is realistic in terms of financial burden per se but by no means guaranteed (there is widespread scepticism about reliability of financial promises from Government). At the same time, the Project is supporting and pushing the development of the institutional framework for SYNAL in the form of a law on legal assistance.

All in all, the achievements so far are quite impressive, especially considering the short time and the difficulty of the sector. The Project has had a good understanding of what is needed to maximize chances of sustainable success in a discouraging environment; it is difficult to see what more could have been done at this stage, except perhaps more lobbying and involvement of parliament. But ultimate success and sustainability is not yet guaranteed; based on sobering experience, there is no guarantee that Government will act speedily to pass and implement the required law, set up an effective and appropriate management mechanism, and allocate the necessary funds on a regular basis in the future.<sup>8</sup>

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pragmatically, and all Sida funds were in the end managed by ILAC. The MINUSTAH own contribution has been in-kind, mainly salaries of staff put at disposal of the project and logistics, and is 'not possible to cost' (according to the MINUSTAH coordinator)

<sup>7</sup> In the long run, the goal is to have at least one BAL in each of the 18 jurisdictions. BAJ is already operating in Cap Haïtien and a rather similar 'Kay Jistis' in a Port au Prince slum, mainly financed by USAID through NCSC; the Port au Prince Bar Association also has its own setup for legal assistance. USAID has also supported other legal assistance work in various contexts.

<sup>8</sup> For example, still after almost 2 years since adoption, the three important laws on the Judicial Council, the Magistrates School and the Roles of Judges and Prosecutors are still to be implemented in practice. There are also fairly widespread doubts about the management capacity of MJSP; as for example reflected in the current state of management of the courts. The choice and design of the mechanism for government management of SYNAL and BALs are thus critical issues, and a potential killing factors.

However, the Team thinks it would be very unfortunate – and in this we believe we are joined by the Haitian stakeholders - if this promising initiative with a real - but far from assured - chance of sustainable success is stopped at this point in its development solely due to financing problems following Sweden's exit (see Section 4.6 below).

### Other activities and outputs

Collectively, these – some 12 or so depending on how one counts<sup>9</sup> - make up the other 50% or so of support through ILAC. Although they are all in line with the objectives of the overall ILAC program, they do not as such form a coherent whole. However, they do correspond to quite precise needs and requests from Haitian counterparts, in particular in relation to strengthening the quality and performance of legislative work in the justice sector. Partners have been the Justice and Security Commission, Minister in Charge of Relations with Parliament, CIAL, Ministry of Justice MJSP, but also the Federation of Bar Associations FBH and Forum Citoyen (a network NGO consulting and involving citizens to lobby on justice reform). They have not been isolated or ad hoc in relation to the work and priorities of these counterparts; in most cases they have been parts of bigger agendas and programs supported by other donors, but so to speak 'niche' outputs not included elsewhere and where ILAC has found windows of opportunity to make a distinct contribution.

Activities have consisted of seminars, studies, dialogue, expert assistance, study tour and some equipment. According to reports from ILAC, the outputs have in the majority of cases been successfully delivered and appreciated by the recipients and beneficiaries, resulting in some initial outcomes. These assessments have been confirmed in those cases where the team has had the opportunity to interview recipients and beneficiaries. Some examples: The study on gender best practices (see Section 4.2 below); seminars and a detailed study on legislative practice in Haiti, addressing the somewhat ad hoc nature of the legislative process, that received wide echo and reaction<sup>10</sup> and formulated a number of recommendations that have been taken up or included in future plans; basic office equipment to the newly formed Interministerial Legislative Affairs Committee CIAL allowing it to function; support to reform of the Federation of Bar Associations FBH, through a national congress followed by several seminars gathering representatives from all over the country, that has inter alia allowed members from outside the capital for the first time in many years to play a real role; an 'extraordinary' national forum for Forum Citoyen bringing – unusually - together civil society and state actors in debate on justice reform, that led to some further direct discussions with government (but that stopped with the crises in 2008).

## **3.2 Human Rights and Development of Democracy - ISPOS**

The Institute for Advanced Political and Social Studies (ISPOS) was founded as a Haitian NGO in 1998 with support from the Lutheran World Federation (LWF) and later from Norwegian Church Aid and Church of Sweden Aid. It has been evaluated only once in 2003<sup>11</sup>, and in general the appreciation has been very positive. ISPOS has had wide and very high credibility and access to key sectors across the board. It has a documented record of successful work in peace-building and training. The achievements of ISPOS were praised by all, such as i) seminars with political parties leaders before the 2006 election that led to, amongst others, a code of electoral conduct, and a

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<sup>9</sup> 3-4 others have not been undertaken, mainly because the counterpart organisations for various reasons were not ready or finally willing.

<sup>10</sup> And still is it seems, as the initial widely distributed print run of 2000 is expended, and there is demand for reprinting.

<sup>11</sup> An evaluation was requested by OPIC in September 2007, but – for reasons not clear to the Team – was never carried out.

«governability act» signed by all major political parties ; ii) the courses in political sciences addressed to young leaders from all political parties, to community and civil society leaders. This type of institution in Haiti was unique, leading to a new generation of political leaders, better trained and most of all, with a different attitude towards politics, e.g. serving the country instead of serving individuals or political parties' interests. ISPOS has also had a strong gender equity focus in all its work and activities.

However, in March 2009, the Director of ISPOS decided to close the institution on March 3 without saying so in advance to anyone, and just before the arrival of a Norwegian evaluation team<sup>12</sup> and when an audit was to be conducted upon the request of the Norwegian Ministry of Foreign Affairs. According to the Director, the closing was necessary due to the decision of Norway to stop the funding to ISPOS. However, this sudden closing left the impression to most (students and professors) that something might have been «unclean» in the management of the institution.

The Swedish support involved long-term training of political and social leaders; two seminars on children's rights, eight courses on HR and electoral process for members from political parties, a seminar on reform of the Constitution. The target groups of about 140 people have been mostly students in ISPOS permanent training program, members of various political parties and NGOs. In addition, two conferences with all national elected representatives were held.

According to the final report, activities were by and large carried as budgeted and there were several noteworthy outcomes: political activists from organisations that participated in the training have emphasized peaceful methods of political struggle; parties in the general election signed a code of conduct of tolerance and pluralism; five of the six parties in government had participated in ISPOS courses and seminars and shared power in proportion to the election results; better understanding of the role of political parties in a democracy and respect for HR; better and more dialogue and cooperation between political parties, civil society and other stakeholders.

However, since ISPOS suddenly and literally vanished (including records) and staff was abandoned, there is no institutional memory left. In the limited time, it was not possible to find any staff or participants from the specific Swedish supported activities. However, focus group interviews with participants on similar or later courses were done during the recent Norwegian evaluation (which did meet with all relevant parties). According to persons interviewed, the courses given by ISPOS were all very well defined, complementary to one another, and the teaching corps was generally considered very competent. Among those, the course on democracy and HR was highly appreciated and useful.

### **3.3 Support to POHDH**

POHDH, Plate-forme des Organisations Haïtiennes de Droits Humains, currently consists of eight national NGOs working with HR, including RNDDH. The activities undertaken by the Platform cover the following areas: education in the culture of Human Rights; judicial interventions (consultation, advocacy); Human Rights observation; and Research and Documentation.

