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HUMAN RIGHTS NGO CAPACITY BUILDING - IRAQ

NEXT STEPS REPORT

February 2005

Executive Summary

This Report by the International Human Rights Network follows on a capacity building and needs assessment programme undertaken in December 2004 in Amman with a cross-section of Iraqi human rights defenders (both individual activists and NGO members).

The report outlines the findings and recommendations arising from the Amman discussion process. While it is primarily compiled for the UK Department for International Development as the funder of the Amman Programme, it is also written with other actors in mind. This includes not only donors or implementers engaged in supporting Iraqi human rights NGOs, but it also aims to contribute to a wider debate among Iraqi NGOs regarding their own input into the development of their capacity.

Support to build capacity of Iraqi human rights NGOs is both needed and forthcoming from multi-lateral and bi-lateral donors as well as from the regional and global human rights community. However, for this support to achieve positive impact and produce sustainable results, key lessons from similar contexts elsewhere need to be applied.

The report outlines the process by which a cross-section of Iraqi human rights defenders were selected for participation in the Amman programme and identifies key features of the context within which they are working. Recommendations are designed to address core needs identified in the resulting discussions.

These include principles to guide the provision of support in this context, as well as examples of processes or mechanisms by which respect for these principles might be assured. The imperative of meaningful co-ordination is highlighted along with the need to strengthen the credibility (in human rights terms) of both donors and beneficiary NGOs. Similarly support is needed for security strategies and tailored to other realities faced by Iraqi human rights defenders. There is a need to ensure Iraqi ownership of such international support programmes and to respect the right to participate in developing and implementing such support. Iraqi networking is a priority along with systematic, co-ordinated approaches to the range of human rights training now needed.

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1. The Objective

In summer 2004, IHRN was invited by the Office of Special Envoy to the Prime Minister on Human Rights in Iraq and the Iraqi Ministry of Human Rights, to explore options for capacity-building with human rights non governmental organisations (NGOs) and activists of Iraqi civil society. The overall aim was to strengthen the capacity of indigenous Iraqi NGOs established to promote and protect the human rights of Iraqis and to facilitate them in identifying areas for future support.

It was agreed in autumn 2004 that IHRN would design and facilitate the **initial step in a process of participatory capacity building** and contribute to deliberations on how future capacity building should be taken forward by others.¹

An initial four day programme took place in Amman, Jordan from 10-13 December 2004 with 28 Iraqi and wider Arab region NGO representatives together with a team of international facilitators and invited guests representing UN agencies, international human rights NGOs and donor representatives. Details on the Amman Programme are available on the IHRN website.²

The Amman discussion process was designed by IHRN in a manner that encouraged participants and the larger number of applicants for the programme, to identify their own needs and priorities for support. Based on the Amman process to date, this report recommends ways in which such support can be tailored to be of maximum positive human rights impact - identifying options for *Next Steps*.

This report is therefore addressed to the range of Iraqi, regional and international actors who are considering, planning, or continuing to provide, support to Iraqi human rights NGOs. As an initial step in a process, the Amman Programme was not intended to seek consensus among participants. While this report draws on the discussions and feedback provided by all the key stakeholders in the Amman process, responsibility for its content rests with IHRN.

Section 2 outlines key steps in the process leading to, and during the Amman programme. Section 3 outlines the challenges and opportunities identified by participants. Section 4 draws together recommendations that may assist in future programme planning.

2. The process: what is meaningful participation?

Drawing on the lessons identified by IHRN from other conflict situations, the design and delivery of all aspects of the Programme were premised on a number of key principles. As will be seen in section 4 recommendations, meaningful participation is a central issue for future support as both a means to stimulate change, and as an end in itself. Recognition of this has practical implications including the future allocation of resources.

The following steps were taken to ensure as far as possible that a representative **cross-section of Iraqi civil society** participated in the Programme. In addition, these steps were taken to **maximise participation and therefore relevance** of the programme.

¹ The IHRN core team comprised Patrick Twomey (Programme Director), Shane Kelleher (Researcher), Mary Davila (Administration, Ireland) and Mais Khleifat (Administration, Jordan).

² Key materials developed for the Amman participatory process are available on <http://www.ihrnetwork.org> such as the Invitation to Apply disseminated for the Programme; Participant Application Form; Pre-Reading Materials (overview); Programme Outline; Facilitators (overview) and Evaluation Form. Further information can be obtained from info@ihrnetwork.org.

An application process was designed to inform Iraqi civil society about the Programme and to ensure that the participants selected represented a cross-section of Iraqi civil society in terms of substantive human rights specialization, range of experience, gender and region.

