

Evaluation Report – EIDHR Project on abolition on death penalty and implementation of alternative sanctions

Evaluation of the Project

‘Progressive Abolition of the Death Penalty and implementation of Humane Alternative Sanctions’

Final report

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Morten Ronnenberg / Malene Sønderskov

Strategihuset, Denmark

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Table of content

Executive Summary	4
Recommendations.....	5
1. Introduction and background	8
1.1 Overall background in target countries	8
1.2 The project objectives in short.....	9
2 Methodology	9
2.1 ‘Classic’ methodological challenges in advocacy evaluation.....	10
2.2 The challenge of attribution vs. contribution.....	11
2.3 Limitations to the evaluation	11
3 General country and regional context	13
3.1 Uganda/ East Africa.....	13
3.2 Jordan / MENA	13
3.3 Kazakhstan / Central Asia.....	14
4 Main findings	14
4.1 Political lobbying towards abolition of death penalty and fair justice.....	14
4.2 Strengthening civil society.....	17
Small grants programme	17
4.3 Media work and International journalism competition.....	18
4.4 Improving conditions of retention	20
4.5 Alliance building and broadening the base for support	22
5. Performance	24
5.1 Finances	24
5.2 Summary overview of expected results – planned versus achieved.	25
5.3 Communicating your value.....	25
6. The project’s Theory of Change versus reality	26
6.1 The existing theory of change.....	27
6.2 The observed theory of change.....	27
7 Conclusions.....	29
7.1 Impact	29
7.2 Effectiveness.....	30
7.3 Sustainability	30
Annex A - List of interviewees.....	32
Annex B – ‘Original’ Theory of Change	33
Annex C – ‘Observed’ Theory of Change.....	33

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Disclaimer

The evaluation focused on three regional coordinating countries out of 10. To give the full picture a more comprehensive methodology should have been applied. As such, the evaluation can only with limited credibility speak for the programme achievements in all countries.

Morten Ronnenberg and Malene Soenderskov, Strategihuset

Executive Summary

Meeting the original objectives

Based on face-to-face interviews with programme stakeholders in Amman, Kampala and Astana, and a desk review of relevant materials, the evaluation concludes that the 3 expected main project objectives have been achieved fully or in part for the three target countries of the evaluation.

1. Governments in Kazakhstan and Uganda restrict and reduce the application of the death penalty and the former upholds a moratorium which eventually may lead to abolition whilst the latter can see a de facto stop of using the death penalty sentence. Jordan, which had a de facto moratorium, was set back mainly due to the effects of violent conflicts in the region.
2. Governments in Jordan and Kazakhstan implement minimum standards for, life/long-term imprisonment, and authorities in Uganda have improved conditions for prisoners sentenced to whole life imprisonment. For none of the countries can it be stated with certainty that all sentences are fair, proportionate and respect international human rights.
3. The capacity of civil society to raise awareness and exchange information regarding the application of the death penalty and alternative sanctions has been strengthened in all regions but not to a level where this has become a powerful factor. On the other hand PRI has strengthened its own position to become an unavoidable stakeholder to local decision makers on the matter of the death penalty.

Key Achievements and changes

The project has succeeded in creating very strong relations with policy makers, legislators and the central administration. Even if the abolition has not been obtained, policy and practice have in fact changed at intermediate levels (e.g. improvements in conditions) in Kazakhstan, Uganda and Jordan, albeit in different ways.

It seems evident from the observations that PRI has obtained very strong skills in lobbying and building a base for support amongst legislators, administrators and executives within the judiciary and the penitentiary (Outcome category 2). Remarkable achievements have been obtained.

This is much less the case on outcome categories 1 (Strengthened NGO capacity) and 3 (strengthened base of support/ alliance building).

Outcome category 1: Strengthened NGO advocacy capacity:

Core results to this outcome include cooperation with universities, production of training and awareness making material, establishing training courses for CSOs, providing small grants for conferences and studies.

Outcome category 2: Strengthened base of support:

Working groups have been established with policy makers as well as officials. Training sessions have been carried out. Exchange visits and study tours have been established. Numbers of meetings and networking events have been held. Consequently, key results include reduction in number of persons on death rows, reduction of sentences, introduction of more humane solutions such as bracelets and probation. It seems very likely that PRI can be accredited to the effect for two reasons: 1) that the issue is and one that would most likely have remained at status quo without external input – 2) that no other actor can realistically be responsible.

Outcome category 3: Strengthened alliances for the abolition of death penalty

Overall, the evaluation finds that the international alliance building seems stronger than regional alliance building and networking. Activities such as data mining, research, meetings, experience sharing, etc. are carried out but real change-making outcomes are hard to find. Penal reform is not a widely popular topic engaging many civil society organisations in these regions and this is reflected in the project performance on this strand. Similarly, cooperation with media is fair but there is room for improvement in terms of making it much more strategic. Whilst Jordan has some cooperation and some networking in between journalists, this is hardly supported by PRI and in Central Asia and East Africa the cooperation seems to be based on ad hoc events, not a formal network or strategy.

The evaluator finds that policy change in this project, most remarkably, has occurred without particular support of either the media or the general public. Instead, PRI has managed to operate below the radar of public opinion and created a room for manoeuvre and actual influence – and the case is not necessarily improved by attracting attention from the public or the media.

A most important finding in this evaluation therefore is that the changes that have occurred have not happened as they were originally described and planned. This could be due to the fact that the persons describing the change have not had sufficient in-depth knowledge of local process and thus described it wrongly. Or, it could be because the change actually has happened in another way than that foreseen by PRI and FHRI – or it could be a combination of both.

Where now?

The project has not succeeded in getting rid of the death penalty in any focus country, but it has succeeded in achieving both policy change and implementation of new practice at an intermediate level. The challenge is that in Jordan, Uganda and Kazakhstan the surrounding environment is not favourable to the abolition of the death penalty for a variety of reasons. In Jordan, war and migration are more powerful drivers than the human rights discourse; in Uganda, political culture and public opinion are not in favour of abolishing death penalty and in Kazakhstan the train has left the station since 4 new criminal codes (penal, criminal, civil and administrative) have been introduced in 2015 – without significantly changing the law on capital punishment. In reality there was a reduction from 18 to 17 offences carrying death penalty.

Given the political sensitivity of the subject of the death penalty in all regions and the very long time perspective needed for change, PRI must decide on a strategy that takes the present vacuum into account. Despite positive results and a favourable climate amongst key stakeholders, the death penalty is still there and the pressure from the political and societal environment is bigger than the pressure PRI has been able to raise. So, the sustainability could soon be lost if there is no continuous and stable lobbying effort. PRI may continue to do exactly this but should possibly try to use larger and stronger mechanisms in international politics to support its position and achieve its objectives.

Recommendations

Based on the conclusions and observations presented in the report, the evaluation suggests the following recommendations. Some are generic, some are particularly relevant for one region, some may be relevant for several places but without being repeated.

General Recommendations

- PRI should review their theory of change – possibly at internal training workshops - and define and develop more carefully how they can use their particular strengths and ability to create policy change.
- In a separate project it should be considered to either scale up the small grants component quite considerably to allow for a more significant impact on civil society or to abolish the component in future programmes. The present model seems to be too small to have sustainable impact but big enough to divert resources and manpower.

- It could be considered if the *inter*-regional experience sharing is not too limited to actually argue for a compounded added value. Rather, future projects might look into strengthening further the *intra*-regional experience sharing and bring this into a more formalised structure that is reflected at goal level.
- It is recommended that PRI publishes its work on the relations between death penalty and Islam and uses this material as a platform for more dialogue and awareness-making not only in the Middle East but also among international donors. As such, this document could also be useful for fundraising purposes.
- PRI could consider to provide basic advocacy/campaigning training to interested staff – NOT because they are not already competent but because some of the tools in the advocacy toolbox could complement and strengthen the efforts at local level, for example in communications.
- From a strategic point of view, PRI should carefully consider how impact could be further enhanced if PRI concentrates even more on what PRI is very good at doing: - lobbying behind the scenes and creating tangible results without big public attention. From the results of the present project it seems likely that making alliances with other partners to do for example the outward media and campaigning activities would not only save PRI time and resources, but could also delegate the work to actors, who are better placed for this work.

Specific recommendations to PRI Jordan

- It should be considered to design a project with a focus only on MENA as the political and socio-cultural similarities between the countries could justify a more in-depth approach. Further, it may seem that experience sharing amongst MENA countries is working very well whilst inter-regional experience sharing is limited.
- A tailor-made advocacy approach should possibly be elaborated for each target country. The interventions in Jordan should possibly be postponed compared to activities in other MENA countries to allow for the political climate to 'settle down' subsequent to the ISIS hostage crisis.
- PRI should consider how they will maintain and develop their very strong relations with MPs in order for the achieved results not to wear out.
- A small grant component could be continued to engage further public support – if this strategy is decided – but it should be considered to cooperate with organisations that can sustain a longer term commitment in order to build sustainability.
- A mass media campaign might be useful targeting the general public *if* PRI has resources to sustain this for a longer period of time, possibly years. Such a campaign should have its own strategy and would benefit from being produced in collaboration with media.
- New options for cooperation with the penitentiary could be explored on issues such as post-release care for prisoners to reduce relapse. If well designed, a business case could be established where PRI earns support for x% they can reduce the reappearance of former inmates to the prisons.