It has been and still is considered a good and credible organisation, but is also still facing some difficulties in profiling in its vision and strategy (to create synergy and smooth cooperation between member organisations) and also distinguishing its role as coordinator rather than additional implementer - issues which are not new, and were for example raised in the organisational evaluation commissioned as part of the support in 2005. However, other recommendations have

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<sup>12</sup> Including our team member Francine Trempe

been acted on, and seem to have improved functioning. It receives support from several donors, including of late a Canadian local fund (where it has delivered all expected results so far)

During two years 2005-2007 it received support via Broderskapsrörelsen/OPIC corresponding to about 40% of its budget for those years (according to the final report). The support can broadly be characterized as programme support, with the following goals well defined in an LFA system: strengthen the nation-wide HR observation and reporting network and the capacity of the volunteer observers; legal assistance to victims of HR violations; advocacy and awareness raising on HR issues; campaigning for civil registration; participation in discussion on justice reform; and organisational improvement. According to the final report, POHDH managed to produce a substantial part of the outputs of a very ambitious plan under sometimes difficult circumstances, as evidenced by quite detailed and precise output reporting by POHDH. Most of the resources for legal assistance (not considered cost-effective) were reallocated to the HR monitoring components. However, it is not possible from the available documentation and interviews to further assess outputs or outcome as of this time (2009) independently, given the limited scope and duration of this support; the fact that the current executive director is quite new, and did not have any personal knowledge of the Swedish programme; and that only very limited written information on the Swedish support as such was readily available at POHDH. At the least, it is fair to agree that POHDH has had a positive effect as a serious and balanced civil society voice. Furthermore, the HR monitoring system (the most important parts of the programme support) is working and producing valuable results (the various networks are run and supported by member organisations, such as Justice et Paix and RNDDH). POHDH is now also moving towards the promotion and defence of ESCR.

### **3.4 RNDDH**

RNDDH/ NCHR, Réseau National de Défense des Droits Humains,<sup>13</sup> has one of the longest histories of HR organisations in Haiti, founded abroad as NCHR in 1982, but only since 1992 based in Haiti. It has by now a long track record in actively promoting respect for and defence of HR, increasing knowledge and capacity among citizens on protection of HR, all with a view to consolidating democracy in Haiti, under basically two components: HR monitoring and HR training. It is arguably now the most respected HR organisation, and one of the most (pro)active. The dynamism is palpable when visiting its office, and its office and network is represented in all 10 departments of Haiti. Evaluations of RNDDH were undertaken by the MR Fund in 2003, by ICCO in 2002 and 2003, and recently by ICCO (2008). The basic conclusion from all of these is that RNDDH is well-structured, well-managed and transparent, with a good feedback system and willingness to improve based on regular evaluations; virtually all respondents attest to the reliability and effectiveness of its actions. It seems to have found a good balance between agitation and constructive engagement with an appreciation of the art of the possible. It has so far (by choice) concentrated on civil and political rights, less on economic, social and cultural (ESC) rights.

There is a long history of dependable and constant collaboration with Sweden, via the MR Fund, since 1996, with varying amounts, but averaging around 0.2-0.4 MSEK per year representing about 10% of RNDDH's total budget. In the earlier years, support was mainly institution building and organisational strengthening (programme support), but from 2002 or so more concentrated on specific outputs and lobbying support. Support has also been moral and personal (when the Director was wounded in an assassination attempt), and international to establish contacts and exchanges with foreign counterparts (including DR Congo). The Swedish support has predominantly focused

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<sup>13</sup> Previously 'Coalition nationale pour les droits des Haïtiens', mainly name change, but not 100%; hence one can also call it "predecessor"

on the RNDDH training activities, which are conducted at several levels and which target local associations around the country to build up their capacity and knowledge on HR issues and action. The last support has been specialised training on the regional Inter-American and UN HR systems, and how to concretely use them in the Haitian context, conducted by RNDDH together with the Organisation of American States OAS and International Service for Human Rights ISHR (two seminars, the third one delayed until May 2009), and brought together judges, media, police and civil society organisations.

Time did not permit to go into details related to the Swedish support. However, the Team met with one grass-root organisation which has benefitted from the HR training program and could observe some recently acquired knowledge but moreover a high interest for the issues related to HR, as well as for gender issues. Could the beneficiaries become effective HR trainers for other organisations and/or effective monitors of HR violations is another question. We do not think so at this point (they are at the 2<sup>nd</sup> level of the training) but still, considering the Haitian context, we can say that the results observed with these trainees are a clear gain in the cause of HR promotion and protection in Haiti. Similarly for the regional HR system seminars, where for example a participating beneficiary organisation has had concrete use for the knowledge and the participating individual admits to heightened personal awareness and dealing with HR issues.

### **3.5 SOFA**

SOFA (Solidarité Fanm Ayisyen) is a well-considered national NGO working mainly on women's rights issues and in the last 10 years on the issue of women victims of violence. It has representatives in all 10 departments of Haiti, and has opened and supported numerous «centres d'accueil» for women and girls victims of violence. It was supported through the MR Fund in 2005-2006 for institutional and leadership strengthening and, more precisely to prepare and conduct its general assembly.

Although Swedish support to SOFA was one-time, it made it possible for the organisation to conduct its general assembly preparation process with a large and highly participative and consultative approach, involving its constituency from all parts of Haiti in the governance of the organisation as well as in the redefining of its strategic orientations. By doing so, this support has reinforced the solidarity amongst member associations and their adhesion to the mission of SOFA. SOFA highly appreciated this Swedish funding, as very few donors accept to support such an institutional activity, understanding its importance for the organisation.

### **3.6 Supporting Women's Transformational Leadership and Participation... - UNIFEM**

The objectives were to empower Haitian women's organisations to participate and shape national institutions, and to assume a leadership role; to support wider understanding and commitment to gender justice; and to ensure that gender issues are taken into consideration in planning and implementation of support to Haiti.

From a review of the final report, and the interviews with UNIFEM and the Ministry of Women's Affairs and Rights MCFDF it can be concluded that most expected outputs were delivered, if not exactly as planned, but to a satisfactory level. As a result, MCFDF was reinforced in its role of promoting women's rights on a larger scale throughout the country; a large number of women's rural associations can now more effectively address gender-based violence; some UN agencies became better equipped to taking into account a gender perspective in their programs.

More specifically the following has been achieved:

- *A guide on legal assistance to women victims of violence that has become the national reference in this matter* - With the UNIFEM/SIDA funds, MCFDF in collaboration with a national NGO (MOUFHED – Mouvement haïtien des femmes pour l'éducation et le développement), developed a guide to legal assistance for women and girls victims of violence. This Guide has been largely distributed, has been used as a tool for the training of various HR organisations and of national police officers and is actually the national reference in the field of legal assistance for women victims of violence.
- *A successful awareness building campaign against sexual stereotypes* - MCFDF supported by UNIFEM, launched in 2008 a national awareness-building campaign against sexual stereotypes and the commercial use of women's bodies in the media or public events, such as the Carnival. This campaign has been repeated this year with success. Moreover, an agreement was signed between the MCFDF and the municipal authorities of the greater metropolitan area of Port-au-Prince to prohibit sexual stereotypes and music that present a negative image of women. This agreement is still in operation and during Carnival this year one could not see, as was common before, advertisements using women's body in a disrespectful manner.
- *Empowering women in rural areas* - The capacity-building training of women's rural associations in two departments led to proposals of projects that were subsequently funded by a small grant program of UNIFEM, supported by DfID, thus empowering women in rural areas.

