

Evaluation of Commission's cooperation with the Council of Europe

An assessment focussed on EU funding of Joint Programmes

Final Report

Volume I

September 2012

Evaluation for the European Commission





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Framework contract for
**Multi-country thematic and regional/country-
level strategy evaluation studies and syn-
thesis in the area of external co-operation**

**LOT 5:
Evaluation of EC main policies and strategies in the
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This evaluation was carried out by
Particip GmbH

September 2012

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Evaluation of Commission's cooperation with the Council of Europe

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List of acronyms

ADR	Alternative Dispute Resolution
AI	Amnesty International
AP	Action Plan
BiH	Bosnia and Herzegovina
CARDS	Community assistance for reconstruction, development and stabilisation
CAT	UN Convention against Torture
CCCEC	Centre for Combating Corruption and Economic Crime (Moldova)
CEC	Central Electoral Commission
CEEC	Central and Eastern European Countries
CEPEJ	European Commission for the Efficiency of Justice
CLRAE	Congress of Local and Regional Authorities of the Council of Europe
CM	Committee of Ministers (CoE)
CoE	Council of Europe
CoHR	Commissioner for Human Rights
CPI	Corruption Perception Index
CPT	Committee for the Prevention of Torture
CRIS	European Commission's Common RELEX Information System
CSLN	Civil Society Leadership Network
CSP	Country Strategy Paper
DAC	Development Assistance Committee
DCI	Development Cooperation Instrument
DER	Directorate of External Relations (CoE)
DG DEVCO	EC Directorate for Development and Cooperation
DG EAC	EC Directorate for Education and Culture
DG ELARG	EC Directorate for Enlargement
DG EMPL	EC Directorate for Employment, Social Affairs & Inclusion
DG INFSO	EC Directorate for Information, Society and Media
DG JUST	EC Directorate for Justice
DIO	Directorate of Internal Oversight (CoE)
EaP	Eastern Partnership
EAR	European Agency for Reconstruction
EC	European Commission
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECLSG	European Charter of Local Self-Government
ECRI	European Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EDC	Education for Democratic Citizenship
EEAS	European External Action Service
EIDHR	European Initiative / Instrument for Democracy and Human Rights
ENCJ	European Networks of Councils for the Judiciary
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EPR	European Prison Rules
EQ	Evaluation Question
ESC	European Social Charter
EU	European Union
EUD	Delegation of the European Union
EUROJUST	Agency of the EU for judicial co-operation in criminal matters
EUROPOL	European Police Office

FATF	Financial Action Task Force
FCPNM	Framework Convention for the Protection of National Minorities
FIU	Financial Intelligence Unit
FRA	European Agency for Fundamental Rights
FYROM	Former Yugoslav Republic of Macedonia
GONGO	Government-Organized Non-Governmental Organization
GRECO	Group of States against corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
HCNM	High Commissioner on National Minorities
HELP	Human Rights Education for Legal Professionals
HQ	Headquarters
HR	Human Rights
HRB	Human Rights Board
HRE	Human rights Education
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
IGO	Inter-governmental Organisation
IOM	International Organization for Migration
IPA	Instrument for pre-accession assistance
JC	Judgment Criterion
JP	Joint Programme
LGBT	Lesbian, Gay, Bisexual, and Transgender people
LSG	Local Self-Government
MIPD	Multi-annual Indicative Planning Document
MoJ	Ministry of Justice
MOLICO	Project against corruption, money laundering and the financing of terrorism in Moldova
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
MoU	Memorandum of Understanding
MS	Member state
NGO	Non-governmental organisation
NHRS	National Human Rights Structures
NIJ	National Institute of Justice
NIP	National Indicative Programme
NJRS	National Judicial Reform Strategy
NPAA	National Programme for the adoption of the Community acquis
NPM	National Preventative Mechanism against Torture
NSC	North-South Centre (CoE)
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PACO	Support to the National Anti-corruption Strategy (Moldova) JP
PCM	Project cycle management
PRAG	Practical Guide to contract procedures for EU external actions
PROSECO	Support to the Prosecutors' Network in South-East Europe JP
RG	Reference Group
ROM	Results oriented monitoring
RUCOLA	Harmonisation Russian anti-corruption legislation with international standards JP
SC	Steering Committee
SEB	Supreme Election Board
SEE	South East Europe
SIDA	Swedish International Development Agency
SISP	Social Institutions Support Programme

SPS	Schools of Political Studies
SRSG	Special Representative of the Secretary General
TA	Technical Assistance
TAG	Technical Advisory Group
TI	Transparency International
ToR	Terms of Reference
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNODC	UN Office on Drugs and Crime
UPR	Universal Periodic Review of the UN Office of the High Commissioner for Human Rights
VC	Venice Commission – European Commission for Democracy through Law
WB	World Bank

Note: The Evaluation uses the common acronym "**EC**" to refer to either the "Commission of the European Union" (post-Lisbon Treaty) or the "European Commission" (pre-Lisbon Treaty), as applicable. In some specific cases related to the overall EU Policy framework or the post-Lisbon Treaty context, the acronym EU refers to the Commission of the European Union as well as other EU services in charge of the European external action and its relations with third countries.

Executive Summary

Purpose and scope of the evaluation

This Final Report presents the outcome of the “*Evaluation of Commission's cooperation with the Council of Europe (CoE)*”. It was commissioned by the DG DEVCO Evaluation Unit¹ and was implemented between December 2010 and July 2012.

The evaluation provides an independent assessment of the European Commission's (EC's) past and current cooperation with the CoE by looking at how relevant, efficient, effective and visible this cooperation has been in supporting sustainable impact for the protection, promotion and dissemination of European values on the European continent and beyond.

The evaluation identifies relevant key lessons learned from the EC-CoE cooperation, in order to provide recommendations for the future of the EC-CoE cooperation.

The evaluation covers the period from 2000 to 2010. All regions where the EC cooperation with partner countries is implemented through the CoE were included in the scope of this evaluation. The main thematic focus of the evaluation was the EC channelling of aid through the CoE in the form of Joint Programmes (JPs); however, the broader strategic aspects of the relationship between the two institutions were taken into account as well.

Methodology

The evaluation followed the methodology developed by the Evaluation Unit of DG DEVCO and was divided into four main phases: the structuring phase, the desk research, the field phase, and the synthesis phase.

Eight Evaluation Questions (EQs) have been formulated by the team, in close exchange with the Reference Group, consisting of representatives of various DGs (in particular DG DEVCO, DG ELARG), and the EEAS. The EQs and the EQ-derived evaluation matrix (including Judgement Criteria (JCs) and indicators) were based on the analysis of the interventions logic and a number of key issues identified in the ToR as well as on discussion with the Reference Group.

Data collection activities were carried out mainly during the desk phase and the field phase. The evaluation used a combination of tools

¹ Former Joint Evaluation Unit common to Directorates General of External Relations (RELEX), of Development (DEV) and the EuropeAid Cooperation Office

and techniques for primary and secondary data collection, such as: documentary review and synthesis of past evaluations, an online-survey of EU Delegations (EUDs), in-depth country case studies, thematic case studies, interviews at the EC and CoE Headquarters (HQ), and interviews with stakeholders in the field. Overall, more than 1,500 documents and publications were screened and analysed, Interviews were held with more than 200 people – both individually and in group discussions – in Brussels, Strasbourg, and in the field visit countries.

Eight countries² for in-depth country case studies were selected as a representative sample reflecting the variety of EC-CoE cooperation from the total of 14 countries³⁴ under evaluation. Furthermore, out of these eight, four countries⁵ were selected for field missions. The field missions served to complete the data collection and to bring insights on specific issues, with emphasis on processes and achievements, which could not be fully covered by the tools used during the desk phase.