Specific recommendations to FHRI Uganda

- PRI/FHRI should consider if study tours can become a relatively cheap and fast way to make more MPs supportive of PRI and FHRI's goals. This would serve a purpose of increasing the pool of MPs with a high level of knowledge of the death penalty issue, as well as their knowledge of the penitentiary system. Prison conditions (and even death penalty) are ranking very low on the agenda of MPs and giving them a personal motivation to engage in the subject might be a useful strategy. It would take careful hand picking of 'long lasting' candidates as up to 50-60% of Ugandan MPs are changed during each election.
- PRI could consider if it can continue -and increase- its direct influencing style by providing capacity to reporting. According to civil servants in Uganda, a strong need in the future is to build capacity in country reporting in the domain of human rights. Currently the responsibility belongs to the Ministry of Foreign Affairs – which does not have the capacity. Similarly, FHRI/PRI would have a role to play should they wish to extend the project by increasing the reporting capacity of members of parliament.

Specific recommendations to PRI Kazakhstan

- PRI HQ and PRI Central Asia should consider if they can intensify the leverage of international finances to support their case for abolition. Targeting new actors such as the EU's directorates for trade, taxes or neighbourhood policy might have potential.
- It is recommended that PRI in Central Asia consider if there are some low-hanging fruits in terms of broadening the civil (and later official) support for abolition by an even closer cooperation with universities.
- It is recommended to look into the possibilities of using the strong ties with the British Embassy and key MPs to have VIP politicians ("heavy weights") coming to Kazakhstan rather than sending more MPs on study tours to Europe.
- PRI should consider how to balance the advocacy efforts and aim where there is most benefit at least cost of time and resources. With new penal codes from 2015 PRI should identify which areas may be changed and which are likely to be fixed for a period of time until major changes occur in the political landscape of the country.

1. Introduction and background

In November 2012 PRI initiated the 3rd phase in a series of projects funded by the EU and aimed at the ‘Progressive abolition of the death penalty and implementation of humane alternative sanctions’. Previous phases took place in 2007-2009 and 2010-2012 and were co-funded by the European Union under the European Instrument for Democracy and Human Rights (EIDHR).

The programme of work covers 10 countries across four regions: Eastern Europe (Belarus and Russia); Central Asia (Kazakhstan and Tajikistan); Middle East and North Africa (Jordan, Morocco and Tunisia); and East Africa (Kenya, Tanzania and Uganda).

The project has been implemented through PRI’s regional offices based in Moscow (Russia), Astana (Kazakhstan) and Amman (Jordan) and by PRI’s project partner Foundation for Human Rights Initiative (FHRI) in Kampala (Uganda).

The overall objective of the project is to ‘support human rights through the progressive abolition of the death penalty and the implementation of humane alternative sanctions’.¹ It has three specific objectives:

- Governments restrict and reduce the application of, and implement international minimum standards for, the death penalty and those facing an execution, which lead to moratorium, and eventual abolition.
- Governments restrict and reduce the application of, and implement international minimum standards for, life/long-term imprisonment following moratorium or abolition, leading to the implementation of ultimate and maximum sentences which are fair, proportionate and respect international human rights.
- Develop and strengthen the capacity of civil society to raise awareness and exchange information regarding the application of the death penalty and alternative sanctions.

The project follows from previous projects with similar goals. Major activities in the previous project included: work on legal revisions in project countries; civil society conferences and training workshops and follow-up activities; establishment of media partnerships and publication of relevant articles; multiple publications, including death penalty and alternative information packs and detailed regional overviews of death penalty and life imprisonment practices; and support for international and regional human rights mechanisms.

1.1 Overall background in target countries

The evaluation was conducted at a time where the political context in the Middle East appears to be changing radically. The relevance and exact content of a future campaign is therefore yet to be determined and is likely to depend on the development of the conflicts in the region, including major social phenomena such as mass (im)migration and acts of terrorism.

The situation and the need for the support was expressed very clearly in the original application:

“Parliamentarians have the knowledge and capacity to table and amend legislation, but many lack the technical expertise and skills for criminal justice reforms, and work under the constraints of perceived public opinion in favour of the death penalty. Therefore, parliamentarians need ongoing support to take progressive but unpopular steps. Prison officials lack the knowledge and experience of international minimum standards or best practices regarding the treatment of prisoners or their basic human rights that should be upheld. Local CSOs have little capacity to implement an effective, sustained or coordinated national advocacy or awareness-raising plan for abolition/humane alternatives, as they either lack the requisite skills and experience, or technical knowledge on the subject.

¹ Project application form, p. 16.

Government officials, including the judiciary/sentencing bodies/penal committees do not have relevant policy or legislative framework, or lack the capacity to implement international human rights standards within the criminal justice systems. Some are not aware of current reform efforts, or they are not aware of the obligation to protect the rights of the persons deprived of liberty. Media coverage on stories or issues related to the death penalty and inherent criminal justice challenges are rare, or are not well investigated or lack independence.”

The evaluator finds this description very much to the point and an excellent narrative to describe why the project is necessary. What is desired from the final reporting of the project would be to make a narrative which shows not only the activities PRI and FHRI did to respond to the need, but also the outcomes of these activities – i.e. what has changed?

1.2 The project objectives in short

The project objectives of the project are split into a number of sub objectives where each of the 4 regions (Eastern Europe, Central Asia, East Africa and Middle East) have their specific set of objectives and relating activities. They are all comprehended in the following 7 objectives as described by PRI² and repeated here for ease of reference:

1. **Support governments and other stakeholders** to move towards abolition of the death penalty, including establishing moratoria on death sentences and executions, reducing the number of crimes that attract the death penalty, reducing the number of death sentences passed, abolishing mandatory death sentences, and improving conditions on death row.
2. Following abolition or a moratorium, to work with governments to **introduce fair and proportionate sentences** which respect international human rights standards.
3. Lobby states to **ratify relevant international human rights instruments** regarding the use of the death penalty.
4. **Challenge society’s attitudes** towards the death penalty and life imprisonment without parole.
5. Work with governments to **improve conditions of detention** for those facing a death sentence, on death row or serving a life- or long-term sentence, and raise awareness that all prisoners are entitled to the same rights regardless of their sentence.
6. Raise **awareness that the death penalty is often used as a tool of repression** and discriminately against certain groups.
7. **Strengthen human rights advocacy** at the international level, in particular to engage the UN and other international-governmental organisations in a debate and dialogue as to how best to progressively restrict the application of the death penalty, and to protect the rights of those sentenced to life imprisonment as a vulnerable category of prisoner.

2 Methodology

The work of Penal Reform International on abolition of the death penalty has been carried on since the foundation of the organization in 1989. Similarly, the ongoing work for the abolition of the death penalty in Jordan, Uganda and Kazakhstan inscribes itself in more than 25 years of efforts. As such, the achievements of the present programme may well demonstrate success in the short term, but rely on the continuous lobbying and campaign work of the long term.

Local offices of PRI or of FHRI in Uganda similarly rely on long track records and a series of projects with the same focus and scope of activities. The evaluator found that a key constraint when evaluating ‘only’ the two latest years is that is often not possible to distinguish between what is a recent achievement due to this particular project and what is an effect of past projects and a long pull towards the same goal. Figuratively speaking, it corresponds to evaluating a mountain climb – you

² PRI Homepage on Death Penalty Project. In the application 6 objectives are mentioned – this is only a matter of linguistics and where issues and phrases are split for clarity.

would not have reached the summit or plateaus unless you had prepared your journey and covered and climbed a lot of ground first.

2.1 'Classic' methodological challenges in advocacy evaluation

Evaluating the impact, effectiveness and sustainability of an advocacy initiative aimed at long-term changes like this PRI project presents certain methodological challenges. These include the role of external forces or conditions in promoting desired changes (including the policy context). A particular challenge is the fact that grant and programme periods typically last only a few years while incremental change has a much longer time perspective, also – as in this case - much longer than the period under evaluation. Both PRI and the European Commission should be praised for their long term perspective, continuous support and engagement in the project.

Other challenges include the need to adapt planned strategies and outcomes to contextual changes and unforeseen windows of opportunities. As described in the inception report, four sets of challenges are often at play:

- 1) **Policy change is time consuming and complex** – Sustainable change occurs over a long time horizon and it can be hard to accredit a project with few years of efforts to achievements in policy change which have actually been many years in the making.
- 2) **Change objectives are long term, projects are short.** How to identify meaningful outcomes is a challenge.
- 3) **Social change is dynamic** and contexts and stakeholders constantly change. Advocacy planning is like shooting at a moving target and theories of change must be flexible to adjust to new realities.
- 4) **The forward nature of planning terminology forgets when status quo is progress.** Outcomes are typically expressed as “forward progress,” e.g., improved conditions. However, outcomes for advocacy and policy work might be positive also when they are “defensive” in nature, such as defending established rights.

In the context of this project and speaking of the Middle East, keeping a moratorium on the death penalty is a good example of a goal which might be very ambitious when wars and conflicts are changing the entire region.

Thus, one of the key challenges in evaluation of advocacy and policy work is how to identify and define realistic short- and intermediate-term outcomes; that is, the changes that might occur within the short-term timeframe of a grant on the way to longer-term change.