### **3.7 OPC Child protection - UNICEF**

A Child Protection Unit inside the Office de la Protection du Citoyen OPC was set up in 2003 with support from UNICEF; Sida contributed with funds 2004 for maintenance and reinforcement of the unit during one year. There were three main activities: Capacity strengthening of the unit (some issue and situational studies, some equipment, investigation of some cases); Dissemination (a child-friendly manual on children's rights and the roles of the OPC; radio sketches and field visits); and Manual on process and procedures for the Protection Chain. The two manuals were in the process of being finalized at the time of the final report (Jan 2005). As far as could be ascertained at the time of the review, they have not been used or disseminated, at least not outside OPC, nor does it seem that work continued on these issues after the end of the funding. In any case, OPC allocates no budget for investigations and does not have any presence or mechanism to work at community level. However, UNICEF would consider engaging again with OPC if it receives new funding from other donors.

### **3.8 OPC strengthening - UNDP**

The Office de la Protection du Citoyen OPC started in 1997, with objective to protect citizens against violation of their rights by a public body. OPC has been supported by many donors in addition to Sweden. The Sida funded UNDP project from 2001 had as objectives (revised in 2003) to consolidate the OPC legal framework; institutional strengthening in line with the OPC strategic development plan; OPC recognition regionally and internationally. Many, but far from all, activities were conducted, with varying results.

At the time of the review, the organic law developed with support inter alia from this project (in 2003) is still in legislative limbo (submitted to the President in July 2007), with no visible indication that it would be put to Parliament any time soon. The OPC has very limited credibility among Government organisations, and its findings are largely ignored. Many of the complaints taken up by OPC concern civil servants and not citizens in general.

The OPC and the Protector have not succeeded in establishing and explaining themselves as credible, effective, respected and accepted institutions within the public administration and in relation to society at large. OPC is several years behind with its activity reports. The reasons for these failures are to a large extent internal, but by no means completely; external factors such as lack of political and legislative support (at various times and in various combinations), inadequate budgets (that in particular have prevented the setting up of regional offices to come closer to the population), lack of cooperation from other agencies, lack of political empathy with the current Executive, have reinforced the effects of the internal shortcomings.

Although most organisations interviewed, NGOs, donors, government stakeholders alike, confirm the utility, relevance and pertinence per se of the OPC when specifically asked, none consider or mention it as a significant actor or voice in the protection of human and other rights. And although a new protector will be appointed shortly, there seems so far to be no mobilization, interest or discussion among stakeholders on using this upcoming opportunity to reenergize the OPC. This is in stark contrast to the situation in 2000-2003 under the previous Protector and Deputy Protector, when there was active interest from HR NGOs and donors to support OPC and influence the selection of the new Protector.

## **4 General findings and observations**

### **4.1 Improvements in the HR situation**

*A major gain: freedom of speech and of association* - One major gain in the HR field in Haiti over the last 10 to 20 years has been freedom of speech and of association, and this of course has created an effective space for HR organisations to act freely for improved human rights. There is no longer any systematic or government-sanctioned repression of HR. Among major recent results from RNDDH (as well as other HR Haitian NGOs) work, one can mention: clear and important decrease in the violation of HR from the police and/or state; a significant decrease in the beating or abuse of prisoners by penitentiary administration, because i) more people are educated on HR, and thus would not hesitate to denounce these abuses, and ii) PNH is aware of this but also more and more police and penitentiary officers have been trained on HR.

### **4.2 Gender**

*Some projects and recipient organisations supported are focusing on gender issues as a priority* – UNIFEM and SOFA are both organisations dedicated exclusively to gender issues. In both cases, the results achieved have contributed, in proportion to the means deployed, to a better knowledge of women's rights and to a larger participation of women's organisations in the democratic or the development process in Haiti.

*Some other projects, as an ancillary activity, have also produced useful results:* for example ILAC has at MCFDF's request financed a study on international best practices in the field of justice and gender equality. This study, conducted by the Raoul Wallenberg Institute, constitutes for the MCFDF an important reference for the development of an outline law (loi cadre) in favor of women

victims of violence, and also in the development of the Haitian Government policy on gender equality

*Gender issues and women's rights are now a transversal issue within the programs of HR recipient organisations supported by Swedish funding* – RNDDH and POHDH have both since a few years incorporated the gender issue and as well more specifically women's rights issues into their regular plan of action. For example, the HR training program of RNDDH addressed to grass-roots associations includes a specific course on gender analysis and on women's rights. Beneficiaries of this training met during the field mission have confirmed not only the gain in terms of knowledge regarding gender issues, but moreover have said that it impacted on their own actions towards increasing the membership of women in their association, as well as taking into account their specific needs.

*In contrast, the gender strategy in the ILAC SYNAL project is still weak, clearly lacking an articulation of this issue* – From documents reviewed, the strategy of ILAC in relationship with gender appears to lack an articulated understanding of what is at stake. For example, the analysis of problems to be solved does not include any gender perspectives. Moreover, the logical framework of the project does not include any results, nor indicators containing a gender perspective. Having said that, in actual practice, there have been concerted efforts to strive towards reasonable gender balance in BAL staff (there are comparatively few women studying law, so it is not a simple matter); and judging from discussions with staff in one BAL (Croix des Bouquets outside Port au Prince) the staff are conscious of particular issues involving women, although mainly at an informal level.

### **4.3 Cost-efficiency, effectiveness, feasibility and relevance**

*An overall impression of a satisfactory level of cost-efficiency* - Although time did not permit with the documents at hand to assess precisely and in detail the actual outputs and (tentative) outcome results in relation to costs, nevertheless the overall impression from the document review, interviews with recipient organisations and individual (albeit few) beneficiaries, as well as comparison with similar programs and projects from other donors, is of a satisfactory level of cost-efficiency. Based on previous experience in Haiti, the costs of most projects supported by Swedish funding are in line with similar projects and activities supported by other donors.

*A relevance and feasibility largely due to a good choice of partners* - All the programs and projects have been relevant and (potentially) feasible, in large measure thanks to a generally good choice of partners, a serious and realistic although not necessarily very detailed assessment of the context and practicality of activities (in many case already proven from previous experience). The main exceptions (support to OPC) do not seem to be due to the intrinsic weakness as such of the attempted projects, but largely to subsequently arising factors beyond the control of the projects and the donor, that proved ultimately to be 'killing factors'.

*A satisfactory level of effectiveness* - Although certainly not all expected results have been achieved, the Team believes that the various programs and projects have produced enough useful and recognised outputs and results (as partially exemplified in the previous chapter) to warrant them being called generally 'effective'.

*Relevance*- Given the well-documented difficult HR situation for poor people, and weak governance of an inadequately performing justice sector, the substantive relevance of the Swedish support is manifest. Furthermore, given the low sustainability probability of any development intervention due to unpredictably variable political and natural disaster events, the spread of support

over several different organisations, objectives and types of outputs, even in a small program, is relevant.