- A call for applications was used to invite relevant Iraqi individuals/NGOs to express interest in participating in the Amman Programme. A briefing note in Arabic and English was circulated through websites, relevant listservs (eg Relief-web, HR Professionals etc) and through over 200 relevant IHRN contacts (international, regional and local) inviting them to circulate the call for applications and on its website.

UN Agencies including UNDP, OHCHR, UNIFEM, UNHCR, UNICEF, IRIN-OHCHA and UNOPS as well as the UN Non-Governmental Liaison Service (NGLS) and all NGO focal points within branches, agencies and programmes of the United Nations were requested to circulate the briefing note to their contacts in Iraq. As were International human rights NGO's including Amnesty International, Human Rights Watch, the Euro-Mediterranean Network of Human Rights and others with networks in the region and Iraq as well as development agencies of key donor states.

Iraqi academics based in universities in Iraq, the United Kingdom, the United States and Australia also engaged to transmit the call for participants, as well as University research projects relating to Iraq such as The Harvard Iraq Research and Documentation Project and Johns Hopkins Iraq mortality study.

At the regional level, all Arab NGO's with UN consultative status were contacted directly and other NGOs were reached through established IHRN contacts in the region. Networks of regional human rights institutions including the Cairo Institute for Human Rights Studies in Egypt and the Arab Institute for Human Rights in Tunisia were also utilised to reach potential participants.

At the local level, scores of individual Iraqi human rights activists, women's rights groups, journalists, trade unionists, academics and other members of Iraqi civil society were directly informed about the Iraq Programme, including a list of NGOs provided by the Iraqi Ministry of Human Rights.

- NGO's/activists in Iraq who expressed an interest in participating in the Programme were sent an application form. The form was designed to facilitate selection of final participants as well as to provide early indications of challenges and substantive gaps identified by applicants themselves. The form contains three sections: seeking a description of the NGO, a description of the proposed participant and examples of the current challenges facing the NGO. The Form also served to help identify a cross-section of participants and encouraged applicants to consider and identify key concerns and challenges confronting them in their work so that the Programme agenda could be tailored to meet those challenges and needs. The detail provided in the returned forms varied considerably, with some containing comprehensive and detailed answers, while others were poorly completed. This divergence itself helped indicate capacity issues.

Approximately one hundred requests to participate and completed applications were received. IHRN reviewed the application forms and CV's provided and selected 25 participants on the basis of the criteria set out above. The list of selected participants was communicated to the Iraqi Ministry of Human Rights and the British Council.³ Profiles of the twenty-five selected participants and a summary of the challenges identified by them were sent to the team of Facilitators shortly after completion of the selection process to enable them to tailor the content of their individual workshops.

³ All 25 selected participants attended the Programme and a reserve list did not need to be called upon.

Unsuccessful applicants were advised that they could not be included in the Programme in Amman. It was emphasised that this was not a 'judgment' regarding their organisation and that they would be kept informed of future capacity building programmes and receive a copy of this report and other materials arising from the Amman Programme. Equally, it was stressed to participants that selection for participation in the Amman programme was not an endorsement by IHRN or the programme funders. For that same reason no programme certificates were awarded.

- The selection of participants was intended to maximise the likelihood that participants would provide a real picture of current needs across Iraq. Thus, a number of less developed NGOs and less developed applications were specifically selected in order to ensure a more representative balance of experience, region etc. That said contact with and travel from a number of regions was not feasible in December 2004.
- Lead-in time: An Application process of this nature requires a minimum of two months lead-in time and dates were selected to avoid overlap with the Iraqi election period.

The following is an overview of the profiles of the selected Iraqi Participants.

Gender

The 25 Iraqi participants included 18 men and 7 women. The ratio of male to female applicants was higher than the ratio of male to female selected participants.

Professional Profiles

Participants included staff with Iraqi NGOs or local affiliates of human rights INGOs, academics, lawyers, students, teachers, journalists, doctors, working within organisations on a volunteer or paid basis or as independent human rights activists. Many applicants (particularly those from Iraqi Kurdistan) already had several years experience of activism on human rights issues. In contrast, some applications were received from the Centre and South of Iraq from NGO's established as recently as 2004. In some cases applications with more detailed were received from newly established organisations highlighting a need to guard against number of years in *existence* being equated with *expertise*.

Regional Background

The participants were drawn from throughout Iraq including Baghdad, Basra, Babylon/Hilla, Nassyria, Mosul, Dohouk, Erbil and Sulamainiyah. Reaching potential participants in rural areas and cities affected by military operations during November/December 2004 highlighted the communications and access challenges faced.