In response to these challenges, Strategihuset jointly with PRI decided to evaluate the program against three main outcome categories³:

Outcome category 1: Strengthened NGO advocacy capacity

- The extent to which the project has contributed to strengthen the capacity of NGOs targeted to campaign for the abolition of death penalty.

Outcome category 2: Strengthened base of support

- The extent to which the project has contributed to strengthen support among key decision and opinion makers (parliamentarians, judiciary, law enforcement personnel and lawyers) for the abolition of death penalty and/or the implementation of international minimum standards for, life/long-term imprisonment.

Outcome category 3: Strengthened alliances for the abolition of death penalty

³ See Inception report of the present evaluation, Strategihuset, February 2015

- The extent to which the project has contributed to strengthen human rights advocacy at the national, regional and international platforms in cooperation with other INGOs.

The evaluators want to observe that this might not have been the ideal way to frame the focus. It appears, the project activities are very strongly focused around outcome category 2 which constitute the bulk of the work and possibly also represents the main reasons to the successful achievements. Consequently, the evaluators and the design can be blamed if there is a relatively too strong focus on outcome categories 1 and 3.

However, strengthening your campaign skills and building alliances are normally essential tools in any sustainable advocacy effort, so the evaluators see this focus as an opportunity for PRI and partners to bolster this part of their work.

2.2 The challenge of attribution vs. contribution

Because of the complexity of advocacy and policy change efforts, it is rarely possible to attribute change to one specific actor or initiative. Seeking to do so will usually lead to an inaccurate conclusion and may even erode harmony within a coalition, if everyone will seek to take the sole credit for an advocacy effort.

Therefore, the evaluation did not address the issue of *attribution* beyond immediate outputs created by the program. Rather the evaluation sought to look for meaningful evidence of the project's *contribution* towards achievements made within the three strategic approaches (alliance building and lobbying) described above.

To do so, the evaluator asked advocacy targets and alliance partners interviewed to assess the relevance and quality of technical support and advice provided by the project, i.e. PRI/FHRI and recruited trainers.

2.3 Limitations to the evaluation

As mentioned in the introduction, the evaluation can speak meaningfully of only the 3 out of 10 countries. Given the very short time set aside (2 interview days per 3 countries) the two major limitation to this evaluation are:

- 1) The inability to cover all 10 countries. This however, can be justified when taking into account that it is especially the theory of change and the methodological approach which is being evaluated, not the single activity and performance in each country. It is the impression and understanding of the evaluator that Uganda, Jordan and Kazakhstan are representative of the remaining 7 project countries.
- 2) The absence of time to do in-depth workshops with programme staff in all countries. Ideally, a ½-day workshop with staff in each region would have been preferable. This would potentially have allowed for rich discussions on how change has actually happened within the project, but with only about 2 days available for all interviews this was not given priority.

The findings of the evaluation are based first and foremost on interviews with internal and external stakeholders to the project. This includes five types of sources:

a) PRI and FHRI staff, b) civil servants in the judiciary and penitentiary systems, c) Members of Parliament from all three target countries, d) journalists/ media people and e) civil society organisations. As such the information gathered covers a wide spectrum and information has been cross-tested to the extent possible.

Further, the collected information has been compared to information from desk review of relevant project documentation.

It is a methodological limitation that only interviewees recommended by PRI and FHRI have been interviewed. Simply put, there is an obvious bias when you only interview your 'friends'. To compensate for this fact many interviewees in all countries have been asked to name barriers or opponents to see if anything could come up to which PRI did not pay

attention. It has been very convincing that not any civil servant, NGO representative or journalist in any country have been able to mention anything negative about PRI or FHRI.

As project stakeholders are scattered all over four regions, some interviews were conducted through skype to save time for transportation and ensure efficiency during the evaluation process. While the skype meetings were very informative and did provide important information to the evaluation, Skype interviews are in general less effective than face-to-face meetings, as important communicative aspects such as the informants' facial expression, pronunciations etc. are easily lost over Skype. Exploring the full meaning of an answer may also be difficult if the connection is poor. This was generally not the case, however.

The consultant would have liked to interview more civil society actors, to gauge the sustainability and quality of the alliance building and capacity building element. This later seemed less relevant given the fact that the project focused much less on this aspect than was originally anticipated and understood by Strategihuset.

3 General country and regional context

3.1 Uganda/ East Africa

PRI has partnered with Foundations for Human Rights Initiative, FHRI, in Uganda to implement the project in East Africa. The collaboration on this project builds on many years of cooperation and the partnership is so close that PRI relies on FHRI to cover and implement the work not only in Uganda but also in Tanzania and Kenya.

In Uganda the death penalty is a controversial topic and it has strong support with both Government and the public. As many as 28 crimes can lead to capital punishment according to Ugandan law. Both Uganda and Kenya have introduced death penalty for acts of terrorism.

On a regional level the abolition of the death penalty in Tanzania seems to be a long way off. FHRI submitted a report by a Constitution Review Commission on abolition of Death Penalty. Unfortunately the official response was: *"The Tanzanian people has spoken – against abolition"*. Consequently FHRI has changed the ambition and now aims for restrictions in numbers of offences that carry the death penalty. A key activity in this respect is producing a research paper focusing on alternative sanctions. The paper, however, has not yet been finalised, due especially to difficulties in getting access to statistics. With no segregation of data a lot of basic data collection work had to be done which severely delayed the process. This is critical since the Tanzanian government has very restrictive policies about access to prisons and information about them, so even FHRI partner organisations cannot get access and must rely on second- or third-hand data provided by partner organisations.

The evaluation observes that this includes a risk – of which FHRI is surely well aware – of a research paper with flawed or biased data restricting the conclusions that can be drawn.

3.2 Jordan / MENA

The present project follows on from several phases of long term efforts on criminal justice and for the abolition of the death penalty (DP). Although Jordan is a case study for the evaluation, lots of inspiration about the range of activities comes from the region, e.g. Morocco and even Algeria (albeit outside the project scope).

A heavily influencing factor for the entire programme in Jordan has been the Jordanian execution on December 21st, 2014, of 11 prisoners after 8 years of DP moratorium. On top of this, a second wave of executions of ISIS-linked prisoners happened on February 4th, 2015, as a direct response of ISIS' killing on January 3rd of a Jordanian pilot who was captured during the coalition fighting against ISIS. These events not only put back by many years the work of PRI MENA office but barbaric burning of the pilot also strongly influenced public opinion in favour of death penalty. As such, the timing of the evaluation is not favourable to the project achievements since another picture would have occurred had the evaluation taken place a few months earlier.

In general, the political climate in which PRI MENA office operates has been rendered even more difficult by these events as PRI may be seen as compromising "national security" if they are too critical of the present approach by the Jordanian authorities.

An indicator of this fact are the press releases of the EU, in which an alteration of the tone can be observed in the same period.

*It constitutes a clear and regrettable setback and it comes after Jordan has applied a de facto moratorium for eight years.
The European Union, Norway and Switzerland are opposed to capital punishment in all cases and under all circumstances.
(EC Delegation, Amman, 23/12/2014)*

The evaluation may serve as inspiration to design the interventions in the future. It is likely that the present scenario in Jordan is not a favourable moment to design a new phase of the programme – rather PRI could possibly benefit from lying low to assess how things develop and devise their strategy based on the political developments.

3.3 Kazakhstan / Central Asia

The political climate of Kazakhstan is not favourable to the abolition of the death penalty. Despite years of campaigning there is no political will to support abolition and is not anywhere close, it seems, when asking policy makers, civil servants and civil society. However, Kazakhstan has held a moratorium since 2004 and this is likely to continue unless dramatic and unforeseen events appear.

President Nazarbayev and the Government of Kazakhstan aspire to become a mid-income nation by 2030 and one of the top 30 economies of the world by 2050. With such an ambition the country must engage with major economies to the North (Russia), East (China) and West (EU). The EU utilises its economic force to influence Kazakhstan to align with international standards in the judiciary and penitentiary systems. This pressure may not lead to the abolition of the death penalty in the very immediate future but it has kept a certain pressure on the government to reform its penal code.

PRI has campaigned and worked in Kazakhstan since 2001 and while the criminal justice policy is still punitive there have been significant improvements, some of which – more likely than not – can be accredited to PRI's efforts.

Major changes – or achievements – include a newly introduced probation service for minor crimes, a bail mechanism and especially a public monitoring commission to oversee prisons that was established in 2008-2010, just prior to the present project.

More recently, an example of improvement is the elimination of solitary confinement for children. Similarly, a new code and practice to sentence children only to dedicated children's prisons has been introduced and the death penalty for children has been abolished.

Public opinion in Kazakhstan shows a 50/50% split in the population for and against abolition of death penalty. However, according to interviewed members of parliament there might be 60% in favour of abolition if speakers were asked individually and unofficially.

In general, the interest in the subject of penal reform is low on the agenda and MPs are unlikely to spend political capital to challenge the present situation (and the opinion of the President). Maintaining the moratorium is satisfactory to most MPs. PRI in Kazakhstan has long understood the realpolitik and consequently has changed its focus to work more on reducing the number of articles leading to death penalty.

4 Main findings

4.1 Political lobbying towards abolition of death penalty and fair justice

Almost all types of interviewees (NGOs, MPs, journalists) made the observation that a particular strong side of PRI was their ability to get access to political decision makers, both nationally and internationally.