#### **4.4 Added value of Sida funding**

*SIDA funding addresses both institutional development and program support* – Unlike many other donors, SIDA (or its Swedish partner NGOs) funding has supported in a majority of cases in Haiti, not only projects and activities, but also the institutional development of most of its recipient organisations. This is highly appreciated by those organisations. As examples, we can mention: RNDDH, the ILAC-Haiti recipients, and in a lesser way, though that has been at a crucial timing in the development of the organisation, SOFA and UNIFEM.

*A donor that does not impose its own agenda and who respects its recipient organisations* - Most recipient organisations met insisted to stress that their Swedish funding organisations (and SIDA as such) have not tried to push them towards a specific strategic orientation, nor to modify their proposed activities, but to the contrary they have sought to support them in their own mission or strategies. Moreover, unlike most donors, SIDA does not seek to «hang its flag» on the projects it supports. For example, all the Haitian counterparts of ILAC interviewed – irrespective of their position – very strongly praised the way the collaboration has been conducted, letting them assume full ownership and implementation responsibility, but supported with efficient but basically discrete external facilitation and peer advice.

*But... a donor whose contributions in Haiti is unknown by most* – Besides recipient organisations, very few institutions know that SIDA has a development cooperation with Haiti nor which sectors or types of activities it supports.

*The commitment of Sweden towards human rights: a moral and solidarity support as important if not more than the funding as such.* To many recipient organisations in Haiti, the Swedish support represents more than only funds. It is foremost a support to the cause of human rights, a manifestation of solidarity, which moreover adds to the credibility of the recipient organisations and of their action in the field of human rights. To some extent, Sweden is also recognised as being in the forefront on gender issues.

*Flexibility and rapidity* – Swedish funding is appreciated by many for its flexibility and its rapidity (no red tape). For example, ISPOS benefited from a bridge funding to conduct a seminar on constitutional issues which had not been included in its annual programming, but for which a need arose at a crucial time in the Haitian political life, and the OPIC/Sida agreed to fund it in due time. Another more dramatic example on a human level: the RNDDH executive director had been shot in Haiti in a vicious attack against his work, and with MR Fund support, he was rapidly transferred and hospitalized in Sweden,

Of course, one should always be a bit sceptical about such praise, as it is presumably what the concerned donor would like to hear and thus be encouraged to continue cooperation. But the Team thinks that these are sincere judgments, based on evaluation experiences elsewhere and in different contexts.<sup>14</sup>

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<sup>14</sup> For example, the same opinions about the qualities of Swedish cooperation are expressed in many other countries (West Africa, Vietnam being cases where the Team has direct experience of similar evaluations), and conversely, this cluster of opinions are *not* necessarily or systematically expressed concerning some other donors (also from direct experience of evaluations for other donors)

## 4.5 Sustainability of results

*For well established recipient organisations, the perspective of sustainable results seems high, but this it is not the case for relatively new organisations or projects* – Recipient organisations such as RNDDH, SOFA and UNIFEM, demonstrate strong capacities to maintain results on a longer term, and even to push forward and multiply achieved results. However, newer projects such as ILAC Haiti's SYNAL is still very much work in progress and thus still quite fragile; the perspectives for sustainable results are in acute jeopardy if ILAC does not manage to ensure multi-year funding for its project in the next few months.

*Being dependant on one donor: a high risk for sustainability* – In this respect, ISPOS is a clear example of failure in terms of sustainability, despite its relevance in the Haitian context. It has been abruptly closed, due in part from a lack of planned multi-year and multi-donor support, but as well from a lack of an appropriate monitoring and adequate evaluation by donors of its governance and administrative capacities. Notwithstanding internal governance and transparency problems within ISPOS (problems never formally and adequately assessed by its donors), it remains that this highly relevant and effective institution in Haiti was totally dependant on basically one or two donors with no strategies to develop its sustainability on the longer term.

*HR organisations in Haiti can count only on international donors* - It is important to point out that all the referenced HR organisations in Haiti are totally dependent on donor funding, with very little prospect of local funding. Sustainability in this context thus implies a wide range of different donors and multi-year sources, with no single one too dominant too long, and a dynamic and transparent search for funds and partners to support the organisation's own multi-year plan.

## 4.6 Exit actions

*Has there been a sustainable exit for Swedish funding? Enough for most strong organisations though clearly insufficient for one recipient* – The only clear measure taken by Sida related to the exit of the Swedish funding has been to announce this ending two years in advance. Hence, most recipient organisations have prepared for this exit. Overall, the end of the Swedish funding will not have major financial consequences for strong recipient organisations, since i) they have managed to secure or search, in some cases with the help of their Swedish partner, other donor contributions (ex. RNDDH, SOFA with MR Fund) and/or more importantly ii) the Swedish funding represents a small percentage of their budget. However, as said above, for an organisation or a project critically dependant on one donor, such as ILAC, the termination of the Swedish funding could quite possibly have negative consequences, the worst case scenario being that the project will have to close in the following months.

*Non-financial consequences of the exit of Swedish support* – As said above, the Swedish support represented for many Haitian recipient organisations a solidarity gesture towards the cause of HR, moreover some kind of a moral backing to their work, lending more internal and international credibility to it. Thus, the ending of the Swedish funding, although with no major financial consequences for most, is for the above reasons, highly regretted by all. As an example, for RNDDH the exit of Swedish funding is more than money, it's the moral support that would be a loss for RNDDH, but the Executive Director is confident that the peer relationships with the MR Fund will remain (and this is also confirmed by the MR Fund). Exit does not put RNDDH at risk, financially.

*Exit actions ILAC* - The exit in relation to the Legal Assistance component of ILAC has, in retrospect, not been well handled and cannot be characterised as sustainable at the time of writing,

coming at a critical intermediate phase in the project, and potentially leading to an imminent lack of confirmed donor funds to continue work, and a high risk of project failure for external reasons. Although both ILAC, MINUSTAH and to some extent Sida have contacted and made representations to other potential donors, Canada in particular, or supported such initiatives, the actual formal requests by ILAC to CIDA in Ottawa and to the local Canadian fund in Haiti were for various, partly unavoidable reasons, submitted late in relation to the time span required to secure new donor funding. However, this was done without adequate knowledge or investigation about the realistic time spans required to avoid bridging (or even continuation) problems, and the problem was only fully realised by ILAC when the Team brought it up. Nor were alternatives to Canada adequately explored in parallel, leading to risky dependence on a – never guaranteed – response from a single donor.<sup>15</sup>

In the Team's view, this is a reflection of ILAC's acknowledged limited experience with donor processes. Although Sida has generously and promptly twice extended the time period to September 2009, and generally been understanding concerning the bridging problems, these are no-cost extensions. To a certain extent, the exit has suffered from the lack of Sida in-country presence and proactive involvement by Sida, considering that ILAC's limited previous direct experience in donor implementation was recognised as a weakness. On the other hand, ensuring continuation was and is primarily ILAC's responsibility.