Challenges encountered during the evaluation included the relatively broad scope of the evaluation, the availability of information especially related to results and impacts, and the fact that due to logistical difficulties the originally planned field mission to Russia had to be replaced with a mission to Armenia.

Main findings of the evaluation

During the evaluation period a total of almost 160 million € were committed to finance and co-finance programmes through and with the CoE. The largest recipient of interventions financed by the EC through the CoE was Turkey (17%), followed by Ukraine (13%) and Russia (12%). On regional level (single country and regional programmes combined), the largest contributions were made to the region of

² Armenia, Azerbaijan, Bosnia and Herzegovina, FYROM, Moldova, Russia, Serbia, and Turkey

³ Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, FYROM, Georgia, Kosovo, Moldova, Montenegro, Russia, Serbia, Turkey, and Ukraine

⁴ Kosovo: This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. This note applies for all mentions of “Kosovo” throughout the report.

⁵ Armenia, Moldova, Serbia, and Turkey

South East Europe (8%), followed by Eastern Europe and South Caucasus (6%).

The three key sectors of cooperation – rule of law, human rights and democracy – received the bulk of support; combined value of 85% (over 132 million €) of total EC commitments. The other thematic sectors of cooperation were supported only marginally in comparison, with none of them receiving more than 6% (less than 10 million €) in commitments.

Most resources to the JPs have been channelled through the geographic instrument TACIS⁶ (23% of funds for the JPs). The second largest contribution came from the instruments for democracy and human rights (14%), followed by CARDS and IPA⁷ each with 13% of contributions.

The share of programme budget financed by the EC varied, with slightly upwards trend. On average the EC financed about 80% of the budget of JPs, with individual programmes receiving between 25 and 100% of resources from the EC.

The above joint programmes were mostly under the responsibility of DG DEVCO and ELARG on the side of the EC. Due to the fact that there is no central inventory of all EC-supported activities of the CoE, some projects co-financed by other DGs (EMPL, INFISO, and others) are likely not present in the overview. However, the financial volumes not covered by this overview should be only marginal in comparison.

EQ1 – Guidance criteria: While the decision to cooperate with the CoE through Joint Programmes has often been strategically sound ex post, there is not much evidence of clear and transparent criteria being applied ex ante. The strong and weak points of the CoE are well understood (and the former are well set out in the 2007 Memorandum of Understanding). That there is a broad high-level strategic vision of cooperation, both financial and non-financial, on both ends of the Brussels-Strasbourg axis is not in doubt; here, the 2007 MoU is the best evidence for this, as is the development in recent years of regular high-level political and practical consultations.

EQ2 – Specific expertise: The ability of the EC to take advantage of the CoE's unique expertise and potential influence on its MSs was limited over the evaluation period by the fact that the CoE had a weak field presence. The reform and reorganisation process set in mo-

tion in the closing months of the evaluation period was, in large part, designed to address this weakness. However, it needs to be recognised that, in an increasingly competitive market, the CoE no longer has exclusive access to expertise. Enhancing relevance, and amounting to the CoE's true "unique selling point" is the "triangle" of standard setting, monitoring, and cooperation, with the latter then feeding back to further standard setting and monitoring. A consistent finding is that those JPs which worked best were those closely linked to core standard setting and monitoring. The geographical scope of the CoE has not been identified as a point of particular interest to the EC.

EQ3 – Results and impacts in human rights:

The trajectory of improvement in human rights protection in the selected case study countries is generally positive over the time period evaluated; however, grave problems remain in all countries. The overarching legal framework of the CoE as well as its status as an inter-governmental organisation (IGO) were distinct comparative advantages in securing engagement by state institutions on human rights projects. EC support to CoE included JPs particularly relevant to acknowledged needs, including low awareness and capacity to apply human rights standards across a range of substantive human rights as well as related CoE mechanisms. Human rights related JPs appear strongest in their provision of legally accurate support that addressed some key human rights priorities in the States concerned.

EQ4 – Results and impacts in rule of law I (fight against corruption, money laundering, organised crime and trafficking):

Almost all countries have acceded to almost all major conventions related to the fight against corruption, money laundering, and organised crime. JPs provided specific, targeted technical assistance to help countries transpose legal and institution requirements from the conventions into national legislation, and to build the capacities of the respective institutions to implement these requirements. In general, in all countries reviewed the formal compliance with the requirements of the conventions has increased. Yet, there is no conclusively proven link between these and actual levels of money laundering, corruption, organised crime, and trafficking. It is important to acknowledge that political will is key to achieving progress in these areas.

EQ5 - Results and impacts in rule of law II (legal systems and access to justice):

The State is the primary duty-bearer for ensuring access to justice for all and establishing, funding and overseeing a justice system that is accessible, effective, efficient etc. In that con-

⁶ Technical Assistance to the Commonwealth of Independent States

⁷ "Community Assistance for Reconstruction, Development and Stabilisation" and "Instrument for Pre-Accession"

text a key CoE comparative advantage has been its opportunity to implement programmes in partnership with State institutions. Key JP contributions in this sector included substantive expert inputs on reform of substantive and procedural laws, in particular ensuring that new/revised laws comply with CoE standards. Some positive impacts were identified, however, in many countries studied, the justice system remains corrupt, under-funded, and politically dependent on the executive.

EQ6 – Results and Impacts in democracy: Extensive JP activity and non-financial cooperation in the area of media freedom has taken place in the majority of countries. In some of the countries reviewed, there is a trend of curbing media freedoms in recent years, putting a question mark to the sustainability of the interventions, especially those delivered through trainings. Some progress in different aspects of elections has been noted in numerous countries; overall, though, the record remains mixed. Strengthening the role of civil society has not been the explicit target of any of the JPs, although various JPs have had some components aimed at strengthening NGOs. Overall, however, it is difficult to give a positive assessment of the impact of these interventions. Despite progress on legislation related to decentralisation and local self-governance, in many countries, local authorities remain dependent on central government.

EQ7 – Implementation: In general, project cycle management was weak in EC-CoE JPs. This started with ad hoc JP project formulation, sometimes not as closely attuned to monitoring as it should have been, often on the basis of an incomplete baseline assessment. Needs for training were not rigorously established nor was sustainability carefully examined. JPs often consisted of bundles of small, unrelated, under-resourced activities, and were usually of duration too short to cope with the deep structural and political issues addressed. Weak logical frameworks made proper evaluation difficult, while the evaluation function itself was under-developed at CoE Headquarters, a problem that was addressed by the reform and re-organisation undertaken at the end of the evaluation period. JPs performed better when they were managed from CoE field offices than when they were managed from CoE Headquarters. However, based on evidence gathered, the quality of expert support, in the form of team leaders and other consultants, was generally high.

EQ8 - Complementarity and Synergies: In general, the CoE priority areas identified coincided with EC priorities, and the main strategic priorities of the EC and CoE at country level are relatively well aligned. The mechanisms for

the CoE and EC to coordinate strategy are for the most part informal but the EC heavily relies on CoE monitoring materials when elaborating its own country strategies. Consultations between the organisations at country level are common. It is possible that, in most cases, a tighter coordination process would not greatly change cooperation programmes. There has been only limited joint standard setting and this has not always been successful.

The evaluation noted some successes in achieving complementarities and synergies between the two organisations. At the highest political level, improved dialogue in recent years has contributed substantially.