Specified Human Rights Priorities

In their application forms applicants variously prioritised the human rights of a particular group (such as women, children, ethnic or religious minority) or a particular issue (such as press freedom) often on the basis of their own personal background – women' rights were uniformly raised only by women etc. Most of the applications from NGOs highlighted activities across a broad range of human rights issues. In discussion this was highlighted by some participants as a weakness - a lack of clearly defined "vision" or mission of Iraqi human rights NGO's. In particular, it appears that diverse lists of NGO priorities may not be arrived at on the basis of systematic assessment of needs, identifying who else is active in addressing particular issues etc.

Selection of Arab Region Participants

Over thirty human rights organisations throughout the Middle East and North Africa were invited to apply to participate in the Programme and to share their experiences with the Iraqi participants in Amman. These included human rights NGO's in Jordan, Israel/Occupied

Territories, Egypt, Lebanon and Tunisia. All of these regional organisations were invited to play an active part in workshop discussions and relay lessons learned from their NGOs.

Selected regional participants included a representative of the Cairo Institute of Human Rights Studies (one of the key centres for human rights research in the Arab region) and Al-Mezan (a human rights NGO based in the Gaza Strip). A number of regional NGOs who were unable to participate in this programme expressed interest and willingness to assist Iraqi NGOs in the longer term (see section 4 recommendations).

In addition, to selecting a cross-section of Iraqi human rights activists, steps were taken to ensure that the programme was both **participatory** and maximised its **relevance** to priorities and needs identified by the participants themselves. These steps included:

- Using the Application Form as a means of having applicants identify in advance their current strengths, main challenges and needs, previous training delivered or received;
- Ensuring a balance between pre-planned Programme sessions flexible adaptation according to the direction of the initial discussions;
- Confirming the team of facilitators after application forms had been reviewed. Selection of Facilitators was on the basis of IHRN's familiarity with their work and the relevance of their background/skills to the challenges/needs identified by the Iraqi participants in the application process. The team selected included human rights academics and NGO activists from Ireland, Britain, Jordan, Palestine, Switzerland and the USA. Each international facilitator was paired with an Arab region counterpart. Terms of reference stipulated a lead facilitator and assigned specific roles to each.
- Finalising advance reading materials in light of issues raised in the application forms and sent to all selected applicants to ensure that there was a common starting point for discussions in Amman;
- Combining different training methodologies on the basis of participants' capacities, balancing the need to provide a solid foundation for discussions while also allowing maximum interaction.⁴
- The role of facilitator (as distinct from trainer) was explained to participants in the application process and again at the outset of the programme. Evening debriefing sessions among facilitators meant that necessary adjustments to the Programme were made to take account of needs of participants identified by the facilitators during the Programme;
- A detailed Evaluation Form encouraged participants to comment on delivery and content of each individual session of the Programme;
- Central to participation was the team of Interpretation, Translation and Administrative Support Staff: The programme was conducted in a combination of Arabic and English with simultaneous translation. Interpreters were selected on basis of previous work with IHRN, their knowledge of human rights terminology and previous experience. All interpreters were provided with the programme's pre-reading.

⁴ A variety of facilitation techniques were used in the Programme itself including plenary discussions, small group discussions, SWOT analysis, a field visit, brainstorming and mini-presentations. In addition, case studies based on participants' direct experience (e.g. Al-Mustansiriya University / John Hopkins war mortality study) proved concrete and direct, while fictitious ones (workshop exercise on campaign on election law) also saw frank discussion among participants who interacted constructively despite some strongly held divergent views.

Networking was facilitated throughout by optional evening sessions by participants and by a number of human rights NGOs, both international and regional, which were facilitated in presenting their work to participants. A range of international agencies and donors working on Iraq were also invited to participate in a Round Table discussion on the final day of the Programme at which participants outlined priority areas for support.

3. Challenges and Opportunities

Central to the Amman programme was a discussion on the environment and conditions in which local human rights actors seek to function.

Recent years have seen exponential growth in the number of NGOs in Iraq, including those specifically asserting a human rights approach to their work. This development has triggered a widespread debate on questions relating to distinctions between state and non-state actors, between human rights NGOs and other non-state actors and related issues of NGO legitimacy.

This debate has taken place against the backdrop of some 2000 NGOs being officially registered with the Iraqi Ministry of Planning under “Association Law Number 45”. While, it is entirely appropriate for there to be some form of registration system for NGOs for taxation and similar purposes. However, the system of registration of NGOs originally introduced by the Coalition Provisional Authority, has drawn criticism from some as being a threat to the very essence of NGOs. Follow-up recommendations consider how fears such as these should be addressed to develop constructive NGO-Government relations.