"PRI can use their international leverage to bring players to the table"
[Interviewee], Jordan

JORDAN

According to [one interviewee], PRI has very good relations with government as well as with EU embassies, both of which are used by actors against the death penalty to build up international pressure. An example was when PRI asked EU

embassies for support regarding the upholding of a moratorium. For [one interviewee and] local civil society actors in the entire Middle Eastern region it is perceived as very important to have an international NGO such as PRI to back the campaigning.

However, according to [one interviewee], PRI in Jordan is also constantly challenged and needs support from international actors. It seems the main obstacle to abolition of the death penalty is public opinion; this is, at least, the assessment of [two interviewees].

The general opinion, according to [one interviewee], has been formed by two external drivers. On the one hand, a new kind of terrorism led by actors such as ISIS, as well as armed conflict in neighbouring countries such as Syria, has negatively affected views on the abolition of DP. On the other, the fact that Jordan has received a great number of immigrants from the many conflicts in surrounding countries has affected public opinion. The general perception is that crime is going up, which seems to be true according to statistics, but since 2006 there has been no increase in crime per capita⁴, a fact which passes unnoticed. This situation has enforced the trend of public opinion swaying in favour of DP.

An additional challenge in the Jordanian context, but even more so in Uganda, has been the great variation in crimes that have led to the death penalty. According to a high court judge, it has been a direct effect of PRI's work that there has been a reduction in 140 cases over a few years where the death penalty has been cancelled and replaced with other sentences.

UGANDA/ East Africa

Prior to the present project, FHRI has succeeded in establishing a regional advocacy coalition in Rwanda in 2011 which has developed its own campaign strategy. The coalition has given input to the UN report on death penalty in East Africa and has fostered an advocacy tool to support country-based civil society forums. The tool has served to train trainers and increase their skills in how best to campaign for the abolition of the death penalty. To FHRI, the biggest success of the coalition has been to reignite the debate in three parliaments which has led to reforms in the penal system. This process, however, has been the fruit of a long term effort and not only the activities of the present project. Prior to PRI/FHRI project and the coalition's efforts death penalty has been a non-issue in the region. Getting to a moratorium would be considered a major achievement in this context.

One of the milestone events seemed to be the study tour to the UK and Belgium which turned the opinion of some key politicians. Another important achievement was the hearing on mitigations which, as mentioned above, eventually led to reductions in the number of death sentences. It seems there is a need for more mitigation hearings and this could possibly be integrated into any future PRI programme as an element with potentially great effect.

FHRI started cooperation with the Human Rights Committee in the Ugandan Parliament years before the present project and initially trained all staff in the Human Rights department. According to FHRI the biggest ally in the entire campaign / project has been the judiciary who can see a need for reform and as such have been reluctant to issue death sentences.

This is confirmed by [one interviewee] who states that "after a progressive move towards the abolition of death penalty since 2011 no judicial officer gives the death penalty sentence any more". FHRI has "helped us enlighten the MPs who have various backgrounds and many of them have no knowledge of human rights concepts". It is considered very useful that FHRI uses a very facts-based approach and takes data and experiences from other countries and regions into their lobbying and educational material.

The support of FHRI makes a significant difference in the case of Uganda where the research unit is under-staffed and the material provided is far better and more comprehensive than what they would have had the resources to do themselves.

⁴ PRI Jordan citing the Department of Statistics.

As such FHRI was instrumental in preparing the new Bill soon to be tabled with regular inputs of analysis, critique and presentations to the Committee. The quality of the Bill as well as the motivation and profile of the presenting Speaker/ MP makes the [interviewee] very confident that the law will pass within a year.

This optimism is not shared by [other interviewees]. According to [one interviewee], FHRI has played an essential role in bringing the Ugandan penal reform into alignment with the constitutional code. But for technical reasons he would expect the proposal to be pending for a while. In his view the top results of FHRI were:

- the lobbying of MPs;
- the educational effort by FHRI towards MPs, civil servants, and media – “they [FHRI] have ‘enlightened’ MPs and judiciary”⁵
- the MP study tour to Europe;
- providing lots of data and material.

What seemed particularly useful and should be further explored was the study tour to London and Brussels, which allowed for regional exchange of experiences and new knowledge. The quality of the programme, the choice of the venues and contacts was highly appreciated. Likewise, a study tour for the legal adviser to the World Congress against Death Penalty (in Madrid) provided input that was directly applicable and useful. “Not even our Parliament Library has the info packs we got in Madrid”.

A concluding observation is that PRI has taken the informed choice of keeping a very low political profile and sticking to a non-party or religion affiliated policy. From [interviewees in] Jordan, Kazakhstan and Uganda, the evaluation heard only the same message: This choice of low profile has substantially improved PRI/FHRI’s standing and, in particular, it has eased the likelihood of Government officials cooperating with PRI.

KAZAKHSTAN

A big achievement by PRI Central Asia has been the Round Tables held with the participation of policy makers and the support of DFID/ British Embassy. One Round Table was attended by high-ranking MPs and co-chaired by the British Deputy Ambassador and mentioned in 10 local media outlets and even a British newspaper. To DFID this was an excellent way of cooperating between a State and a CSO. Especially valued was the quality of the background papers and the working routines aiming at the substance, not the publicity. A good example is that PRI cleared all press releases with the embassy before they went public.

On a similar note, [two interviewees] praised the Round Tables (“extremely important”) and the input from PRI and held both the organisation and the cooperation in very high regard. PRI had helped draft the new criminal code and such was the trust in the quality that they had stopped checking the material – they used much of it as it was presented.

“The work that PRI has done to MPs here has resulted in a changed mind-set. Now MPs understand that things need to improve”.
[Interviewee], Kazakhstan

The evaluation finds that it is a major and impressive achievement that 70% of the proposals on criminal justice made in collaboration with PRI have been passed in Parliament (according to [one interviewee]).

Areas to explore

It should be considered if study tours – both inter-regional and to Europe – can become a relatively cheap and fast way to make more MPs in support of PRI and FHRI’s goals. This would serve a purpose of increasing the pool of MPs with a high level knowledge of the death penalty issue as well as their knowledge of the penitentiary system. Prison conditions (and

⁵ MP Fox Odoi and Legal Adviser Solomon Kirunda independently of each other both used this wording.

even the death penalty) rank very low on the agenda of MPs and giving them a personal motivation to engage in the subject might be a useful strategy. It would take careful hand picking of 'long lasting' candidates as in countries such as Uganda up to 50-60% of MPs change during each election.

It can also be considered if PRI can continue and increase its direct influence by providing capacity to reporting. According to [interviewees] in Uganda a strong future need is to build capacity in country reporting around human rights. Currently the responsibility belongs to the Ministry of Foreign Affairs – which does not have the capacity. Similarly, FHRI/PRI would have a role to play should they wish to support increasing the reporting capacity of members of parliament.

4.2 Strengthening civil society

In the original programme document a key element is the capacity building of civil society actors. The rationale behind this approach seemed to be that by building capacity of civil society organisations to advocate for the abolition of DP, a larger group of likeminded actors would be created and thus a higher impact could be obtained. In Jordan and Uganda however, it seemed that the few actions were specifically dedicated to support this objective.

Small grants programme

A financially insignificant (5,000 USD in each of 8 countries) but strategically important action was the support given to the small grants programme. A common feedback from PRI/FHRI staff was that there should have been funds allocated for more small grants as the amount was too insignificant.

JORDAN

The Jordan small grant was provided to KAFA, Action on Societal Violence, a 1-person NGO which supported youth. KAFA organised a conference entitled "Raising the Awareness of Jordanian Youth on the Death Penalty" which created a lot of positive commitment amongst the youth. Unfortunately the grant size of EUR 5,000 did not allow follow up to this (which KAFA considered was a waste). It can be questioned whether this outcome should not have been foreseen in the first place. It could also be argued that in similar future cases reflections on sustainability could be made prior to the choice of grantee. KAFA is presently not operational as the chairperson has found a different job.

According to KAFA, the small grant event was very successful in itself, and had a remarkable effect on those attending, but was much too small to have any significant effect on society. Further, according to the KAFA chair person, "civil society organisations have no effect on institutional Jordan". In her view, there was rather a need to work at grassroots/ local community level and supplement this with pressure from the top via the international community.

One of the partners supported in the past by PRI is NCHR. Although NCHR has not received support within the present programme period, they have appreciated the training they received in the past.

UGANDA/ East Africa

In Tanzania the small organisation Children Education Society (CHESO) received a grant to work on prison improvement. The purpose of the grant was to support three sets of results: 1) to produce a report on the status of imprisoned people; 2) 20 CSOs have appealed for humane alternative sanctions; 3) government has developed and ensured implementation of humane alternative sanctions. Given the fact that CHESO received EUR 5,000 only and that these targets would be high even for much larger project sums and organisations, a more realistic ambition could have been beneficial. The evaluation finds that it is unclear what true outcome came of this small grant and whether the results are sustainable.

KAZAKHSTAN

A small grant was given to Charter for Human Rights (CHR), the only (!) other NGO in Kazakhstan with a focus on penal reform. CHR did a study of the problems of application of life imprisonment as the main alternative to the death penalty in Kazakhstan. Part of the study involved lobbying the Council for Legal Policy to abolish the death penalty. Although this study

might come in handy to PRI, it is not clear what added value this grant has made to the project or the strategy. The main idea with the grant and with support to CHR seemed to be to keep showing the government that civil society is present and aware. CHR found the small grant idea too sporadic and a 'one-off' type of event to have any true impact.