## **5 Conclusions and lessons**

### **5.1 Has Sida's small support shown positive and sustained results in a very difficult context?**

The Team thinks that, yes, it has. For sure, positive and sustained results are modest compared to the scale of the problems and deficit facing Haiti in the fields of HR, rule of law and democracy, but they are, by no means invisible or indistinguishable from the results or otherwise of the much, much larger support from other donors and programmes (as we have tried to demonstrate by some examples in the previous chapter)

This conclusion is strengthened by the comments from other donors. Their experience has been that small, concrete support activities, especially at lower levels and with civil society have been and can be effective and show positive and (potentially) sustainable results. Creating large sustainable impact would then be not through a national system or project, but through replication of many smaller, partly autonomous interventions. Of course, such opinions may also partly just be a cyclic reflection of frustration at the lack of palpable and timely results from big programs targeting national government institutions and administrations (related to the never-ending debate between top-down and bottom-up approaches, private/civil society and public sector).

However, the dilemma is that while national government may not be able to effectively deliver, long-term sustainability of HR, rule of law and democracy results do critically depend on national institutions and central government. This is for example the do-or-die challenge for the BALs. Can

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<sup>15</sup> The project proposals submitted for future funding, although solid concerning the substantive aspects, could also have benefited from prior review by donor funding expertise, potentially shortening appraisal and approval time. Furthermore, proper clarification of the respective roles and responsibilities of ILAC and MINUSTAH in a future project would reduce risks (which, although an issue at times, has fortunately not affected progress to date).

and will Government be able to take over responsibility and funding for SYNAL and the BALs as envisaged? This is far from certain; the precedents give cause for legitimate concern and doubt.<sup>16</sup>

## **5.2 Are there lessons concerning development cooperation in a fragile state?**

All things being equal, the risks of failure in the shorter or longer term are greater in a fragile state. Unpredictability of policy, unpredictability and frequent changes of key decision-makers, the non-reliability of government budgetary and policy commitments beyond the short-term, just to mention a few factors, increase the risks of failure of any intervention directly concerning government institutions but also those just depending on them. In such a context, it is even more important that donor arrangement do not increase unpredictability and risks, all the more so if there is no field presence allowing close monitoring and quick reaction to changing conditions. The choice of beneficiary organisations receiving support becomes a key factor to effectiveness and sustainability. Here most of the civil society organisations selected had a proven track record in their fields, which has helped to significantly reduce the risks of unsatisfactory performance.

Also, the lesson from the sudden and totally unexpected demise of ISPOS, is that from a portfolio or overall programme perspective, one should not put all eggs in one basket, but rather have a reasonable spread of partners working towards the same or similar objectives. Conversely, recipient organisations should not be dependent on just one or two donors, and – subject to satisfactory performance – be assured of support that has a reasonably long duration (say 3-5 years), is clearly focused on just a few objectives but flexible and nimble-footed enough concerning activities to be able to exploit windows of opportunities that arise unpredictably. Another risk-minimization is to ensure that interventions are spread across regions and districts and that local stakeholders are engaged in ways that these are not wholly dependent on the ‘center’, be it a central NGO or government organisation<sup>17</sup>. Another one is that target groups for training involve participants from many organisations, again increasing the chance that at least some will be able for whatever reasons to put the knowledge and skills to good use.

Of course, finding the ever-changing optimal balance between too few and too many “egg baskets” is a challenge for the donor. But the point is that in a fragile environment one cannot confidently predict what and who will work and “take off”.

Lastly, one can make a case that a two-pronged linked approach has a higher chance of succeeding than either just working at the local/grassroots or at government/national level, or at both but separately: Concrete actions at the local level to produce tangible and immediate improvements for people, with higher standards for demonstrated effects; more qualitative, lobbying and influencing actions at the national level to create the minimum specific institutional and budgetary enabling conditions necessary for longer term sustainability of the local work in question.

In short, we think that the importance of risk minimization (or conversely, maximization of success chances) is a key lesson for development cooperation in fragile states. The Team has not found any evidence that this has been explicitly discussed or documented in the case of the Haiti support,

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<sup>16</sup> The URAMEL study on the dysfunctions of the Justice system presents sobering hard evidence for this; a quite thorough physical inventory, study of court cases over several years, and interviews at a large number of courts all over the country found basically no evidence of any sustainable results and impacts of 10 years of donor support to the sector, support that has totalled at least USD 100 M.

<sup>17</sup> One could for example speculate whether in hindsight, higher priority should not have been given to building up a regional presence and capacity of OPC, instead of concentrating all efforts on the central office.

certainly not in this mainstreamed and strategic sense. On the other hand, such notions seem to have been applied in practice in many instances, thanks to experienced practitioners. So the lesson that could perhaps be formulated is that 'risk management' should be made much more explicit and more strongly influence the design and implementation of the cooperation.

### **5.3 Are there lessons regarding the interplay of development cooperation and humanitarian assistance?**

This question has at least two layers. Firstly, are there any lessons or reflections concerning the interplay at the meta-level? Secondly, are there concrete examples of typical development cooperation activities from which one could distil some lessons?

Concerning the first question, synergy between humanitarian and development assistance requires that the respective actors include this as an important element of their intervention strategies. This is all the more necessary as respective cultures, approaches and means differ quite significantly between these actors. In Haiti, there is no mechanism or forum as such – nor perhaps a real political willingness? - to allow the different actors and stakeholders to come together and work out common or coordinated strategies, or to search for synergies. Conceptually good ideas are not lacking, e.g. to stop looking at the population as a vulnerable group in need of humanitarian relief, and instead start looking at them as holders of rights. Or recognizing the fact that Haiti is in an almost permanent state of humanitarian crisis, and thus all assistance is about development; the role of humanitarian assistance is not ad hoc or temporary, but is a necessary enabling support to make substantive development work possible and effective.

There are also the classic problems of ensuring that reconstruction/development work follows speedily on time after well-managed humanitarian crisis assistance. And in this context, there are two concrete examples of constructive interplay: UNIFEM supported RNDDH (with others) so that this HR organisation could collaborate with women's organisations after the last hurricane season (2008) to enable families find or reconstitute their civil registration documents such as birth certificates without which poor people in particular are at a huge disadvantage. Another example is the on-going donor support to increasing the capacity of local governments in disaster management – this development work should increase the effectiveness of humanitarian assistance (and in the long run somewhat lessen the need); conversely, the capacity and skills for disaster management are to a large extent the same required for effective local government management in general in a fragile or weak state.

To summarize, the lesson would seem to be that the synergy and interplay will not happen without explicit efforts and mechanisms; that quite a lot of creativity and out-of-the box thinking is required; and that these ideas will primarily have to come from – or at least be fleshed out by - the development cooperation side.