While considerable consensus existed in the Amman discussions regarding key challenges and opportunities – *experiences vary* or are *seen to vary* by a number of factors such as by region (North and South), by location (urban versus rural) or by virtue of the specific characteristics of an NGO. This highlighted the subjectivity of what constitutes a strength, weakness, threat or opportunity in the context of human rights NGO work. Indeed, factors some perceive as a strength are seen by others as a weakness (e.g. the rapid growth in the number of NGOs in Iraq). Other factors can simultaneously be a threat and an opportunity depending on circumstances (e.g. the current high level of donor commitment to fund the Iraqi human rights movement).

With these caveats in mind, the following opportunities and challenges were among those identified in discussions:

3.1 Opportunities

- Human rights organisations now exist in all parts of Iraq, including those specialising on particular groups/issues (eg women’s rights) and function despite the real difficulties of working in Iraq
- Establishment in Iraq of activists’ groups representing particular professions e.g. lawyers or journalists
- Considerable public trust in NGOs as being credible (particularly in relation to elections)
- Strong levels of participation by Iraqi women in public decision-making
- Support of international human rights organisations (financial and moral)
- International co-ordination by donors
- Capable and enthusiastic staff who believe in human rights principles and the principle of non-profit-making ‘voluntary’ organisations
- The considerable experience of groups from Iraqi Kurdistan, who are increasingly enabled to carry out their work by public authorities

- Potential support for NGOs from government bodies
- Readiness of NGOs to share knowledge and ideas and the potential for alliances amongst the large number of NGOs
- The opportunity presented by new government structures for the human rights community to influence matters
- Receipt of financial support from the Iraqi public
- Opportunities to contribute to the forthcoming election process and the drafting of a new constitution.

3.2 Challenges

- Ensuring independence of NGOs from government and/or political parties and/or occupying forces
- Addressing low public awareness of human rights and understanding of their universality
- Divergent regional human rights needs and priorities
- Accusations by authorities that human rights represent a 'foreign' agenda, cynically being used as part of the subjugation of Iraq, especially when promoted by the occupying forces
- State and non-state actors, from insurgents to occupying forces threaten human rights work, through targeted assassination of certain professions, seizure of materials, denial of access to investigate alleged human rights violations etc
- Varying by region and over time, all actors involved in the current conflict are reported as labeling human rights actors 'enemy collaborators' when NGOs seek to raise questions about their conduct.
- Need for a supporting role by e.g. the Ministry of Human Rights or the Ministry of Women, or a national human rights institute
- Need for equality between North and South in Government engagement with the human rights community
- Need security: the necessity for the Amman programme to be held outside of Iraq serves to highlight the security challenge faced by NGOs in safely undertaking activities. In part a consequence of the security situation many NGOs find themselves acting as service providers acting in lieu of effective state structures in delivery human rights.
- The deteriorating security situation (including a particular threat to women activists and students)
- Threats from government/political parties
- Increased fanaticism
- Need to address opinion of the public of NGOs - Those supported financially by international organisations are sometimes seen as collaborators
- Need to address issue of groups opposed to human rights constituting themselves as NGOs as a cover for their activities or to avail of NGO status as a tax efficient means of doing business
- Need to define clear NGO objectives
- Need for co-ordination between NGOs
- Need to apply the principle of indivisibility of human rights, such as failure to treat very basic needs (eg housing etc) as human rights
- Need to represent vulnerable groups
- Need for specialised training given current lack of expertise/experience/capacity of some NGOs
- Some NGOs work on basis of self interest, working only within a specific region for a specific group;
- Need key written materials
- Need financial support, equipment and resources

- Practice of paying per diem for training participants has established a culture in which money for participation has come to be expected
- International organisations are not aware of, and therefore don't engage with, all of the existing NGOs
- Need media coverage of key human rights issues and address negative media coverage
- Poor national communication systems
- Need to address criminal law restrictions on journalists
- Need to address the existence of emergency laws which conflict with international human rights standards; and the behaviour of actors which see themselves as above the law – Iraqi or international
- International organisations are not aware of, and therefore do not engage with, the full range of existing NGOs.

4 Recommendations

The Amman programme was an initial step in what should be an on-going, co-ordinated process to support capacity building of Iraqi human rights NGOs. The challenges and opportunities identified in application forms and discussed in Amman form the foundation for these initial recommendations, which are by no means comprehensive. They are addressed to those planning future support to capacity-building of Iraqi human rights NGOs as donors or programme implementers.