In summary, EC-CoE cooperation covers inherently difficult and politically contested areas in which, nonetheless, States have made unequivocal commitments by joining the CoE. The CoE's role in standard setting and monitoring gives it a unique comparative advantage, as does its role as an inter-governmental organisation. It has not been particularly effective, however, as an implementing agency. In an increasingly competitive international environment, CoE is actively attempting to address this weakness through re-organisation and reform. Given the willingness to adapt and its institutional depth, the CoE is a highly attractive cooperation partner for the EC.

Main conclusions

For analytical clarity we have clustered the conclusion into four groups.

Cluster 1: Strategic and political

Conclusion 1: Political and strategic relations between the EU and CoE experienced a marked improvement over the evaluation period

The evaluation has found that the political and strategic dialogue and coordination between the two institutions have improved substantially during the latter years of the evaluation period. The 2007 Memorandum of Understanding served as a solid basis for cooperation over the last years of the evaluation period. The exchange of ambassadors and, frequent high-level meetings, which have contributed significantly to the improved high-level communication between the two institutions; the scoreboard mechanism, and other innovations were credited with having accomplished a major improvement in the strategic relationship.

Conclusion 2: Inside the EC, DG DEVCO and the European External Action Service appear to have differing perspectives on the role of the CoE as a partner

While high-level relations between EC and CoE continued to improve, the views of the CoE as cooperation partner within the EC itself

have been differing between DG DEVCO on one side and the DG RELEX, now EEAS, on the other. DG DEVCO is seeking an effective implementation partner, while the EEAS considers the overall cooperation framework with the CoE, including policy dialogue, standard setting and monitoring in furtherance of European values. There is some risk that one actor will be promoting the CoE as a partner, while another will be looking for alternative partners.

Conclusion 3: The large-scale institutional reform of the CoE has been addressing many of the implementation weaknesses identified in this evaluation

The on-going CoE reform contains ambitious steps to address the implementation weaknesses identified in this evaluation, and our conclusions below relating to weak implementation cannot be read without taking into account that the CoE is taking ambitious steps to address the problems raised.

Cluster 2: Comparative advantages and disadvantages

Conclusion 4: The CoE's comparative advantage is widely recognised to rest in its expertise, its legal and moral authority, and its unique combination of roles

The CoE's main comparative advantage identified by the evaluation is the fact that the cooperation with its Member States is based on CoE's own standard setting in the key areas of cooperation (human rights, rule of law, democracy), and the follow-up monitoring of the compliance with these standards. Strengthening the ties between monitoring findings and cooperation could strengthen the utilisation of this comparative advantage.

Conclusion 5: The CoE's comparative disadvantage is widely recognised to be its weakness as an implementing agency

The evaluation has found strong evidence of weaknesses relating to the implementation of the EC-CoE joint programmes. Weak implementation (relative to other implementing agencies) ran throughout the project cycle, from project formulation to inferior project execution, weak monitoring and evaluation, and little incorporation of lessons learned. These weaknesses were systemic rather than occasional, and have only recently started to be addressed through the institutional reforms of the CoE. The strengthening of CoE's field presence has already led to some improvements in project management.

Conclusion 6: The CoE's ability to enforce moral and legal authority has been limited

The CoE's ability to take full advantage of its position as a moral and legal authority has been limited by its lack of tools for enforcement in most areas. Failure to meet commitments by

its Member States is usually responded to with continued engagement and not direct sanctions. The fact that the CoE's mechanisms to encourage compliance are limited (or its will to use them on member states is weak) – reduces its attractiveness to the EU as a cooperation partner.

Cluster 3: Country-level impacts

Conclusion 7: Impacts of EC-CoE cooperation at country level are mixed.

Assessing impacts of EU-CoE cooperation regarding human rights, rule of law and democracy has proven a difficult task. This is in part because the CoE and EU have differing institutional constructions of "impact" and in part because the changes demanded are massive and the time frame short. Political will to change or its absence are the key factors. Trends in compliance with European standards in human rights, rule of law, and democracy in case study countries over the evaluation period, while difficult to ascertain in an objectively verifiable way, were mixed. In some countries, there was progress across a broad front during the time period evaluated (e.g. Serbia and Turkey). In others, there was regression overall, but some pockets of progress were noted (e.g. freedom of expression in Armenia, money laundering in Azerbaijan, or the right of appeal in Russia). In general countries still have far to go in meeting the international obligations they adopted when joining the CoE

Conclusion 8: There is need to provide a stronger foundation for the evident presupposition that capacity building, in particular training, and awareness raising are the keys to institutional development and change

The main approach to institution strengthening was training, and awareness raising. There was little evidence of a strategic approach to needs-assessment and estimation of likely impacts. There is need for an improved evidence-based rationale for the CoE-favoured approach to cooperation.

Conclusion 9: While the CoE was able to secure engagement with governments on issues and in areas where other implementing agencies would not have been acceptable to government, the lack of NGO involvement probably had overall negative effects on relevance and impact

While efforts have been made, NGOs are still under-represented in CoE activities – not surprising given that the CoE's members are governments and that many governments instinctively do not wish to engage with civil society. This lag in the acknowledgement that NGOs are legitimate actors whose voice deserves to be heard is out of line with good development

practice. The lack of NGO involvement had negative consequences for relevance, perhaps also for impact.

Cluster 4: Coordination

Conclusion 10: Over the evaluation period, there was little evidence of formal country-level strategic coordination, but EU and CoE country strategies and priorities appear to have been broadly in harmony

The EU relies heavily on CoE monitoring reports in preparing its country reports and other relevant materials. The EC and CoE jointly participate in human rights dialogue and strategic communication between CoE country offices and EU Delegations is generally adequate. There is no evidence that there was coordinated strategy setting or prioritisation over the evaluation period, neither was there evidence of stark or obvious inconsistencies or divergence.

Conclusion 11: EU Delegations were, in general, inadequately staffed in the technical areas relevant to cooperation with the CoE

Not only weak CoE field presence, but also under-staffing of EU Delegations, was a structural problem over the evaluation period. Persons responsible for democracy, human rights, and rule of law were typically juggling a wider portfolio and did not necessarily have expertise in the political areas covered by CoE-EU cooperation.

Conclusion 12: There was little coordination between instruments or different levels of JPs

The opportunities for coordination between JPs and other EC programmes in the country, or between different JPs were not actively pursued. While no evidence of inefficiency has been found, it is likely that creating complementarity and synergies could have brought more value added to the programmes.

Conclusion 13: There does not appear to be a central inventory of all EC-financed joint activities with CoE in other than the key areas of cooperation

There is a much broader galaxy of relatively smaller, scattered CoE-EU cooperation activities which occur outside DG DEVCO and ELARG. Many of these involve areas of expertise which, to the outside observer, appear peripheral to the CoE. The small size and scattered nature of these forms of cooperation may raise concerns for efficiency and coordination, and there is no central inventory or list of activities.

Main recommendations

Ten recommendations have been derived from the conclusions which are clustered in *strategic*

and political recommendations and recommendations relating to *effectiveness, impact and efficiency*. Recommendations 2, 5 and 8 have been identified as being most important and urgent at the same time.

Strategic and political

Recommendation 1: Extensive changes in the MoU are not necessary. A more specific partnership agreement for cooperation through JPs, with explicit reference to comparative advantage and value added could be considered in addition.

There is no need for a sweeping revision of the 2007 Memorandum of Understanding. This position has already been expressed by both institutions at the recent Senior Officials Meeting. However, a more specific agreement, especially for the cooperation through Joint Programmes, could be considered, to acknowledge CoE's strengths, and outline specific priorities for cooperation. Better coordination between DG DEVCO and the EEAS should be used to achieve a unified approach to closer partnership with the CoE.