### **5.4 Has there been a sustainable exit for Swedish funding?**

In short, yes, but with the serious exception of the most important program, the Legal Assistance program implemented by ILAC (as detailed above). In hindsight, Sida could have taken a more proactive role, not in arranging the exit, but in more closely monitoring, advising and accompanying ILAC in what for them was an unfamiliar context. It is late, but not yet too late, to find a solution for continued funding,

## Annex 1 – List of persons and organisations interviewed

Christian Åhlund	Executive Director, ILAC, Stockholm
Ulrika Strand	Programme Officer, MR-fund
Francisco Diaz	Representative ILAC, Haiti
Cherese Nirva Louis,	Assistant, ILAC, Haiti
Brigitte Gaillis	Head of Operations, Federation of Red Cross Societies, Haiti
Pierre Espérance	Executive Director, RNDDH
Lizbeth Cullity	MINUSTAH, Head, Human Rights Section
Kathy Mangones	Coordinator, UNIFEM
René Magloire	Advisor to the President
Père Jan Hanssens	Justice et Paix (member Forum Citoyen)
Louis Nkopipie	MINUSTAH, Section Justice
Pilar Juarez Boal	EC Delegation, Head of Operations; Head of Section Social, Governance, Economics and Trade Sectors
Damien Berrendorf	ECHO
Cetoute Destiné, Frantz Léandre, Fortuné Bouzior	SOPAA (beneficiaries of RNDDH activities)
Joël César	National Coordinator, SYNAL
Me Dilia Lemaire	MOUFHED (beneficiary partner in UNIFEM activity)
Ingemar Cederberg	UD/Sida regional representative
Philippe David	ICRC
Joël Beauchamp Kéren Bijou	Canadian local Democracy and Peace Fund – Manager and Monitoring advisor
Mr Necker Dessables,	Protecteur du Citoyen et de la Citoyenne
Katherine L Liesegang Dana Beegum Patricia Gaviria	USAID, Head, Governance, Justice and Democracy Deputy Head, Governance Office HR Advisor, Governance Office
Carole Jacobs	Corordinator, Executive Office, SOFA
El Hadj Moustapha Diouf	Deputy Representative a.i. UNICEF
Antonal Mortime	POHDH
Patrick Domond	Member of Parliament, former head of Justice Commission .... (participant in ILAC study tour)
Sandra Poindujour,	GARR (Groupe d'Appui aux Rapatriés et Réfugiés) (participant in HR seminar at RNDDH)
Judy Roy	Chef de cabinet, MCFDF
Francois Montour	Head of Cooperation, CIDA/Canadian Embassy
Alphonse-Deo Nkuzimana	UNDP, Justice Section

Brice Bussière	Technical Advisor, Projet Etat de Droit/Chaîne Pénale
Habib Dahdouh	Justice Section, Unit Head
Joseph J Jasmin	Minister, responsible for relations with Parliament
BAL Croix des Bouquets	The whole BAL assistance team, including <i>stagiaires</i> (interns), about 12 people
Ulrika Hjerstrand	Sida, REGLA
Doris Attve	Sida, HUM

In addition to the above individual meetings, the team attended two workshops with various stakeholders of ILAC activities, with a total of about 40 participants, with programmes as follows:

**DEUXIÈME ATELIER DU SYNAL**  
**Hôtel El Rancho, Port Au Prince, les 28 et 29 Avril 2009**

**Première journée**

**8 : 30 – 9 : 00** ■ *Arrivée et inscription des participants*

**9 : 00 – 9 : 30** ■ *Inauguration, les propos liminaires de l'atelier*

- Mots de bienvenue (Coordonnateur national du SYNAL)
- L'engagement de l'Etat haïtien à court, moyen et long terme au SYNAL (Fonctionnaire du MJSP)
- La synergie entre les différents agents facilitateurs de la mise en place du SYNAL (section justice de la MINUSTAH)
- Lancement de l'atelier (ILAC)

**9 : 30 – 11 : 00** ■ *Présentation par les BAL d'un rapport et un bilan global (de l'ouverture jusqu'à mars 2009) et d'une analyse comparative par rapport au bilan présenté à l'atelier du mois d'août 2008.*

- BAL de Saint Marc (15 minutes)
- BAL de Petit Goave (15 minutes)
- BAL de Jacmel (15 minutes)
- BAL de Port de Paix (15 minutes)
- BAL des Cayes (15 minutes)
- BAL de Jérémie (15 minutes)

**11 : 00 – 11 : 15** ■ *Pause café*

**11 : 15 – 12 : 00** ■ *Présentation par les BAL d'un rapport ... (suite)*

- BAL de Hinche (15 minutes)
- Croix des Bouquets (15 minutes)
- BAL de Fort-Liberté (15 minutes)

**12 : 00 – 12 : 45** ■ *Questions et discussions*

**12 : 45 – 13 : 45** ■ *Le budget : son importance et son incidence pour le développement du SYNAL*

**13 : 45 – 14 : 45** ■ *Pause déjeuner*

**14 : 45 – 16 : 45** ■ *Présentation des initiatives propres de certains BAL visant à l'épanouissement du SYNAL*

- Concours d'admission (BAL de Petit Goave : 15 minutes)
- Séances de grande formation (BAL de Port de Paix : 15 minutes)
- Interventions à la radio (Plusieurs BAL : 30 minutes)
- *Discussion 1 heure* : Quelle était la stratégie utilisée pour les obtenir ? Comment peut-on les répéter dans d'autres BAL ?

**16 : 45** ■ *Clôture*

## **Deuxième journée**

**8 : 30 – 9 : 00** ■ *Arrivée et inscription des participants*

**9 : 00 – 11 : 00** ■ *Renforcement mutuel BAL/Barreau*

- Panel de trois bâtonniers (Le président de la fédération des barreaux, l'ex-bâtonnier de Port de Paix et celui des Cayes.
- Débat
- Conclusions

**11 : 00 – 11 : 15** ■ *Pause café*

**11 : 15 – 13 : 00** ■ *Système et communication (besoin de celle-ci et avantages)*

- Exposé par (à déterminer)
- Inventaires des ressources

**13 : 00 – 14 : 30** ■ **Pause déjeuner**

**14 : 30 – 16 : 00** Débat sur le premier brouillon de l'avant projet de Loi de l'assistance légale

**16 : 00 – 17 : 00** ■ *Evaluation de l'atelier : commentaires oraux et écrits*

**17 : 00 – 17 : 30 : 00** ■ *Clôture et réalisation des formalités administratives*

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## **LA COOPERATION DE L'ILAC EN HAÏTI**

### **JOURNÉE D'ÉVALUATION**

Hôtel La Villa Créole, Port au Prince, le 29 avril 2009

#### **INAUGURATION**

08:30-08:45 Bienvenue / remerciements / explication de la journée

*M. Francisco Diaz (pour Christian Åhlund, Directeur Exécutif de l'ILAC)*

08 :45-09 :00 Ebauche de la Coopération de l'ILAC avec le BMRP  
*M. le Ministre Me. Joseph Jasmin*

09 :00-09 :15 Ebauche de la coopération de l'ILAC avec le MJSP  
(Période janvier 2006 / octobre 2008) *Me. Caius Alphonse*

#### PREMIÈRE SÉANCE

09:15-10:45 Présentation / discussion du document  
« **Diagnostic de la Politique Législative en Haïti** »,  
élaboré dans le cadre de la coopération avec le Bureau du Ministre  
Chargé des Rapports avec le Parlement.  
M. Patrick Pierre-Louis et M. Jacques Jean-Vernet

10 :45-11 :15 PAUSE

#### DEUXIÈME SÉANCE

11 :15-12 :45 Panel d'évaluation du projet  
« **Mise en place du Système national d'assistance légal** »

Genèses du projet, *M. Francisco Díaz* (ILAC)  
Evaluation des résultats, *Me. Jean Claude Théogène* (Magistrat à la  
Cour d'Appelle de Cap Haïtien)