For real impact and sustainability, meaningful co-ordination, coherent standards and a long-term accompaniment should be planned by external funders and human rights partners. Support needs to comprise not only financial assistance but also active political solidarity for Iraqi Human Rights Defenders.

4.1 Co-ordination

4.1.1 Among the many challenges faced in addressing the human rights situation in Iraq is the influx of numerous actors and the need to avoid duplication in designing and implementing capacity building support for Iraqi human rights defenders.

It is recommended that co-ordination of support take place throughout the programme management cycle. This includes, in the immediate term, a co-ordinated process of needs assessment. Already, disparate and ad hoc needs assessments are taking place which drain time and resources from NGOs by duplication. Similarly, co-ordination should be systematic so as to pool lessons learned from such needs assessments and programmes. Co-ordination needs to be led by Iraqi, regional and international technical experience in human rights NGOs capacity-building.

A priority at this stage is to enhance the understanding of the distinct, but complementary, roles of human rights NGOs and government in a democracy. In this context, while it is appropriate that a responsible Ministry maintain an overview of NGOs, human rights issues areas not adequately addressed etc, this needs to be handled with care to ensure this does not become inappropriate control of legitimate civil society activities. While efforts will be made to strengthen the newly elected central government in Iraq, this should not be confused with encouraging inappropriate dependence by NGOs on state authorities. Despite the administrative convenience of channelling support to civil society through a Ministry, fundamental problems arise from a ministry being, or perceived to be, gate-keeper of funding for civil society. Needs assessment, funding decisions, evaluation etc of Human rights NGOs are in principle not appropriate roles for a Ministry in the Iraqi context. In the first instance NGO

confidence needs to be built by including independent input into decision-making process which affect NGOs and support to NGOs should seek to encourage appropriate co-operation between them and Ministries and other state bodies.

There is an important role for OHCHR to play in such processes. It recently took the welcome initiative of co-hosting (with the Iraqi Ministry of Human Rights) a meeting on “Mapping Human Rights Activities for Iraq”.⁵ The meeting intended to address support needs of both state institutions and civil society but was explicitly premised on the assumption that the Ministry had conducted a human rights capacity needs assessment.⁶ Given the capacity challenges of the Ministry itself, this is a significant assumption. As regards NGO needs, the participants in the Amman programme were unaware of an assessment of their needs having been conducted and unaware of the Geneva meeting. They have written to OHCHR to express their concern at the apparent missed opportunity for a participatory process. OHCHR and other inter-governmental agencies appropriately have Iraqi Ministries as key counterparts for state capacity building. However, it is recommended that consideration be given to identifying or developing non-governmental channels for support to Iraqi human rights NGOs (see below).

4.2 Donor Credibility

Particular care is needed to ensure that donors do not, and are not perceived to, dictate the human rights agenda in Iraq. That would be counterproductive given the political reality whereby human rights and democratisation in Iraq is challenged as a ‘foreign’ agenda. Support needs to be pro-actively demonstrated as being based on good faith commitment to positive human rights change. This will be particularly important for the credibility of human rights funding provided directly or indirectly by occupying states. There are a number of ways to work towards this, including:

- Early consideration of a Donor Code of Conduct. This should draw on experience elsewhere, be drafted by a joint committee of civil society and donor representatives; and include mechanisms for monitoring and mediation where disputes arise on programmes. The content should be founded on the most relevant principles of human rights, including the minimum standards acknowledged by the UN General Assembly in Resolution on Human Rights Defenders (HRDs), including the fundamental recognition of “the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels.”⁷
- Enhancing that confidence that external funding does not itself undermine independence of NGOs by mechanisms for programme funding such as substantive Advisory Groups comprising credible Iraqi and international individuals and institutions.
- Ensuring that donor support reinforces an understanding of the compatibility of Islam and internationally recognised human rights standards.

⁵ OHCHR, Geneva, Switzerland, 13 – 14 December 2004, provisional programme and background briefing note for the meeting. “The United Nations Office of the High Commissioner for Human Rights (OHCHR) wished to emphasize its role in serving as a focal point for the different actors in the field of human rights in Iraq. Interested donor Governments, international NGOs, and other civil society actors involved in human rights activities in Iraq were invited to the meeting to discuss their respective engagement in Iraq.”

⁶For example, *Session 4*: “Strengthening the national human rights protection system-focus on civil society”. The briefing note points out that “The meeting is organized in close consultation with the Iraqi Ministry of Human Rights. The meeting does not intend to identify Iraqi needs but it is assumed that such needs assessments have been undertaken already with Iraqi stakeholders. Participants in the meeting would now be exchanging information on how they will respond to those needs.”

⁷ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, General Assembly Resolution 53/144 A/RES/53/144, 8 March 1999.