No grouping of civil society organisations has been established in Kazakhstan, but two 1-day capacity building forums were organized for a number of NGOs. It is not clear to the evaluator what follow up has been made to these workshops.

In terms of creating a wider alliance of supporters within civil society, FHRI in Uganda has established and continued supporting a coalition of likeminded civil society organisations. Besides FHRI, the coalition has 6 member organisations:

- Uganda Joint Christian Council
- Action against Torture
- Mission of the Custody
- Wells of Hope
- Uganda Human Rights Commission
- Uganda Human Rights Centre

Unfortunately, the evaluation did not manage to get an exact picture of what the alliance has been capable of producing, nor whether this would have been done by FHRI anyway.

4.3 Media work and International journalism competition

“The scary thing is that people were really happy about the execution of 11 people”. [Interviewee], Jordan.

JORDAN

The cross-programme journalism competition (prize of visit to the Guardian newspaper in the UK) was won by the Jordanian journalist, Omar Muharmeh, of the Addustour Newspaper. He has been a long-time advocate against death penalty, but this was not the case when he first got to know PRI as part of his regular duties to cover on-going legal affairs. He got engaged and convinced about abolition of death penalty only after attending a number of PRI's workshops.

PRI Jordan has been very active and successful in getting journalists to attend their events and trainings, which is considered particularly useful and not “only work through press releases”, which have a much smaller mobilising effect. A key value added is that PRI Jordan keeps providing statistics and data on their cases. To Omar and other journalists the information was easier and faster to get via PRI than through the courts and other public channels. Even seen from a media perspective, which usually is working on a very fast news paradigm, the strategy of PRI was clear and clever: a) to raise awareness of criminal justice and b) to be patient and work for the long term as changes in public attitudes do not happen quickly.

In Jordan this commitment has led to a pool of journalists engaged in or relatively knowledgeable about the death penalty and criminal justice who now liaise with each other about the issue. It was considered very valuable that at the last event PRI established a network for journalists on criminal justice. However, it would take a project focusing particularly on this issue to engage the wider media community in Jordan. The potential gross target group would be the up to 2500 journalists/media people if 100% were to be covered. A possible option for PRI in future would be to produce more materials targeting journalists and possibly add study tours to the EU as a feature which could provide inspiration from outside the region.

Although articles in the Jordanian media was much better than nothing, a key way to reach greater impact would be if PRI could facilitate or support cooperation with international media outlets with high recognition in the respective countries. In

the case of Jordan this would be in particular The Guardian, the New York Times and the Washington Post as these Anglophone papers were the most read among decision-makers (according to [one interviewee]).

PRI could possibly take a strategic choice to work with mass media rather than the public and then let the media reach the public – in any case the media would have a much wider coverage of the population, not least outside the major urban areas. This, however, should be subject to a countrywide judgement as the use of media and the engagement in politics varies greatly in the MENA region. A simple and obvious example of this is an illiteracy rate of 0.5% in Jordan and 40% in Egypt.

Theoretically, Jordan's policy on criminal justice is relatively advanced for the region, but the implementation of the policies is sometimes missing.

Within the Jordanian DP campaign, one of the main messages of PRI has been to convey that the issue of the death penalty is not linked to religion. This is backed by [one interviewee] which praises PRI for its work to create an open dialogue. This aspect seems well supported by the fact that PRI as part of a conference held with KAFA in 2014 brought scholars on Islam who could demonstrate that the Koran does not favour or commend the death penalty in particular. This perspective on the advocacy work has high interest within the UK Foreign Office.

It is recommended that PRI publishes its work on the relations between death penalty and Islam and uses this material as a platform for more dialogue and awareness raising, not only in the Middle East but also among international donors. As such, this document could also be useful for fundraising purposes.

UGANDA

FHRI has cooperated especially with print media in Uganda and gave a grant to [a journalist] in Uganda. Their cooperation began when [the journalist] did regular press coverage of court issues, but now he follows their campaign which he says 'has made a difference' – FHRI is prompting and leading on the debate to abolish death penalty. According to [one interviewee], FHRI's main role is as a very reliable and rich source of information and data. FHRI has focused primarily on print media, and has not invested a lot of resources in working with e.g. radio although they reckon this would be good to reach remote areas.

It is not the impression of the evaluator that a particular media strategy has been devised or discussed. Rather, good relations have been built with individual journalists but mainly from print media. With a short media and press strategy it could have been considered how electronic media and print media would have been able to provide not only synergy to the campaign but also to enable a greater outreach outside the capital.

It seems that a campaign aiming at building widespread support in civil society would require a different set-up and a targeted media strategy to ensure country wide coverage. It may be relevant to build closer relations with paralegal groups and new local stakeholders. It would also take an earmarking of resources merely due the long distances and the relating travel costs.

KAZAKHSTAN

Cooperation with media in the Central Asia component has been quite limited. There are no truly independent media in Kazakhstan, and although they enjoy some freedom of speech they cannot criticize the head of State or his policies, directly or indirectly. PRI in Astana has not considered media an important actor and consequently they have not effectively been part of the project.

The journalist competition had no success in Kazakhstan with a very limited participation. Reasons for this included the language barrier from Russian to English, the lack of interest in the subject and the sensitive political climate. Further, the

fact that there was only one beneficiary of the grant (“winner” of the competition) for each of the three categories of Arabic, English and Russian language entries, not one per country, made it too hard for local journalists to bother to fully engage.

The evaluation finds that the balance between cost in time and resources and the effect on the campaign is not justified in this case. Particularly for Kazakhstan, it should be considered if at all the media component is important given the many strong results obtained via the other strands of the project. This may be different for other Central Asia countries where media may have a different position.

The evaluation recommends a more strategic approach to media of Kazakhstan to get their support and active participation in the campaign. Drawing from the success of the project at large, activities in such a string could include, for example, a local journalism competition with a very specific topic, facilitated journalist prison visits, inter-regional study tours for journalists and focused workshops.

4.4 Improving conditions of retention

JORDAN

Overall PRI is considered professional and very cooperative and with a very good reputation (according to [one interviewee]). A Memo of Understanding has been made between the penitentiary and PRI which indicates the planned actions and responsibilities within the project. The Jordanian penitentiary holds PRI in very high regard and describes the relationship as “distinguished” and an “example to follow”. What is particularly appreciated is the professionalism (staff know their metier), the focus and the objectives, which correlate with the mind-set of the authorities. Further, PRI has a good reputation and is the only organisation with whom they cooperate that has a regional and cross-country collaboration: this can contribute to the learning experience.

Within this project, PRI has held several training workshops, including a workshop for disadvantaged prisoners sentenced to death and the organisation of a conference on the death penalty. Further, a study tour to Morocco was carried out with the purpose of exchanging experiences. The trip gave very useful input about how to change practices within issues such as provision of diabetes meals and isolation cells to prisoners.

It seems a range of improvements on the ground can be accredited to PRI’s work, according to [one interviewee]. In practical terms, the prison staff also experienced the effect of PRI’s lobbying work since 42 cases of the 141 DP sentences have now been changed to 20 years of imprisonment. The authorities do not see the recent execution as a barrier to further cooperation; rather they expect this to be a single event.

Based on the vast appreciation of the cooperation with PRI, [the interviewee] wants to “sustain, continue and develop the cooperation”. One example of future areas of cooperation could be to expand vocational workshops within prison centres. As a particular topic for future collaboration, the prison authorities would like to work with PRI on post-release care to improve their ability to reduce the number of returning inmates. With a cost per year of 1,000 USD per inmate in Jordanian

Bad story with a happy ending

[Mr Z] was in prison for 12 years for a murder he had not committed. The person he was charged of killing was his wife – who is still alive and who waited for [Mr Z] during all 12 years in his fight for justice.

FHRI supported [Mr Z] not only by telling his story in print and on video but also started a mitigation service to reduce the punishment of death row inmates – “it gave us hope”, he says. But according to [Mr Z], FHRI’s intervention also gave the inmates very tangible improvements: “Access to health clinics was really improved and the food got better –before, the food itself was killing people!”

[Mr Z] finally had his death penalty changed and was released after 12 years.. He has returned to his big plot of land outside Kampala, where he lives with his wife and their baby boy. Maybe the central location of his land is why he has been victim of 9 murder attacks - but survived them all.

prisons, it could be argued PRI can build a business case on how to save costs for the penitentiary. A project built on success criteria which supports both PRI's objectives and the social and financial targets of the authorities would be ground breaking as a new model of contributing to project financing.

UGANDA

Overall, the lobby work of FHRI in Uganda has led to a reduction in the number of prisoners sentenced. By the end of 2013, midway through the present project, the number of sentenced was 301, which was down to 292 by January 2014 and stood at 223 in February 2015. This is considered a very positive trend and a good outcome for the project, but it also represents a challenge. When death row inmates turn into lifers it increases the number of long term prisoners and Ugandan prisons, which are overcrowded and badly equipped, can hardly absorb this increase. A structure dating from colonial times and designed for 100 prisoners now holds more than 5,000 inmates.