12 :45-14 :00 PAUSE DÉJEUNER

#### TROISIÈME SÉANCE

14 :00-15 :00 Présentation du rapport  
« **Disfonctionnements dans l'administration de la Justice** »  
Elaboré dans le cadre de la coopération avec URAMEL  
Me. Israël Petit-Frère

## Annex 2 – Main documents consulted

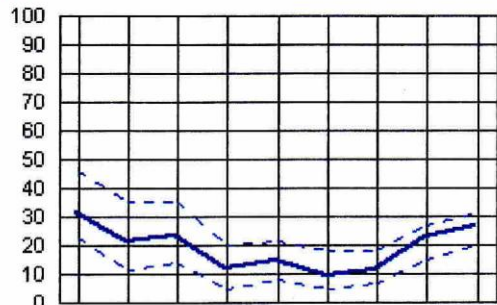
1	Mänskliga rättigheter och demokratiutveckling på Haiti, projekt 75 050, Slutrapport, Olof Palme Internationella Center, Nov 2007
2	Evaluation of Norwegian Programme in Peace building in Haiti, March 2009
3	Bedömningspromemoria Stöd till Olof Palmes Internationella Center för stöd till ISPOS Haiti 2005-2006, Sida/Latinamerikaavdelningen, Sept 2005
4	Ansökan om insatsbidrag för att stärka mänskliga rättigheter och demokrati på Haiti [ISPOS], OPIC, June 2005
5	Slutredovisning ”MR-plattformen POHDH i Haiti – 2004/2005, OPIC, Oct 2005
6	Rapport final Projet Etat de Droit, UNDP, n.d. (2005?)
7.	Appui au processus de réforme de la justice [OPC], Document de projet, UNDP, 2001
8.	The UNDP project on « Support to the Ombudsman Office in Haiti 2001-2004, Completion Memo, Sida/Latin America Dept, May 2008
9.	Appui à l’Office de la Protection du Citoyen....., Document de Projet révisé, UNDP, 2003
10.	2003 Annual Report, OPC, Support to the Office of the Ombudsman in Haiti, UNDP/OPC, Feb 2004 (de facto final report)
11	Reinforcement of the Rights of the Child within the Ombudsman’s Office, Haiti Programme Protection, Rapport Final for Sida, UNICEF, Jan 2005,
12	The UNICEF project ”Reinforcing the Rights of the Child at the Ombudsman’s Office in Haiti”, 2004, Completion Memo, Sida/Dept for Latin America, Mar 2007
13	Supporting Women’s Transformational Leadership and Participation in Governance, Security and Peace Processes in Haiti, Final Report to Sida, UNIFEM, Feb 2008
14	Regionstrategi Centralamerika och Karibien 2001-2005, UD, 2000
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16	Rapport d’ILAC –Haïti Janvier 2005, ILAC Stockholm (also in English)
17	Gender Justice – Best practices Haiti 10-11 September 2007, ILAC Stockholm/Raoul Wallenberg Institute, October 2007 (also in French)
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20	Ansökan – ILACs Program på Haiti 1..7.2007-31.12.2008, ILAC Stockholm, jul 2007
21	Delrapport 2 – Haiti [1/8 2007-30/6 2008], ILAC Stockholm, May 2009
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23	Aide préparatoire au Ministère de la Justice et de la Sécurité Publique pour la mise en place du Système National d’Assistance Légale – Compte rendu, ILAC Port au Prince, Jun 2008
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32	Bridget Wooding, Kåre Kristensen, Evaluation of the "Institut Supérieur de Formation Politique et Sociale" (ISPOS), SIK (Senter for interkulturell kommunikasjon)-rapport 2003:01, Stavanger 2003
33	Funding proposal for Sida – Support to the Ombudsman Office in Haiti, UNDP Haiti, May 2001

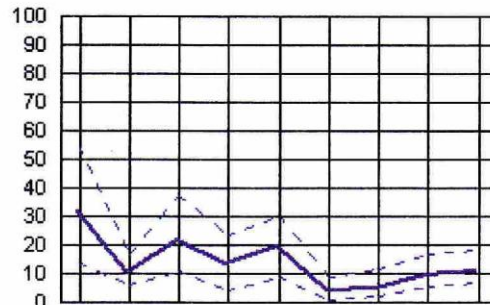
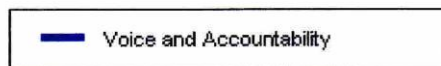
Note: This list only includes main documents, many others have been scanned (progress reports, Sida memoranda and decisions, periodic reports from the supported organisations, correspondence and support requests etc. In many instances, the salient points have been included in later reports or documents; only those later ones are listed above).

## Annex 3 – Governance indicators

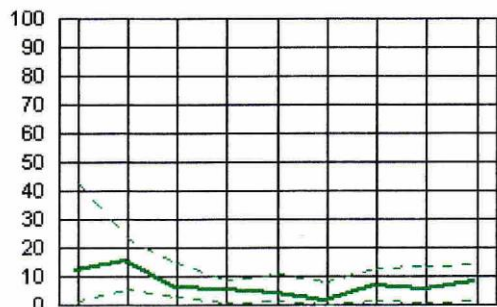
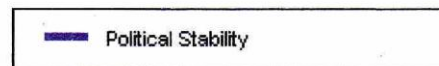
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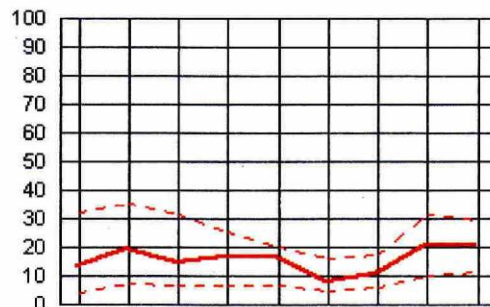
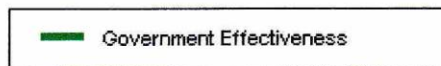
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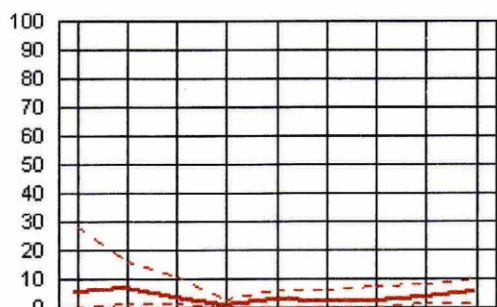
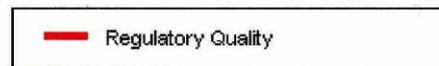
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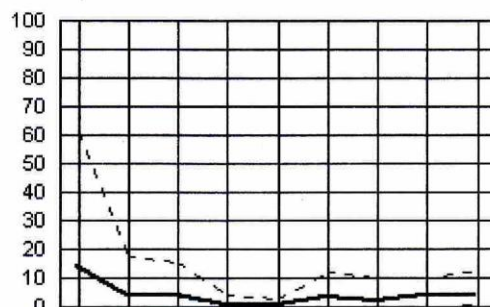
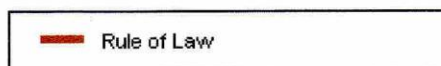
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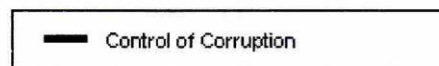
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Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2008: Governance Matters VII: Governance Indicators for 1996-2007