- Ensuring that funding of Iraqi human rights defenders by occupying states is matched by visible efforts to prevent, and combat impunity for, any human rights violations by their own forces. The most effective way to support the efforts of Iraqi human rights NGOs is for occupiers to visibly demonstrate their own commitment to the rule of law.

4.3 NGO Credibility

4.3.1 Future support to Iraqi human rights defenders should entail fundamental questions about *appropriate NGO partners*? Support should be explicitly conditional on partners being truly non-governmental and committed to the universality and indivisibility of human rights. Human rights defenders must themselves respect human rights norms, respecting the rights of those they work with, and for, non-discrimination etc.

- The principles of the UN General Assembly Declaration on Human Rights Defenders should be made widely known in Iraq, to the public at large, local, regional and national authorities and to Iraqi and occupying security forces. It is recommended that funders expressly adopt the Declaration as their guide to identifying appropriate partners.
- Given the polarisation of Iraqi society, human rights NGOs would face genuine challenges in developing peer review. They should, however, be encouraged to consider a voluntary Code of Conduct for any human rights NGOs active in Iraq (more specific than any code covering wider civil society), possibly linked to the process of development of the recommended Donor Code of Conduct.
- Support should not be limited to human rights NGOs in the classical sense. A holistic understanding of human rights issues and human rights defenders is needed so that all those who are central to ensuring respect for human rights are supported. Of particular concern are trades unions, teachers, journalists, medical professionals etc.
- Support should be alert to groups that are not prioritised, because they are unpopular or disempowered and to issues whose human rights consequences are not properly understood (by donors or Iraqi civil society).⁸

4.3.2 Independent, systematic monitoring of the operation and impact of NGO registration, and related procedures governing Iraqi NGOs should be encouraged. Where unintended negative effects are identified, specific changes to improve the regulatory framework should be proposed and advocated.

4.3.3 Support to human rights defenders needs to be complemented by support aimed at raising public awareness of, and demand for, human rights and recognition of the legitimate role of human rights defenders. This awareness raising involves activities in which human rights defenders themselves, media, educationalists and government authorities have a significant role to play.

4.4 Tailored support

4.4.1 While support of various kind is needed by NGOs in all parts of Iraq, donors should not confine support to more established Iraqi NGOs or concentrated in locations such as the

⁸ Of some one hundred application forms received as part of the selection process for the Amman programme, no applications prioritised issues such as the re-introduction of the death penalty, the human rights implications of current Iraqi privatizations, Iraqis in detention outside of Iraq etc.

North and Baghdad, encouraging a perceived 'elite' of donor-oriented NGOs. The risk that donors find themselves competing for access to a limited number of NGOs with the administrative and language capacity to meet donor procedural requirements raises concerns regarding absorption capacity, donor-dependency and sustainability. Given the fact that many Iraqi NGOs are a relatively unknown quantity, lacking a track record of project management, funding in the contest of Iraqi civil society should be acknowledged by donors as involving a higher risk than would normally be acceptable to donors and their taxpayers. While co-ordination and strategic planning is needed at national level for addressing duplication/gaps in support for Iraqi human rights NGOs, the wide variations in experience by region (e.g. North-South), location (urban-rural) gender, ideology etc mean that tailored planning is needed – not a 'one size fits all' approach. With this in mind:

- NGOs might be funded to undertake pilot activities, shadowed and supported by designated partner Arab regional or international NGOs, providing guidance in developing work plans, undertaking legal analysis of findings etc
- Procedural and reporting requirements should be the focus of specific support to new or less developed human rights NGOs.
- Absorption capacity of many Iraqi human rights NGOs is likely to be low, so small grant schemes as 'seed money' should be an option.
- Donor support to Iraqi NGOs should not be limited to funding their *activities*. At this stage of their development many, if not most, Iraqi NGOs need funds for operating costs (e.g. telecommunications, transport, premises, equipment, IT, staff). Programmes specifically addressing these needs would complement others that are likely to be more restrictive as regards such costs.

4.4.2 Support should encourage alliances and joint projects where feasible e.g. involving combinations of NGOs and law schools, NGOs and local Government etc. As well as the obvious networking advantages this may enhance accountability.

4.4.3 Care is needed to ensure that donor support for human rights NGO projects does not undermine other key institutions by siphoning talent from universities, local government etc.