Recommendation 2: Encourage the CoE to adopt institution-wide approach to delivering assistance in line with international best practice

The EC should encourage CoE to create institution-wide policies and operational level guidelines that are binding for everybody in the CoE and contracted by the organisation on EC-financed programme and project implementation issues. The implementation weaknesses identified highlight the need to change the currently pervasive attitude within CoE towards the delivery of assistance. It is no longer justifiable that the CoE adopts a position out of line with internationally recognised development best practice. This means adopting standards and best practices that have been part of the international development for several decades.

Recommendation 3: Strengthen strategic joint priority setting at country level

Strategic coordination and joint prioritisation at the country level should be strengthened. This needs to span both political and cooperation aspects. On the political front, dialogue with Government should be coordinated and a united front should be presented. Some basic understanding of the incentive structure – and how it will be implemented – should be agreed upon between the CoE and EU with the goal being that CoE and the EU, transmit a coherent message to Government regarding adherence to European values and standards. JP formulation should be firmly grounded in country strategies, thereby maximising relevance and reducing the problem of donor-driven as-

sistance. EC support should require and enhance greater communication and coordination between JPs and other EU funded assistance.

Effectiveness, impact and efficiency of co-operation

Recommendation 4: Insist on and support stronger project cycle management in EC co-financed programmes

The EC should insist on and support stronger project cycle management. The EC should require that programme logframes clearly and accurately distinguish activities, outputs and impact, with appropriate plans and resources allocated for participatory monitoring and evaluation (including independent external impact evaluation) and interim evaluation where JP duration or other factors justifies the cost. Explicit planning and adequate resourcing of credible project monitoring and evaluation should be a precondition for funding support and partnership.

Recommendation 5: Promote relevance, impact and sustainability of joint programmes by ensuring the participation of civil society in the reform process

Programme interventions should continue to be grounded on partner States' CoE and other treaty obligations focusing on State institutions as the primary duty-bearer. At the same time, interventions should ensure that civil society participates as of right in reform processes and that the legitimacy of civil society advocacy and monitoring is reinforced for greater relevance impact and sustainability of reform efforts.

Recommendation 6: Ensure stability, predictability and reasonable flexibility of the funding for the EC-CoE joint programmes

The move away from direct award to competitive bids is inevitable. However, when deciding on modalities, the EC should keep in mind the State as the primary duty-bearer as well as partnership preferences of Governments, the likely transaction costs and delays associated with the competitive process and the comparative advantages and disadvantages of the CoE. There is a strong case for a substantial, predictable envelope of funding provided it does not signal that programme activity is an end in itself. Some predictable longer term funding agreements can enhance impact especially in areas where reform requires longer term efforts as well as facilitating projects being situated more in the context of wider sector reform. It should also facilitate planning for impact and impact evaluation, and reduce administrative burden on implementing partners. It would give the CoE space to reform while, at the same time, avail of its unique status. At the same time, this evaluation has

identified a number of issues that need to be addressed to improve the quality of cooperation, The move to a more predictable financing should occur in the context of adopting a clearer strategic and focused approach (overall and at country level). In this context, predictable funding will go hand in hand with a clearly identified comparative advantage of the CoE. Improved PCM should also be a part of the implementation of flexible instruments..

Recommendation 7: Ensure the creation of mechanisms for lessons learning and sharing across all EC-CoE jointly funded activities

Based on improved PCM, especially stronger logframes and better monitoring, the EC should support (and require necessary input from CoE) steps to ensure that JP cooperation activities are mapped, updated as focus changes, outputs are generated, lessons are learned, etc. One element of this could be ensuring that regional JPs are linked to country-specific JPs (including sharing lessons learned). Another could be ensuring that lessons learned (evaluation results, etc.) from JPs in one country are brought to the attention of JP managers and EUDs in other relevant jurisdictions. A third aspect could be supporting key domestic implementing partners, such as relevant ministries, in taking responsibility for coordination to avoid duplication and maximise synergies.

Recommendation 8: Strengthen the foundation for capacity building activities and establish their links to results

The EC should insist that JP proposals involving capacity building (training, awareness raising, etc.) are based upon a baseline assessment that establishes a clear need for the activities proposed, the main constraints and risks and clear logic for how the specific proposed activities are expected to improve compliance with European standards and other obligations of the countries concerned. Awareness raising and Training of Trainers, in particular, need review for clarity of the concept. Training and awareness-raising, should continue to be primary focus of support where properly planned participatory needs assessment confirms that these are key needs. Where, however, needs assessment identifies lack of accountability or other root causes as key problems impeding progress, then project activities and objectives should prioritise this.

Recommendation 9: Take into account internal capacities of the CoE for managing projects when assessing proposals for financing

When considering funding of a JP, the EC should take into account the capacity of CoE field staff to manage the project. CoE field staff

capacity should include capacity (both substantive and human resources) to track developments generally in the sectors and issues being addressed by JPs as well as day-to-day administrative JP management. In general,

management input from Strasbourg should focus on targeted added value but is not a substitute for day-to-day management in the field.

1 Introduction

1.1 Objective and scope of the evaluation

This Final Report presents the outcome of the “*Evaluation of Commission's cooperation with the Council of Europe (CoE)*”, as stipulated by the Terms of Reference for this assignment. The evaluation was commissioned by the DG DEVCO Evaluation Unit⁸ and was implemented between December 2010 and July 2012.

The main objectives of the evaluation were:

- to provide the relevant services of the EC and the wider public with an overall independent and **accountable assessment** of the EC's past and current cooperation with the CoE;
- to identify **key lessons** from the EC's past overall co-operation, and thus provide the EC's policy-makers and managers with a valuable aid to evidence-based decision making, and for planning, designing and implementing EU policies.

The evaluation aimed at assessing to what extent the Commission interventions with the CoE have been **relevant, efficient, effective** and **visible** in supporting **sustainable impact** for the protection, promotion and dissemination of European values on the European continent and beyond.

In addition, the ToR emphasise the forward-looking character of the evaluation in providing lessons learned and recommendations for the continued partnership with the CoE, and consider the future relations in the light of the provision of the Memorandum of Understanding⁹ according to which “it will be decided by common agreement, not later than 2013, to revise, if necessary, the Memorandum of Understanding with a view to including new priorities for their cooperation..”

The evaluation covers the cooperation between the EC and the CoE for the period **from 2000 to 2010**. All regions where the EC cooperation with partner countries is implemented through the CoE were included in the scope of this evaluation. According to the Terms of Reference, the main focus of the evaluation should be EC **channelling of aid** through the CoE, however, the same ToR also frequently refer to broad cooperation. Joint Programmes are only one of the modalities of cooperation, albeit one of special significance because it is through them that most funds are channelled from the EC through the CoE. The Reference Group expressed the wish that **broader strategic aspects** of the relationship between the two institutions be taken into account as well.

1.2 Structure of the report

Volume I of the Final Report is structured as follows:

- Section 1 – Introduction: this chapter presents a brief overview of the evaluation purpose and scope, as well as background and context information.
- Section 2 – Methodology: this chapter outlines the methodological approach, the tools and the sources of information used during the evaluation, and presents the final set of the evaluation questions.
- Section 3 – Background and context: this chapter presents a brief overview of the cooperation between the EU/EC and the CoE, both financial and non-financial.
- Section 4 – Presents the intervention logic representing the underlying rationale of this cooperation.
- Section 5 – Inventory: this chapter presents an overview and analysis of EC financial contributions to the EC-CoE joint programmes over the evaluation period.
- Section 6 – Answers to the Evaluation Questions: this chapter presents a summary box and a detailed answer for each of the eight Evaluation Questions.
- Section 7 – Conclusions and recommendations: this chapter presents a full set of conclusions and recommendations.