**Note:** The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources or for any other official purpose.

**Note:** Vertical axis – percentile of countries included in study.

## Annex 4 – Terms of Reference

### Review of Experiences gained within the Swedish supported Development Cooperation in Haiti 1998-2009 with a focus on Human Rights, Democracy and Rule of Law

#### **1 Background**

Sweden has supported development cooperation in Haiti since the end of the nineties. There has been a focus on human rights, democracy and Rule of Law with a clear gender perspective. The development cooperation has been rather small in numbers (approximately MSEK 10 a year), while the humanitarian support delivered has been much larger during many of the years Sweden has been involved in the country. The close relationship between the development cooperation and the humanitarian support is also reflected in the fact that many contributions supported have occurred in the borderland between the two types of assistance in order to fulfil needs both on short- and long-term. The level of Swedish ambitions in Haiti has been rather low, since there has never been a question of employing Swedish staff in the country. In the latest regional strategy for Central America and the Caribbean, Haiti is described as a country where Swedish development cooperation is characterised by caution and size limitation, primarily against the background of the turbulent political situation. It is also stated that Sweden's expertise and resource base concerning the country are limited and that aid dependency is on a large scale and many donors already in place. Regular bilateral cooperation was therefore not anticipated during the past strategy period. The development cooperation was accordingly planned to be channelled through civil society and the UN system.

Haiti has been a fragile state during the period of Swedish funding and partly been administered by the UN force MINUSTAH, which has its own engagement also in the national agenda for human rights, democracy and the rule of law. The development within this aforementioned area has been rather weak during the past strategy period, although some progress could be seen. Despite a couple of crises of confidence has the democracy gained firm ground upon the election of President Preval in 2006. With a couple of exceptions has also the wave of gang-related violence been efficiently pushed back, something which has strengthened the legitimacy of the president and the abilities of the state. The country has though been heavily affected by a number of natural disasters, which has hampered the fragile state and its ability to provide services. The food crisis has furthermore also contributed to the hollowing out of the government's credibility.

In 2007 the Swedish government took a decision to focus the Swedish development cooperation to a smaller number of countries, whereby Haiti was one of the countries which would no longer be subject to Swedish development assistance (although the humanitarian assistance remains). A phasing-out-plan was decided upon (GD-decision 2007-006485 of 200712-21). In this document, it is laid down that Sida's experiences of the cooperation shall be compiled and lessons learnt been gathered. The last development cooperation programme (on legal aid) has received its final instalment in 2008 and will continue until 30 June 2009 in accordance with a timely extension as a result of the governmental crisis in Haiti 2008. Within the humanitarian assistance, disaster related engagements are still supported, whereas the engagements on long-term, e.g. the DDR programme, has been closed down in 2008. Despite this, the total amount of humanitarian assistance has increased dramatically in 2008, owing to a number of severe natural disasters which have affected the country.

#### **2 Purpose and Scope of the Analysis**

The purpose with the Review is to conclude the most important experiences of eleven years of Swedish human rights and democracy support in Haiti (1998-2009). This implies the analysis of perfect documentation related to approximately 10 cooperation projects/programmes (project documentation-memos and reporting), interviews with relevant stakeholders, i.e. implementing agencies, representatives for the target-group, other donors, representatives for MINUSTAH and Sida-personnel as well as implementers of the humanitarian assistance (in the case these are closely related to the human rights and democracy area). The interviews shall be carried out during a one-week mission to Haiti (mainly in Port-au-Prince but also in Cap Hagen) as well as on Sida

in Stockholm. A report (10-15 pages) written in the English language shall conclude the observations made in relation to the assignment.

In Port-au-Prince a two-day-work-shop will be arranged by Sida's largest and today only remaining cooperation partner, International Legal Assistance Consortium (ILAC), whereby representatives for ILAC's local partner organisations and target groups will be invited. (28-29 April.) The Consultants are expected to assist at this arrangement.

After Sida's approval of the report, the consultants are expected to make a presentation of the findings (two hours incl discussions) in Stockholm.

### **3 Expected out-put of the Analysis**

The Review shall:

- Address concrete results of the activities supported by Sida (predominantly on out-put-level)
- Conclude impressions of how the Swedish support has contributed to the strengthening of human rights, democracy and the rule of law in Haiti.
- Conclude impressions/lessons learnt as regards development cooperation in Haiti in its capacity of constituting a fragile state
- Discuss lessons learnt as regards how well the development cooperation and the humanitarian assistance have played together given the conflictive environment in Haiti.
- Conclude what measures have been taken to contribute to a sustainable exit for Swedish funding in Haiti.

### **4 The Assignment and Methodology**

The Consultant shall as far as possible assess the results from the parameters relevance, cost-efficiency, feasibility, sustainability, perspectives of poor women and men and gender.

The Consultant shall furthermore take the following pre-conditions into consideration when performing the study:

- a) Sweden has been a very small donor without presence in Haiti.
- b) Haiti is considered a fragile state with all its implications.
- c) Haiti has during the period largely lived in a permanent humanitarian disaster triggered by severe natural disasters and heavy gang-related violence.

The methodology contains at least document studies of approximately 10 development cooperation programmes, participation in work-shop and interviews.

### **5 Organisation, time-frame and reporting**

#### **Preliminary timetable**

- The assignment shall be carried out mainly during the period 15 April — 31 May 2009.
- The Contract is anned to be signed by 27 March.
- Sida will provide the Consultants with relevant documentation by 31 March.
- Travel to Port-au-prince will be during 4-5 working days at least covering 28-29 April.
- A draft final report written in English shall be submitted to Sida by 15 May.
- Final presentation of findings last week of May.

Sida expects the assignment to be carried out by 2-3 consultants, out of which one shall be well acquainted with the local settings. The consultants are expeCT6d to "Spelid" approxirhatec togetherin Haiti (i e 2-3 "person weeks") and about the same amount of time out-side the country basyvwith preprations and report writing (2-3 "person weeks"). The assignment will accordingly take5-6 "person weeks" to\_perform, divided between 2-3 consultants. A fin\_ al presentation will be held in Stockholm.

Should the security situation require that the visit to Haiti is postpone and Sida informs the consultants about two weeks in advance, the Consultants shall be prepared to reschedule for a later visit to Haiti to be carried out in September at the latest.

The consultants are expected to arrange for their own local transportation in Haiti with some practical advice from ILAC's local office.

Sida will be present in Haiti during the visit in Haiti with its regional representative (normally based in Havana).

## **6 Requirements and qualification of the team**

### Team leader

- Evaluation competence and significant evaluation experience of development projects in human rights and democracy and/or legal sector,
- Fluency in English and French (compulsory).

### Competence on the Team

- Documented legal knowledge, preferably within legal aid and/or human rights. Documented competence and experience from development cooperation projects within human rights, democracy and legal sector.
- Experience from working in Haiti or well documented knowledge about the social and political environment in this country.
- Good knowledge of French.
- Good knowledge of Swedish.
- Experience of gender programmes within the area of human rights, democracy and/or legal sector.

### All team members

- Shall be able to read and understand French.

### Merits

- Good knowledge of Creole.
- Field experience from countries with conflict and/or fragile state.

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