4.4.4 A priority is for support to human rights defenders to take account of the full spectrum of legitimate activities that may be undertaken whether advocacy, campaigning, monitoring, litigating etc and not only education or training. Similarly support to human rights defenders should not result in them supplanting the State as service deliverers or providing charity instead of ensuring respect human rights. At the same time synergies need to be developed by local-level participatory programme-planning which includes local authorities concerns (the 'supply' side of human rights) and the concerns of human rights civil society (the 'demand' side). Properly defined, such joint programmes would foster working relations while at the same time enhance understanding of respective roles.

4.5 Security concerns

4.5.1 There is a grave danger that human rights defenders take unacceptable risks as to their own safety and the safety of those who engage with them e.g. victims, witnesses in order to meet project commitments they have made to donors.

- NGOs should be encouraged to be open and transparent about security fears and to identify to donors factors that make it unsafe to carry out agreed project activities.
- Support is needed for NGO security training, development of procedures as well as provision of equipment, costs of securing premises, equipment, data etc.

- Exchange of experience with NGOs working in similar conditions elsewhere in the region and with NGOs who specialise in providing support on security issues should be prioritised.

4.6 The right to participate

4.6.1 The right to participate in decisions which affect one's life is both a core element of human dignity and the key to empowerment – the basis on which change can be achieved. It is both a means to the enjoyment of human rights, and a human right in itself.⁹

Participation is fundamentally about control: who makes decisions, where and how. Empowerment of those that are excluded is the key to achieving sustainable human rights change, including eradicating poverty. Future support to Iraqi human rights defenders raises the issue of respect for this right to participate, by the state, by occupying forces, by insurgents as well as by international interventions made in the name of improving the human rights situation.

4.6.2 Meaningful participation is not limited to voting in elections. It is an on-going process of inclusion and is both time- and resource-intensive and this will need to be reflected in the allocation of resources. It involves:

- Actively seeking out the voices of those who carry moral weight in Iraq (not just certain NGOs in Baghdad or Iraqi Kurdistan); and then ensuring that these voices are heard and have real influence;
- Ensuring participation in the diagnosis of the problems to be addressed; the design of international interventions and the evaluation of human rights impact of such interventions;
- Recognising that to be meaningful participation must follow key guiding principles; local as well as national level input; participation as an on-going process; non-discrimination and effective access to information.

Such meaningful participation does not simply 'happen'. It must be actively planned as part of Iraq's transition, even when it is not expected or demanded. Thus, a central issue is the quality of the participation in key debates – most immediately, the drafting of the Constitution. Ensuring the right to participate is respected presents a range of challenges where civil society is highly fractured. However, it is precisely when civil society is weak that support for effective participation is most needed.

- Support is needed to ensure meaningful participation in the constitution drafting process, through seminars, NGO campaigns, media etc. These should draw on experience in other countries where NGOs effectively contributed to constitution drafting eg South Africa. Input from Human Rights Defenders should not be confined to drafting of a Bill of Rights section of the Constitution, given that central concerns will be the mechanisms/structures for enforcement of any Bill of Rights.

⁹ See *The Right to Participate in International Human Rights Fieldwork*, IHRN (<http://www.ihrnetwork.org> policy discussions). Participation is a composite, cross-cutting, concept inherent in much of international human rights law, including: freedom of expression, association, assembly, the right to education, to receive and impart information, to self-determination, the obligation of states parties to make their human rights treaty obligations widely known, and under-pinned by the principle of non-discrimination. Participation is also referred to in specific ways including by: the Universal Declaration on Human Rights (article 21 the right to take part in the government, the will of the people as the basis of the authority of government, the right to vote); the International Covenant on Civil and Political Rights (article 25 the right to take part in the conduct of public affairs, to vote); the Convention on the Rights of the Child (article 12 one of its basic principles is respect for the views of the child and article 15 'safe spaces' in which they can be expressed); the Convention on the Elimination of Discrimination Against Women (participation of girls is a principle of 'paramount consideration' while article 14 refers to participation of rural women in the public and political life of their communities, and in particular in the design and implementation of development planning).

- Equally, support should be prioritised for participation in a national debate on whether and how a new Iraqi human rights institution(s) can play a positive role. Experience in other jurisdictions, highlights that lack of early input into such planning and ‘ownership’ of human rights commissions, ombudsmen etc can result in distrust by civil society. Assumptions as to the merit in such institutions should not ignore the priority that human rights defenders be persuaded of this merit (where it is substantiated) and the need for clarity as to respective functions etc.

4.7 NGO networking

4.7.1 ‘Space’ for human rights defenders to express and discuss divergent views amongst themselves in a constructive, collegial, atmosphere is of itself extremely important in the current context.