As a consequence, FHRI tries to resolve this problem by producing guidelines and requesting definitions that present in more accurate and realistic terminology what a life sentence means.

Former death row inmate [Mr Z] was one of the prisoners who received help from FHRI over many years. He was falsely accused of having murdered his wife – who was and is still alive, but had a name similar to another dead person. To [Mr Z], who served 12 years in prison before being exonerated, FHRI had done a marvellous job, but “they can do so much more”. In his view there are far too many inmates sentenced to death who most likely are not rightly convicted and where the truth is undiscovered.

The evaluation finds that this message might be simplified, but there could be a point in [Mr Z's] idea which could constitute a challenging but easily communicable project that could possibly rally public support and as such serve a more strategic purpose.

Areas to be explored in future projects could include (in particular) a new opinion survey as valid recent data are missing. Further it may be useful if study tours could be made for prison officers, either in the form of regional exchanges or by bringing in international perspectives and practices.

KAZAKHSTAN

The Government has made an official target to remove Kazakhstan from the top 50 group of countries when measuring the size of the prison population. Presently the country is ranked 41st. The general political motive is to save money as imprisonment is expensive and a reduction in number of prisoners can release more funds to probation services.

Thus, a very visible effect of the reform of the penal code in Kazakhstan has been the reduction of prisoners from 49,000 to 45,000 within the last couple of years. According to the General Prosecutors Office, the 10-step tool developed with PRI (outside the scope of the project being evaluated) to reduce prison populations was a key contributing factor in the sense that it was very effective and easy to integrate into the legislation.

A parallel achievement is the increased number of convicts on probation which, according to the General Prosecutors Office, was a direct consequence of PRI's work and arguments. Further, it was also PRI who introduced the judiciary to the concept of electronic bracelets, which the penitentiary system is now adopting.

A valuable result has been that the outcome of the cooperation between PRI and the judiciary is not only limited to specific actions, but is also translated into the legislative framework

“In the last 3 years, they have done so much for the penitentiary system! We can see practical effects of this work”

[Interviewee] on PRI's role in the reform

The training of prison staff was carried out by external consultants hired by PRI, a system which seemed to work out well. It seems the training was very well attended with participation, for example, of all relevant staff from the General Prosecutor's Office. PRI achieved this by way of a strong effort in advising civil servants how to hand pick participants.

Trainers used PRI materials supplemented with their own, but found the PRI core material very relevant and of high quality. Prison staff were very interested in the international standards and practices. Authorities also perceived the training as being of very high quality, very relevant and a fresh input from outside. The target group (in Kazakhstan) was well picked and very enthusiastic according to the trainers. A lesson to be learned is that in Tajikistan the participants were not as carefully selected, which the trainers could see translated into less commitment and lower appreciation of the course.

A useful feedback from participants (via the trainer) is that they requested more training and particularly training which was based on cycles of practice and learning, not only 'one-off sessions'.

In conclusion, it seems the project has added great value by bringing in knowledge of international standards and providing practical inspiration from experiences abroad to both prison staff and management.

As a measure of comparison, it can be seen from the EC monitoring reports that the present project performed well. When sizing up the achievements of the past project, which had the same ambitions, the European Commission monitoring report did not expect such results: *"Improved prison management is hardly to be achieved by the project end as this requires long-term efforts."*⁶

4.5 Alliance building and broadening the base for support

GLOBAL

PRI at headquarters level seems to be doing a major job in linking up to all relevant agendas both in the UK and internationally. According to [one interviewee] PRI's contribution to the UK expert advisory group is excellent.

"PRI has a very good reputation in the area they are working. PRI is possibly not seen as a brand or global leader – they don't cover the range of issues like Amnesty does, but they are good at what they are doing."

It is appreciated that PRI is less political than Amnesty International and more involved in work of a technical nature. In some respects, it makes PRI easier to work with for government as they have responsibility to work with other stakeholders, where a strongly politicised input can be difficult to handle. On a practical level PRI meticulous research has produced excellent publications (eg: Death Penalty toolkit), and it is particularly helpful that these documents seem to be updated quite often.

The PRI newsletter can be very useful to the administration and bit of it are often shared with colleagues.

The initiative of bringing MPs to the UK and Belgium was highly appreciated by [one interviewee]. Face-to-face meetings bring clarity and motivation. It seemed quite motivating to the visiting MPs that they came to the UK, in particular because in these countries the DP issue is low on the agenda. For the [interviewee] it was useful to get insight and direct understanding from them and how death penalty and justice is seen / perceived in their countries.

PRI appears to be very well connected and present in international fora, in particular with PRI represented in the steering group of the World Coalition Against the Death Penalty. PRI is seen as a leader in this group by [one interviewee] which point to PRI's key strengths as: 1) Good regional coverage and ability to share best practice between offices. 2) Strong work with parliamentarians 3) Their work to build grass root movements in the regions, and 4) Providing high quality material and input.

⁶ EC Monitoring report MR-141255.02 dated 26/07/2011 – p22.

KAZAKHSTAN

PRI in Kazakhstan has established strong working relationships with academia, including several universities. PRI has provided teaching materials to law departments in both Russian and English, written and as video. The cooperation is highly appreciated and more would be welcomed. [One interviewee] suggests PRI should help universities link up to international experiences and judicial practice much more as this would “educate” future officials in the civil service.

An interesting detail was that 90% of all students who have taken the international law course at Kazquu [University] turned out to be abolitionists. This is in stark contrast to the assessment that 90% of the average students would be in favour of the death penalty.

It is recommended that PRI in Central Asia consider if there are some low hanging fruits in terms of broadening the civil (and later official) support for abolition by an even closer cooperation with universities.

What would be much needed from PRI, according to [one interviewee], would be for PRI to use its international leverage to make high-profile visitors to Kazakhstan speak up about death penalty. Visits by foreign politicians/VIPs who mention the issue of death penalty would – according to [one interviewee] – be more effective than any civil society alliance.

EAST AFRICA

FHRI has succeeded in establishing parliamentary working groups in Uganda, Kenya and Tanzania, all of which are composed of both opposition and government representatives. The purpose is to increase the knowledge bases amongst key MPs to enable them to talk about the death penalty.

Regarding the legislative lobbying, a substantial effort has been made to prepare a bill to be presented to the Parliament of Uganda on the abolition of the death penalty and subsequently developing a working paper including 2 case studies. The current status is one of waiting: the bill has not been tabled yet (March 2015) but has obtained the essential certificate of financial implications; a sine qua non for any bill to go through parliamentary voting. The working paper was developed as ammunition for MPs with arguments and solid information to back the bill.

Prior to the present project, FHRI has also established the East African Coalition against Death Penalty, which it still supports and of which it is an active member. The evaluation did not make interviews with local members and this aspect is not fully covered.

5. Performance

5.1 Finances

The evaluation did not make a thorough check of the financial performance of the project. Based on random checks of the financial reporting on programme elements, it seems that the majority of budget lines were disbursed as expected with limited over/ under expenditure. This does not imply, however, that the balance between budget chapters and regional expenditure is necessarily the right one.

The amount of the budget set aside to salaries (454,000 EUR or about 50% of the grant) seems fair given the nature of the project and the strong involvement of core staff at both HQ and local office level. It could be considered if a less geographically widespread project would enhance efficiency in terms of use of time, an option which of course would also lead to a reduction in travel costs. However, it may be that cutting down on the number of countries would deflate some of the content value of sharing experiences amongst countries. Still, it is the impression of the evaluator that the key linkage to international experiences goes via the headquarters in London, not across regions from e.g. Kampala to Astana. With this in mind it may be an option to focus the project within regions, but probably this can lead to limited financial savings only.

The small grants component, as described under the chapter on findings, is possibly the least effective in terms of creating either strengthened alliances or strengthened civil society. It should be considered if the 40,000 Euro on this component could not provide more impact if spent on e.g. more training or study tours.

Similarly, the experiences with collaboration with media are mixed. This component represents only 1 % of the budget with 10,000 Euro set aside for the journalism competition but certainly plays a bigger role in the daily work and the project's theory of change. On the one hand it is part of the work of staff to liaise with media, and as such not budgeted and therefore of high value for "no cost". On the other hand, it is obvious that there must be a fair balance between the resources the project sets aside for the media work and the results one can expect. The evaluation believes this balance can be improved.

5.2 Summary overview of expected results – planned versus achieved.

A detailed body of knowledge exists within PRI, which can complement the table below if desired. The table gives the external reader a quick overview.

#	Expected/ planned results	To note in particular
1	Increased commitment of governments toward abolition of death penalty (by restricting and reducing its use)	Accumulated over many years restricted use of death penalty might be a result to which PRI can claim a fair share of accreditation. During this project period increased commitment by governments is hard to claim, but this is due to the fact that the formulation of the expected outcome is possibly not the right one. Jordan faced a set-back with the execution of 11 prisoners of war.
2	Introduction of policy reforms	Policy reforms have been introduced in Kazakhstan. A new Bill has been prepared in Uganda. Number of crimes leading to death penalty reduced in all countries.
3	Improved conditions for death row prisoners	Kazakhstan and Uganda saw significant improvements of the conditions for death row prisoners. Changed practice for prisoners in Jordan.
4	Improved conditions for life / long term prisoners	Same as above.
5	Ratification of international/ regional instruments	Uganda for the first time ever abstained from voting against the UN resolution on a moratorium to the death penalty.
6	Increased commitment of governments to engage in a debate on humane alternatives – including reduction of sentences	In Jordan 42 death penalty cases have been shifted to 20 years of imprisonment. In Uganda the number of inmates on death row has been reduced by 76 from 301 to 223 between 2013- 2015. In Kenya however, the number of male prisoners on death row has risen remarkably from 1,127 to 1,886 from 2013 to 2014.
7	Increased knowledge and understanding by local civil society to do advocacy	UG: An alliance has been created and supports PRI. It has an independent advocacy strategy. JO: Limited training of CSOs and alliance making mainly with National Centre for Human Rights. Conference on DP for young a success but unsustainable. KZ: Universities and scholars have been engaged and cooperation with 1 key NGO, but apart from this civil society has not had much focus.
8	Increased media attention on the application of the death penalty	This has been the case in Jordan especially, to some extent in Uganda and hardly in Kazakhstan.