⁸ Former Joint Evaluation Unit common to Directorate Generals of External Relations (RELEX), of Development (DEV) and the EuropeAid Co-operation Office

⁹ MoU para.55

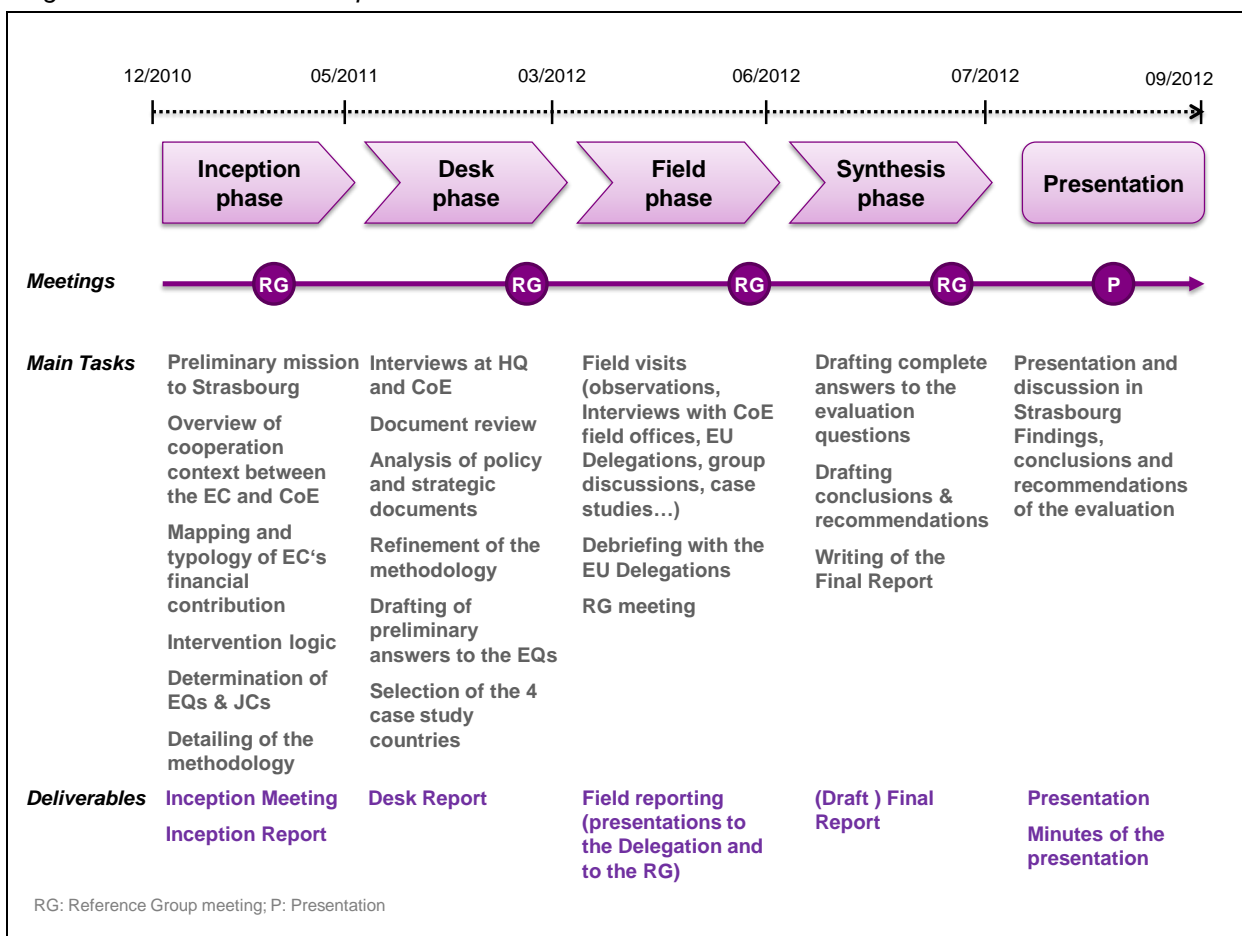
2 Methodology

2.1 Stages of the evaluation process

The methodology applied for this evaluation is based on the methodological guidelines developed by the DG DEVCO Evaluation Unit. The guidelines give precise indication on the design of the study, the structure the evaluation process in its different phases and provide an array of tools that can be used for evaluations.¹⁰

The evaluation has been conducted in **four main phases**, as summarised in the figure below. It was managed and supervised by the DG DEVCO Evaluation Unit. Evaluation progress was closely followed by the evaluation Reference Group (RG) chaired by the Evaluation Unit, and consisting of members of various DGs (in particular, DGs DEVCO and ELARG), and EEAS. The figure also lists the main tasks in each phase¹¹, the Reference Group (RG) meetings held, and the deliverables for each phase. In line with the ToR, each phase has started after formal approval of the deliverables of the previous phase by the Evaluation Unit.

Figure 1: Evaluation process



The evaluation process adopts a systematic approach that uses different building blocks to gradually construct an answer to the EQs and to formulate conclusions and recommendations. The various phases and subsequent "stages" coincide with the different methodological steps undertaken within the framework of the evaluation:

- First, it was essential to have a clear understanding and overview of the object of the evaluation, by producing an inventory and typology of EC financial and non-financial cooperation with the CoE falling within the scope of the evaluation (for more details on the see sections 3 and

¹⁰ General information on these guidelines can be found online at: http://ec.europa.eu/europeaid/how/evaluation/methodology/index_en.htm

¹¹ The lists include some major tasks carried out in each phase, but they are not meant to be exhaustive.

- 5). Once this overview was available, the team built the methodological framework for the entire exercise during the **inception stage**.
- On the basis of the established methodological framework, data collection could take place in two steps:
 - From the desk, during the **desk study**;
 - Through country visits in the **field phase**.
 - The **synthesis phase** was then devoted to constructing answers to the evaluation questions and formulating conclusions and recommendations on the basis of the data collected throughout the process.
 - The final step consists of a **presentation** of the evaluation's findings, conclusions and recommendations in Strasbourg at the Council of Europe.

2.1.1 Developing the methodological framework (Structuring Phase)

2.1.1.1 Overview of key tasks carried out in the structuring phase

One of the key steps of the evaluation process was related to defining the design of the evaluation and its corresponding methodological framework, which served as a basis for the entire evaluation exercise.

Given the purpose and conditions of the evaluation, the most appropriate design for the evaluation was a **multiple case study with literal replication** based on the use of a **mixed-methods approach**. The elaboration of the methodological framework was based upon several components.