- Options include support for localised NGO-led consultation processes to identify priorities and proposed solutions, while in the process enhancing knowledge on the nature and status of human rights and human rights NGOs (training, media reports/interviews, Television and radio programmes, student essay competitions etc).
- An annual Forum of Iraqi Human Rights Defenders aimed at bringing together Iraqi and Arab region counterparts may help cross-fertilisation and networking without the need for a formal network. Different models for such fora can be adapted from other jurisdictions.
- Support should be considered to enable Iraqi human rights defenders to develop common positions and attend international human rights events to present them/influence others attending e.g. the UN Commission on human rights etc.

4.8 Co-ordinated training and materials

4.8.1 Training of Iraqi human rights defenders including “training of trainers” has started. If experience in other jurisdictions is replicated this is likely to involve thousands of people trained in the course of hundreds of ad hoc workshops with little coherence, considerable duplication and human rights defenders spending a disproportionate time in generic training. There is a need for a co-ordination ‘clearing house’ for human rights training which would seek to address lessons identified from similar contexts elsewhere and undertake functions such as:

- Planning training on the basis of systematic needs assessment.
- Identifying recommended resource persons.
- Providing mobile teams of trainers of trainers as back-up to new trainers.
- Providing a resource on best practice in human rights training for both human rights NGOs and governmental actors responsible for human rights training (eg police, local authorities).
- Pooling reference material and training modules to achieve economies of scale by making them available to other projects and NGOs. Identifying substantive human rights materials as well as materials on NGO management, administration, security, fund-raising etc. available in Arabic and co-ordinating necessary translation.¹⁰

¹⁰ As part of the Amman programme IHRN is compiling a web portal of core human rights materials in Arabic on human rights and NGO capacity building, including both documents and web links. In light of current internet access difficulties in Iraq and download costs, a decision has been taken with the British Council to produce a CD Rom version which will be circulated through Amman participants and their contacts. The CD Rom aims to strike a balance between immediate need for core materials and a more comprehensive on-going compilation of materials.

- Documenting who has been trained on what etc in the form of a database allowing NGOs to identify trainers to deliver subsequent training and fostering contacts with law schools and other institutions relevant to NGO training needs.
- Organising periodic training in Iraq (summer schools etc) as a means of building NGO capacity and encouraging networking among NGOs.

4.8.2 Linked to a Training Clearing House, support should be considered for Research and Resource Centres (some might be based in existing educational institutions and documentation centres). These would serve both as resources for human rights NGOs and encourage academics and students to get involved in NGO activities. Such Centres might be focus on selected sectors/issues (e.g. criminal justice) or specific groups (eg minorities or women/children). Such Centres might include resource materials, meeting space and training equipment and be available to NGOs.

4.8.3 Similarly, targeted participation by Iraqi HRDs in training courses for NGOs overseas has a role to play. At the moment application to such courses by Iraqi NGOs is based on access to the internet, language skills and contacts rather than a structured process to identify the most relevant people for relevant courses.¹¹ Participation in such courses should be linked to the development of a cadre of NGO trainers with selected participants mentored so as to be in a position to return to undertaking training of others.

4.8.4 Support for internships with regional and global NGOs: This is likely to be most effective if it is a structured scheme developed with NGOs involved in a training scheme. Host NGOs should have clear Terms of Reference and be paid for their time and supervision of interns. A structured scheme would aim to ensure that the most appropriate intern was placed within the most appropriate NGO etc. At the same time, interns from outside Iraq might be funded to undertake placements with Iraqi human rights NGOs to assist with international networking, human rights analysis etc.¹²

5. Conclusion

As emphasised throughout, the Amman programme was an initial step in what needs to be a longer term and wider process to help Iraqi human rights NGOs identify their own capacity-building needs. That process needs to be systematically deepened and widened in co-ordination with the wide range of interested partners. This report will be disseminated in Arabic and English to participants in the Amman Programme, other applicants, the Iraqi Ministry of Human Rights, DFID and the British Council, relevant UN agencies, the European Commission, development agencies and embassies in Iraq and international and regional human rights organisations. It is hoped that these initial recommendations contribute to reflection on the process of capacity building being undertaken by actors involved in support to human rights in Iraq as well as by Iraqi human rights defenders themselves.

¹¹ For example, semester-length human rights short courses in the UK at the Universities of Nottingham and Birmingham; a range of shorter human rights summer schools and courses (in Arabic) offered by the Geneva-based NGO International Service for Human Rights and Arab Institute of Human Rights; distance courses such as those of Human Rights Education Association (HREA).

¹² For example human rights masters graduates. As well as building capacity of the individuals concerned such internships can also contribute to NGO networking.

The *International Human Rights Network* is a non-governmental organisation based in Ireland. It provides support to others to develop Human Rights Based Approaches in their work.

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