5.3 Communicating your value

It should be considered if PRI has an unleashed potential in communicating *how good* the results achieved actually are and also *why* they were achieved. As an example, the original project document has a very strong focus on the *activities* of the project⁷. Overall, these were all well carried out and implemented as planned and it is thus possible to tick the “project performance-very-high-box”. However, some of the activities brought about results which in terms of their impact and sustainability are very impressive and possibly higher than what was aimed for. Most NGO projects have a general goal of making structural changes, but studies show that many promise more than they can actually deliver in terms of what has changed on the ground⁸. Very few organisations, like PRI, can actually claim to have established both policy change, adjusted legal frameworks and improved, tangible new practice.

⁷ Annex A Grant Application Form EuropeAid131085 – p12

⁸ Hunter, D. _ Working Hard, Working Well (2013)

As a lesson learned, it can also be phrased as a sub-performance of the project stakeholders to shy away from communicating this a little louder. Possibly this can be put down to a lack of review during the project cycle of how the project theory of change is functioning and whether the actual results match the intended outcomes.

The evaluation appreciates that PRI and its partners need to balance the ambition of showcasing results with the risks it may involve for persons involved or for jeopardising ongoing processes. This being said, PRI may consider to take action in or several ways, for example:

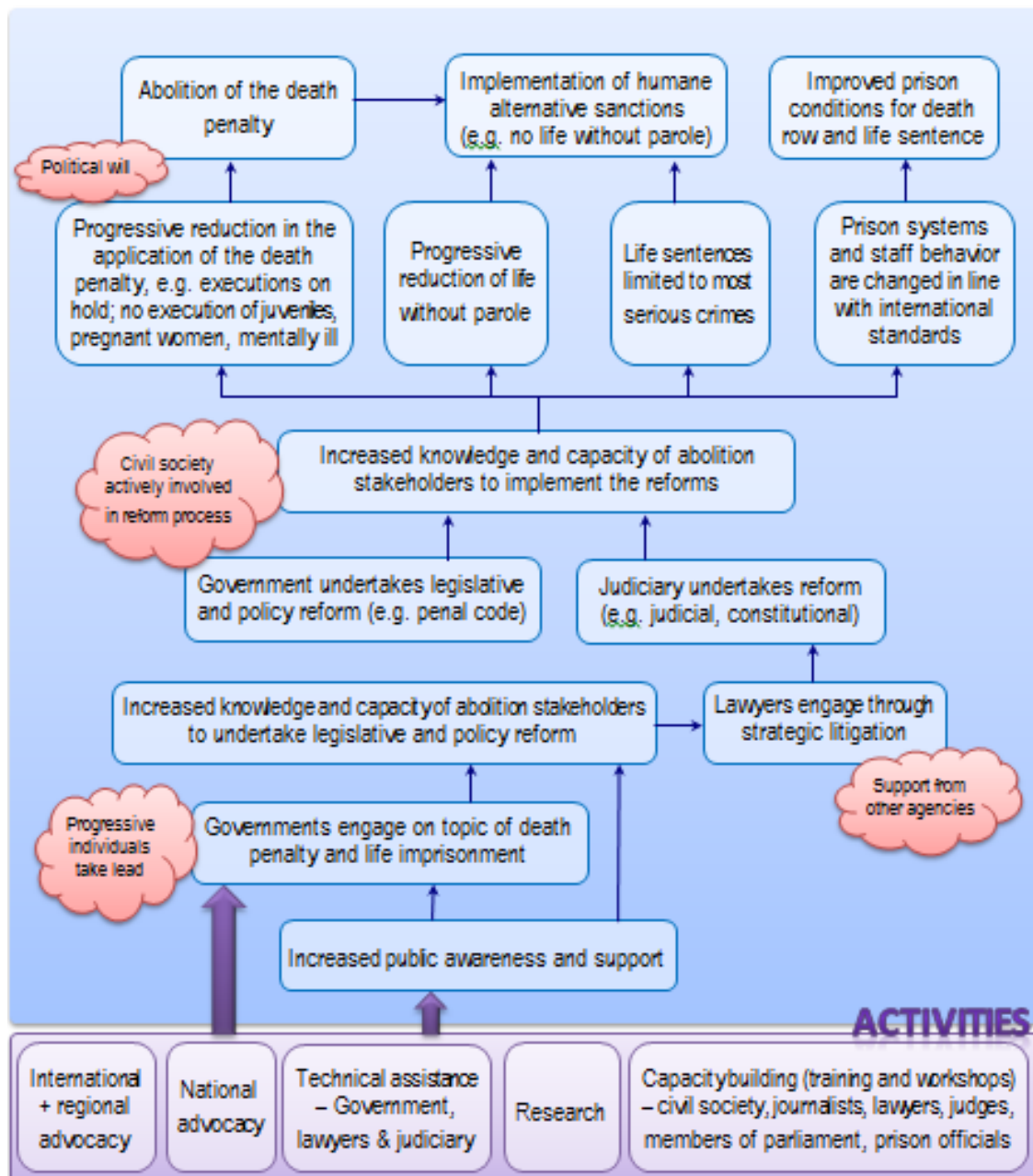
- Use more intermediate goals to show a greater level of achievement. If you have 1-3 major goals and you only get halfway, your project will rank as intermediate. If you have 20 specific sub-goals and you achieve 23, your project will rank as over performing.
- Communicate with your donors. Have you ever called them or sent a letter outside the reporting requirement? A one page note with 3 key bullets on the impressive combination of policy, legal and practice change would probably be well received. Follow up the note – before or after – with a call to investigate if there are other achievements or processes that could be relevant to the donor.
- Engage the MP network in the results – do they actually all know of the achievements? Can experiences be shared cross-regionally? Politicians love power. Consider if by sharing the top results other politicians could be interested in being part of similarly influential processes.

6. The project's Theory of Change versus reality

The theory of change that supports the present project has been produced after the development of the application document but was made with respect to past experiences and building on the original project design. The graphic illustration of this theory is attached as Annex B of the evaluation. As it has been described, PRI and FHRI have achieved important results with this programme, but it seems this has not always happened the way it was originally foreseen. So *why* did PRI achieve the changes it did?

6.1 The existing theory of change

A simplified version of the theory of change that supports the project (see Annex B) looks like this:



6.2 The observed theory of change

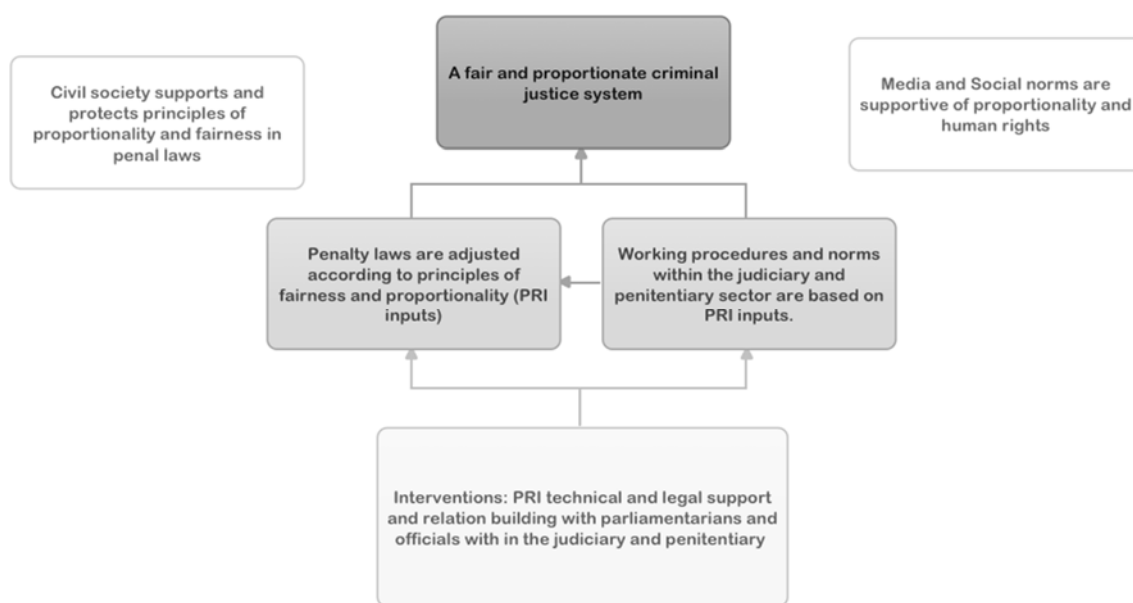
This picture is not exactly what the evaluation has observed. Technically speaking a lot of the change affected happened in the lower purple box. Further, in the view of Strategihuset outcome levels are not necessarily placed in the right sequence (e.g. knowledge of implementation after reform) but more importantly some of the preconditions or actors (pink bubbles) are not connected as described.