- One of the first tasks was to establish the **intervention logic** (see Figure 5) underlying rationale of the EC cooperation with the CoE. This was a prerequisite for the evaluation, since it facilitates understanding of the hierarchy of the objectives aimed at being achieved with a view to contributing to the overall objectives of the EC's development policy. It therefore constituted the basis for formulating the Evaluation Questions (EQs) and served as the benchmark against which to evaluate the EC-CoE cooperation.
- In parallel, an **inventory** of the EC-CoE financial cooperation (Joint Programmes) over the evaluation period was established and analysed (see section 5). The inventory provides an overview of programmes (co-)financed by the EC and implemented by the CoE, and presents some main characteristics and trends of this cooperation, such as distribution among sectors of support, countries, instruments used and types of financing procedures. The analysis served for formulating EQs and Judgement Criteria as well as for the final selection of the country cases for which in-depth data collection was applied.
- The next task consisted of defining and structuring a set of **evaluation questions (EQs)**. The purpose of the evaluation is to verify to what extent the EC's intended objectives have materialised as envisaged. Accordingly, the EQs of this evaluation were established based on the analysis of the interventions logic and a number of key issues identified in the ToR as well as on discussion with the reference group. A set of *eight* EQs was defined, so as to shed light on some critical points of the intervention logic and provide more specific content to the evaluation criteria and key issues. The EQs therefore cover the different evaluation criteria, including the five DAC criteria and EC specific criteria, such as 'added value' and '3Cs'. For more details on the evaluation questions, see chapter 2.1.1.2).
- Subsequently, the **evaluation matrix** was developed, with a view to structure the analysis leading to answering the EQs and facilitate the data collection. To this end, appropriate Judgement Criteria (JC) and related indicators were defined. Furthermore, potential information sources were identified for each indicator, as well as appropriate methods and techniques for collecting and analysing the information.
- Given the purpose and conditions of the evaluation, the most appropriate cases to be analysed during the desk study and the field work were considered to be "country cases". Thus, an important task during the structuring phase was to select the **relevant country cases**. In order to reach a reasonable balance between generating a rich evidence base and keeping the study feasible, it was decided to focus on **8 countries** during the desk phase and **4 countries** selected out of the desk phase sample during the field phase. Overall, the country cases were selected to reflect the diversity of CoE countries, where JPs have been implemented with respect to different areas of cooperation and different political and geographical context of the countries.

2.1.1.2 Evaluation Questions

The focus of the evaluation questions has been directed at aspects that would permit provision of information and analytical material contributing to an analysis of a number of issues that became apparent from desk work done during the production of the inception report and from the inventory. As indicated above, the EQs were discussed and agreed upon with the Evaluation Unit and the Reference Group.

The Evaluation Questions and the answers to them are presented in section 6. The findings, on which they are based, and the related analyses are also set out in the same section. Detailed findings and analysis can be found in Volume II of the report. Conclusions and recommendations emerging from the evaluation are then presented in section 7.

2.1.2 Selection of case study countries for the desk study and the field phase

At the beginning of the Desk Phase, a set of **eight countries** was selected for in-depth desk country case studies as a representative sample reflecting the variety of EC-CoE cooperation. These countries were selected from the total of 14 countries, which are member states of the CoE outside of the EU, and in which EC-CoE joint programmes were implemented over the evaluation period.¹² The following criteria were used for the selection of the desk study countries:

- **Size, breadth, and complexity of country programme:** this criterion considered mainly information gained in the gathering and analysis of the Inventory, including the number and financial volumes of EC-CoE joint programmes, both country specific and regional, and the thematic areas in which these programmes were implemented.
- **Geographical balance and coverage:** this criterion was used to ensure a balanced representation of countries from different geographical regions (Eastern Europe, Southern Europe, South Caucasus, Turkey) and countries covered by different instruments of the EC external cooperation (ENPI, IPA).
- **Availability of baseline information and studies,** including monitoring reports and previous evaluations;
- **CoE and EU field presence;**
- **Other factors** such as position in the accession process.

Based on these criteria and after a discussion with the RG, the following countries were covered in the Desk Phase case studies: Armenia, Azerbaijan, Bosnia and Herzegovina, FYROM, Moldova, Serbia, Russia, and Turkey.

At the end of the desk phase this selection was further narrowed down to **four countries** for the implementation of the field missions. To select four countries for to be visited in the field phase, the above criteria were slightly refined, to obtain an illustrative representation of countries across the following characteristics:

- **Region,** as given by geographical location but also by their inclusion in different EC geographical instruments of external cooperation (ENPI, IPA);
- **Volume of financial cooperation** and distribution of the volume across **key areas of cooperation** (Human Rights, Rule of Law, or Democracy), and between country-specific and regional JPs;
- **CoE and EU field representation.**

Based on the above criteria, the following countries were proposed by the evaluation team and accepted by the RG: Moldova, Russia, Serbia, and Turkey. However, due to logistical problems in organising the mission to Russia (difficulty in obtaining business visa for the consultants), which might have threatened the implementation of the fourth mission; it was agreed with the evaluation manager and the RG to replace the mission to Russia by a mission to Armenia. The consideration for the selection was given specifically to the following aspects:

- The four countries together represent about 48% of financial volumes of single-country JPs implemented over the evaluation period (out of all countries under evaluation).

¹² Countries under evaluation included CoE countries outside the EU, covered by DG DEVCO or DG ELARG operations. There was thus a total of 14 countries in the scope of the evaluation: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, FYROM, Georgia, Kosovo, Moldova, Montenegro, Russia, Serbia, Turkey, and Ukraine.

- Serbia and Turkey are both pre-accession countries (DG ELARG) in different stages of the accession process (Serbia – potential candidate status, Turkey – candidate country status). Armenia and Moldova are both ENPI countries (DG DEVCO); both of them are also included in the EU Eastern Partnership.
- **Armenia:**
 - Representative of South Caucasus countries, which have received strong joint EC-CoE support in different aspects of democratisation
 - Large recent JP focusing on access to justice
 - Focus of EC-CoE cooperation was given to regional JPs (as opposed to country specific JPs)
 - Part of JPs with broad coverage, such as Peer-to-Peer and Network of schools of political studies.
- **Moldova:**
 - Strong cooperation focus on the areas of economic crime and democratic reforms;
 - Democracy has also been a focus of several regional JPs, implemented together with the countries of South Caucasus;
 - Part of JPs with broad coverage, such as Peer-to-Peer (networking of national human rights structures) and network of schools of political studies.
- **Serbia:**
 - Several JPs (both country and regional) on economic crime;
 - Two JPs solely focusing on local governance;
 - Sustained support to Roma issues through regional JPs;
 - Part of JPs with broad coverage, such as Peer-to-Peer and Network of schools of political studies. Part of SEE regional JPs on cybercrime, social security and prosecutors' network.
- **Turkey:**
 - Largest recipient of single-country JPs;
 - Focus on human rights and rule of law (legal system and access to justice);
 - Part of JPs with broad coverage, such as Peer-to-Peer and SEE regional JPs on cybercrime and social security.

Table 1: Countries selected for case studies

ENPI	IPA
Armenia	Albania
Azerbaijan	Bosnia and Herzegovina
Georgia	Croatia
Moldova	FYROM
Russia	Kosovo
Ukraine	Montenegro
	Serbia
	Turkey

Desk study countries

Country

Desk and Field study countries

Country

2.1.3 Collecting data (Desk Study and Field Phase): Overview of process and tools

2.1.3.1 Desk Study

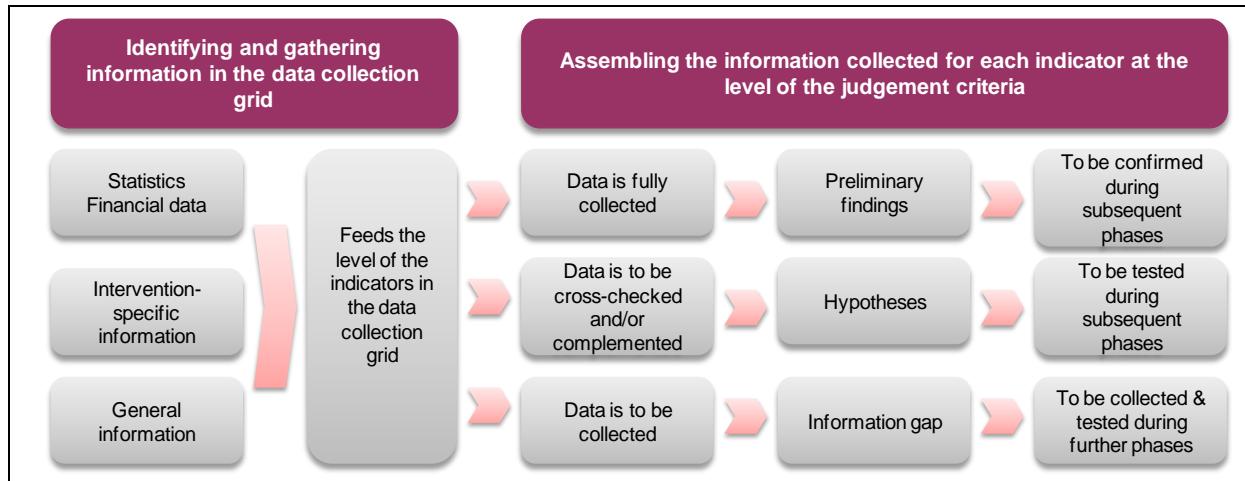
Data collection activities were carried out mainly during the **desk phase** and the **field phase**.