The evaluation finds that in both Kazakhstan and Jordan, the presence of civil society actors that made a difference on the topic of abolition were very limited. Further, in Uganda there was an East African Coalition as well as a Ugandan alliance, but neither seemed to be indispensable to the results achieved. Rather, what the evaluation observed was a sequence of changes that in narrative would be as follows:

PRI/FHRI establishes strong working relations with key civil servants from the judiciary who, based on their needs for access to relevant material of high quality, appreciate the input and direct help from PRI as it eases their work. PRI also establishes contact with key MPs who are invited to participate in study tours and capacity building events which convinces them to work actively for the abolition of death penalty.

As a pincer movement PRI engages with both management and core prison staff from the penitentiary system conveying relevant information of foreign practices, making prison visits and offering training possibilities for both management and staff serving lifers and inmates on death row. When this trust and dialogue has been reached with all major stakeholders – administration and judiciary, legislative and executive powers – PRI needs only to present its ideas to get support and direct influence and thus achieve the intermediate outcomes. Barriers to a full abolition possibly lie beyond the accountability line under which PRI has influence within the present political contexts and in the short to medium time frame.

Graphically – and simplified - the change flow would look like the one below:



The two white boxes are floating and PRI might want to debate whether this is a fair description.

Possibly, the depicted graphic and the narrative are not 100% correct, but probably not completely false either, and they do raise some questions which should be considered carefully in the design of future projects and campaigns:

- Why does PRI need to make capacity building of civil society actors if in the long run the effects can be obtained only by making the right contacts, lobbying and training of key power holders?
- How could a campaign targeting the wider public provide leverage to an already successful effort?

Like civil society organisations, the media has been a rather passive partner in both Kazakhstan/Central Asia and Uganda/East Africa. It can be noted that the original project application had the following understanding of the role of media:

In order to support and encourage all the groups above to take up and sustain an abolitionist/reformist approach it is crucial that there is widespread public support. Journalists can create a groundswell for reform by raising the public's awareness and educating them on the death penalty and alternative sanctions. Working with the mass media under this project will increase understanding and awareness leading to public support, which is often one of the arguments used, including by MPs, as the foundations for abolition.

The evaluator finds that the role of media (top right box) is not effectively linked to the changes that have occurred at legislative level. This also raises questions about how best to engage media:

- What would it take to involve media – international or local – in a more targeted and strategic manner and how could PRI facilitate a closer cooperation about campaign design and implementation?
- How can it become relevant to engage with media in Central Asia if they have no ability to convey the messages and values PRI wants to promote?

Surprising finding

Summing up the value of the information above, the evaluator finds that policy change in this project, most remarkably, has occurred without particular support of either the media or the general public. Instead, PRI has managed to operate below the radar of public opinion and created room for manoeuvre and actual influence – and the case is not necessarily improved by attracting attention from the public or the media.

A most important finding in this evaluation therefore is that the changes that have occurred have not happened as they were originally described and planned. This can be due to the fact that the persons describing the change have not had sufficient in-depth knowledge of local process and thus described it wrongly. Or, it can be because the change actually has happened in another way that foreseen by PRI and FHRI – or it can be a combination of both.

7 Conclusions

The “Death Penalty Project” of Penal Reform International has been a driver for change at both policy, legislative and practical levels in the countries in which it operates. In at least three regional hubs (Kazakhstan, Uganda and Jordan) national authorities had PRI in highest possible regard, on a par with multilateral donors such as UNDP. This achievement has no value if not used, but PRI and FHRI have managed to capitalise from this and succeeded in introducing tangible change.

7.1 Impact

In none of Kazakhstan, Uganda and Jordan has the final goal of abolition of the death penalty been obtained, but the evaluation does not attribute this to lack of competence or choice of the wrong strategy or a flawed project design (theory of change). In Jordan and the Middle East other policy and security trends have dominated the agenda which has given PRI a set-back when speaking of abolition. In Kazakhstan the financial growth policy has all but wiped out governmental interest in other subjects – but this fact also contains a potentially very powerful lever for the future if PRI can lobby the international community to pressure authorities in Astana.

Rather than seeing it as a missed long term outcome, the evaluator perceives the results as an expression of the complex cocktail of challenges in which the project and PRI operate – including especially the mega driver of international security issues, the personal opinion of absolute rulers and the local socio-cultural conditions. With a refined theory of change (including many more intermediate steps) PRI and FHRI will be able to demonstrate where on the journey towards abolition they have reached but also explaining more clearly why they have got there.

From a strategic point of view, PRI should carefully consider how impact could be further enhanced if PRI concentrates even more on what PRI is very good at doing: - lobbying behind the scenes and creating tangible results without big public attention. From the results of the present project it seems likely that making alliances with other partners to do, for

example, the outward media and campaigning activities would not only save PRI time and resources, but could also delegate the work to actors who are better placed for this work.

7.2 Effectiveness

The evaluation finds that the internal organisational effectiveness of the project has been up to standard or above. PRI regional offices find the support from headquarters timely and relevant. Cooperation between PRI and FHRI is characterised as excellent by FHRI, and for them it is considered a model for other donors to follow. Especially valued is the fact that PRI is very supportive and very fast to react on reports. All PRI and FHRI staff seem much appreciated for their professionalism and high competency by partners. Still, the evaluation got the impression that staff had not received any training in hard core campaigning and advocacy skills, nor training in communications and how to present the material in the most appealing way. Rather they had been learning on the job and developed their own approach.

The inter-regional setup of making one project for 10 countries has some advantages but the actual interfaces between regions seem too limited to argue for why this is necessary. Possibly, 3 regional projects could have obtained a similar effect and still link up to the international experiences.

The external effectiveness as regards reaching the right target groups and including the right decision makers at the appropriate levels seem to be flawless and it gives the impression that this is an area where PRI/ FHRI capitalise from their many years of work with the same target in the same areas.

What could be needed is a higher focus on PR and making sure this is backed by the right amount of resources as it could be useful with a more flexible and wider budget for lobbying costs. As a simple 'low tech' example, it is a barrier for FHRI to cover their outreach ambitions when they have only one vehicle. However, reaching the provinces with a campaign requires a bigger budget anyway since the mere cost of going great distances is beyond the present project scope.

Overall, the evaluation finds that there is room for improvement in the work with media within this particular project. Whilst Jordan has some cooperation and some networking in between journalists, this is hardly supported by PRI, and in Central Asia and East Africa the cooperation seems to be based on ad hoc events, not a formal network or strategy.

It may not be a surprise, but it is important to confirm that in all three evaluation countries the role of PRI/FHRI in improving conditions for the death row prisoners is considered absolutely essential by all interviewees. "Without FHRI it would be a disaster" as one source put it. Similar expressions came from PRI in Jordan and Kazakhstan. The evaluation finds that both PRI and FHRI has built an excellent reputation and brand amongst professionals in the judiciary and penitentiary systems, but also has established very strong links with key policy makers and media people.

A single critical point to this observation, however, is that PRI/FHRI to quite some extent are depending on the personal relations of key staff. If the manager and 1 key staff disappear from each PRI/ FHRI office it is possible that the project/ campaign will suffer remarkably, at least for a period.

7.3 Sustainability

The project setup is sustainable from an organizational point of view. A critical mass of knowledge has been transferred especially into the penitentiary system. A big number of important guidelines and supporting materials have been produced to support the judiciary. An essential group of policy makers have become ambassadors of PRI and of the abolition of the death penalty. And last but not least, a still growing number of lives have been spared by moving death row convicts to life imprisonment.

However, given the political sensitivity of the subject of death penalty in all regions and the very long time perspective needed for change, PRI must decide on a strategy that takes the present vacuum into account. Despite positive results and a favourable climate amongst key stakeholders, the death penalty is still there and the pressure from the political and societal

environment is bigger than the pressure PRI has been able to raise. So, the sustainability could soon be lost if there is no continuous and stable lobbying effort. PRI may continue to do exactly this but should possibly try to use larger and stronger mechanisms in international politics to support its position and achieve its objectives.

The main obstacle to abolition of death penalty in Jordan seems to be the opinion of the general public, where only 1 in 5 persons have actively taken a position against the death penalty. The Head of State as well as the government have aligned themselves with public opinion and a populist approach, not least influenced by the ongoing challenges of the fight against ISIS. For the project to achieve sustainability in Jordan, it would have to regain the situation of non-execution of prisoners in the first place. Second, it would possibly take an increased effort to target the wider community and shift a larger part of the public opinion.

It is a characteristic and noteworthy feature that all three focus countries of the evaluation have a Head of State with a de facto high degree of absolute power over parliament, policy and finances. Theoretically, targeted lobbying of these three individuals might be a more direct route to changing the law than all other activities. PRIs and the project approach provides a much stronger basis for creating a sustainable change with a wider rooting in the layer of policy makers and top civil servants.

Annex A – List of interviewees

[Redacted]

Annex B – ‘Original’ Theory of Change