The **combination of data collection methods** and techniques varies according to the different JCs. However, several methods and techniques have always been used to collect the data necessary to assess a given JC and data collected through different means was cross-checked. Moreover, where possible, the evaluation team combined the use of qualitative and quantitative data and relied both on

primary and secondary data sources while taking into account available resources and their constraints, including time. The evaluation team checked that the final set of methods and techniques consisted in a sufficiently wide mix to ensure a high level of data reliability and validity of conclusions.

At the end of the desk phase, the team assessed the overall data collection process in order to identify **preliminary findings** to be confirmed during the field phase, **hypotheses** to be tested and **information gaps** to be filled. The process followed is exemplified by the figure below.

Figure 2: Data collection process



In fact, the time that could be spent by the team **in the field** was limited. Therefore, the scope of the visits, i.e. the type of information to be collected, had to be clarified and made explicit. Careful preparation of the field phase was thus required and detailed elements on the approach to be followed were presented in the Desk Report which was discussed with the RG at the end of the desk phase. In order to ensure efficient time and resource management, prior to the field visits the team prepared an overview of focal areas for each field visit country to ensure a complete coverage of all areas where additional information collected was needed to fill information gaps or to triangulate and confirm previous findings.

2.1.3.2 Field Phase

The main objective of the field phase was to **complete the data collection** and to contribute to answering the EQs. It also served to validate or **revise the preliminary findings and hypotheses** formulated in the Desk Report.

The field phase covered both policy and strategy aspects and implementation issues. Nevertheless, the field phase was not intended to conduct an in-depth assessment of the implementation of all the EC interventions in the country. The analysis of specific interventions actually aimed at exemplifying results and impacts of EC support. Emphasis was put on processes and achievements, which could not be not fully covered by the desk tools of the desk analysis.

The purpose of the field visits was actually dual. First, they aimed at obtaining general answers to the relevant EQs and JCs in each country, and to those not yet fully answered during the desk phase. Second, they served to examine in further detail key issues considered of importance. Case studies were selected to be useful to answer the general EQs and, more generally, to contribute to obtaining an overall comprehensive picture of EC support to decentralisation worldwide, taking account of different geographical and political contexts.

The objective of **focusing on specific areas in each country case** was to study selected key issues in detail, with a view to obtaining in-depth insights and providing further evidence of the type of strategic and operational challenges, dilemmas or problems associated with the EC-CoE cooperation on country level, and with a view to feeding into the overall assessment.

2.1.3.3 Overview of tools used

The table below provides an overview of the data collection strategy and corresponding tools used during the evaluation, as well as their output.

Table 2: Overview of tools used during the evaluation

Scope	Tool	Purpose	Individual analysis
All CoE	Statistical analysis of the inventory of EC-CoE joint programmes	To identify trends in financing and disbursement, sectoral emphasis, geographical distribution	Yes <i>Section 5 and Annex 4</i>
All CoE	Documentary review related to EC-CoE cooperation	To identify main aspects of the EC-CoE strategic relationship, both on financial and non-financial level	No
All CoE	Documentary review related to specific areas addressed by thematic case studies <ul style="list-style-type: none"> • CoE reform process • Roma rights • CoE South facility 	To generate findings in specific areas across borders, to complement country case studies and identify specific issues of interest	Yes <i>Annex 6</i>
All CoE – region/ thematic/ instrument/ DG -specific	Interviews in EC Brussels HQ	To discuss specific topics related to EC-CoE relationship and cooperation, and to cross-check information gathered from secondary sources	No
All CoE	Interviews in CoE Strasbourg HQ	To discuss specific topics related to EC-CoE relationship and cooperation, and to cross-check information gathered from secondary sources	No
All CoE	Web-based survey to EU Delegations in all CoE countries under evaluation	To obtain perceptions of different aspects of EC-CoE cooperation on country level from EUDs (12 out of 14 Delegations responded and filled in answers) ¹³	Yes <i>Annex 3</i>
All CoE	Screening of CoE field office reports	To find evidence of EC-CoE non-financial cooperation on country level	No
8 desk study countries	In-depth country case studies	To obtain evidence of results of EC-CoE cooperation at country level for impact EQs (EQ3-6)	Yes <i>Presented in the Desk Report</i>
4 field study countries	Interviews with stakeholders in-country <ul style="list-style-type: none"> • EUD • CoE field office • Government bodies • NGOs, CSOs • Professional organisations 	To acquire evidence into selected issues identified in the desk phase	Yes <i>Volume III</i>

Documentary analysis, including the following documents of relevance to the EC-CoE cooperation:

- Documents relating to the EC-CoE relations, such as mutual agreements, reports of high level meetings, reports and overviews of joint cooperation activities, etc.;
- EC and CoE reference documents, such as policies, strategies, action plans;
- Documents relating to specific issues relating to topics considered in thematic case studies – ongoing CoE reform process, cooperation in Roma issues, and CoE activities within the South Facility.
- Documents relating to the implementation of joint EC-CoE activities – project reports, evaluations, ROM reports, EC-CoE project websites;

¹³ Answers obtained from: Albania, Bosnia and Herzegovina, FYROM, Kosovo, Serbia, Armenia, Azerbaijan, Georgia, Moldova, Russia, Ukraine, Turkey
Declined participation: Croatia, Montenegro

- Background literature on context and developments in relevant areas of case study countries, including reports and reviews of international organizations, reports of CoE monitoring bodies, NGO reports, media outputs, websites of relevant local stakeholders, etc.;
- Screening CoE field offices reports for information on non-financial EC-CoE cooperation on country level;
- Statistics on quantitative indicators where applicable

An initially foreseen and prepared survey to CoE field offices was not carried out at the request of the CoE. As a part of the CoE reform process, the field offices have been reorganised and largely changed staff, therefore it was argued by the CoE that the current field office representatives could not provide an appropriate overview and comments on past EC-CoE cooperation at country level for the period under evaluation. This situation was counterbalanced by the evaluation team by interviews at CoE headquarters in Strasbourg to the extent possible, including by interviews with some of the former CoE field staff.

2.1.4 Analysis and judgment: Synthesis phase

Following the debriefing presentation of the field work to the RG, the evaluation team proceeded to the Synthesis Phase. The information collected was analysed and synthesised so as to answer the EQs, provide overall conclusions and recommendations, and reach an overall judgement on the EC cooperation with the CoE. Thematic issues were analysed with a matrix approach across countries and themes. This approach allowed for the detecting of common factors operating across countries, and how country-specific factors influence specific themes common to all countries.

This work resulted in the draft Final Report. The Evaluation Unit will organise a meeting with the RG to discuss the Report in the presence of the evaluation team. On the basis of comments received from the Evaluation Unit and the RG, the evaluation team will make final amendments and submit the Final Report.

The factual information on which the evaluation is based is provided in detail in Volumes III and IV, -- which include: detailed inventory; the synthesis of previous evaluation reports of the EC-CoE joint programmes; the results of the survey to EU Delegations; and the field visit country notes.

During the synthesis phase, for each EQ, a grid setting out the judgement criteria (JC) and indicators (I) was prepared, along with the analysis already made during the desk phase. All information collected was analysed in accordance with this grid (intended for internal use only).

Information from various sources was combined, cross-referenced and cross-checked, as illustrated below; this served as a basis for developing the argumentation. For each EQ, the team thus constructed balanced answers using the building bricks that are the indicators and the JCs. Regular consultations were held between team members to ensure coherence in filling the grids. Information on all JCs and indicators was provided to each team member, who then collated the information and ensured coherence of the answer.

Table 3: Cross-checking information

EQ 1	Indicators	Inventory	Documentary analysis	EUD survey	Interviews	National statistics	Country Notes	Other sources	...
JC11	I-111								
	I-112								
JC12	I-121								
	I-122								

The combination of answers to the different EQs (see section 6) allowed the team to formulate more general judgements in the form of Conclusions (see section 7)¹⁴ and, on that basis, propose a set of Recommendations (see section 7). This approach allowed for a clear linkage between EQs (findings), conclusions and recommendations.

¹⁴ Conclusions provide clear answers to the questions asked at the beginning of the evaluation. They involve judgements on the merits and worth of the support (see DG DEVCO evaluation guidelines: http://ec.europa.eu/europeaid/evaluation/methodology/methods/mth_ccl_en.htm).

2.1.5 Dissemination

A presentation of the Draft Final Report and subsequent discussion was held at the CoE in Strasbourg on 14th September 2012.

2.2 Challenges and limitations

2.2.1 Scope of the evaluation

The most important challenges of this exercise generally stem from the specific scope of the evaluation – what is evaluated is not a project or programme implemented, but a “channel of cooperation”. Moreover, the wish of the Reference group for the evaluation to consider also broader aspects of the EC-CoE cooperation than purely those characterised by financial flows, has put an extra dimension into the exercise, and raised practical and methodological issues for the evaluation.

This evaluation focuses on a number of issues related to the EC-CoE cooperation that were derived from the intervention logic, i.e. from what the EC intends to achieve by pursuing its objectives in certain areas not on its own or with another partner but rather with and through the CoE. The question underlying all investigated issues is thus the question of CoE value added. As already discussed in the Inception report, the answer to this question might be implicitly obvious to some, but there is not much formal evidence of this question being specifically analysed and articulated in EC policy documents or operational guidelines.

While the fact that the evaluation scope includes not only financial flows but also non-financial cooperation between the two organisations should in principle make the overall picture more complete, it needs to be noted that the “completeness” has its limits, and this evaluation is by no means attempting to assess the overall partnership of the CoE and the EU.

- First, the evaluation is referring specifically to the cooperation of the European Commission with the CoE, not of other EU bodies. Broader issues, which may by themselves be of great importance to the EU-CoE partnership, such as e.g. the foreseen accession of the EU to the ECHR or GRECO, are mentioned, but have not been considered in any depth by this evaluation. Moreover, partnerships and activities of EU bodies different than the EC with corresponding bodies at the CoE (such as e.g. the cooperation between the EU's Committee of the Regions and the CoE's Congress of Local and Regional Authorities) have also not been reviewed.
- Second, as stated in the ToR and Inception Report, the mandate of the evaluation extends only over the activities implemented by the DGs DEVCO, ELARG, and the EEAS. The cooperation of other DGs with the CoE, such as DGs INFSO, JUST or HOME, has been taken into account as contextual information but has not been evaluated to any great extent. This also means that cooperation with impacts within the EU MSs themselves (such as cooperation on Roma issues, corruption, culture, children rights, etc.) has not been considered for this evaluation. Of course, the distinction can never be an exact one – while for instance the activities of the Venice Commission are not under the evaluation in general, they become within its scope wherever they were supported by the EC as a part of an EC-CoE Joint Programme.

In conclusion, this evaluation focuses on the external cooperation of the EC implemented with and through the CoE, and represents an important but still only partial input into the overall picture of the EU-CoE relations.

2.2.2 Involvement of the CoE in the evaluation process

The evaluation's objective was to assess the cooperation of the EC with the Council of Europe, within the scope defined by the ToR and within the limits set by the challenges discussed above. These challenges were somewhat further pronounced by the fact that the CoE's representatives were not part of the Reference Group and could not have contributed to the discussions related to the definition of the scope in the Inception Phase, or to the development of the methodology, including the evaluation matrix. The CoE also did not have the opportunity to comment on the drafts of the Inception and Desk Reports, thus limiting the inputs the evaluation team had at its disposal when developing and finalising these outputs.

During all phases of the evaluation, the CoE staff at all levels and in all Directorates and other bodies, both in Strasbourg and at country level, were exceptionally helpful in providing information, both in person and in collecting and sharing related documentation as requested by the evaluation team.

2.2.3 Quantity and quality of the information available

The following points should be noted in relation to the data availability for the evaluation:

- Data for some indicators have not been available, or were open to different interpretations without detailed analysis, e.g. the decrease in the number of complaints entered against the judiciary and law enforcement bodies can imply increased confidence in the complaints system but may also indicate failures of complaint mechanisms. Where possible, these issues were further investigated during the field missions, to provide more in-country insights and explanatory analysis for the trends observed. However, given the limited duration of the field missions and the complexity of the context, it was not possible to undertake an in-depth research of all such issues.
- A major issue encountered was the fact that the documents available on the Joint Programmes – especially interim and final reports – are excessively focused on discussing activities implemented rather than results and impacts achieved. While this information was complemented by information in ROM reports and evaluation reports, these have not been available for most of the JPs under review. In general, insufficient information on results and impacts of the EC-CoE cooperation could be collected during the Desk Phase. These aspects were therefore the main focus of the field missions. Nevertheless, without systematic monitoring and evaluation of the joint programmes, information available on results and impacts of these interventions remains necessarily limited, affected by fading institutional memory of both the CoE and the beneficiary institutions, and changes of the context. This problem is of course increasingly pronounced with respect to programmes implemented towards the beginning of the evaluation period – the field missions were taking place in 2012, while the time scope of the evaluation is 2000-2010. Understandably, the interlocutors in the field missions often found it easier to discuss on-going or recent programmes (sometimes out of the scope of the evaluation), and did not remember older programmes or found it difficult to distinguish between them.
- As mentioned above, the CoE advised that the proposed web-based survey prepared for the CoE field offices not be administered. The indicated reason was the recent re-staffing and re-organisation of the offices, which would mean that current staff would not be in position to provide well-informed comments on the EC-CoE cooperation at the country level with respect to the evaluation period. While efforts were made by the evaluation team to obtain information via interviews at CoE in Strasbourg, and some of the former CoE field office staff was also interviewed, the absence of CoE responses to survey limited the evidence base, especially for results and impacts at country level, and also limited the possibility to compare EUD and CoE field office answers to the same questions. Answers to the survey from the CoE field offices would have been particularly useful for countries that were not covered by the country case studies investigated in depth during the Desk Phase. However, the usefulness of survey answers should not be over-estimated. We have found, for example, that EUD survey answers regarding impact are generally more positive than evidence gathered from evaluation and ROM reports, an effect that may be due to respondent bias.

2.2.4 Field missions

During the Field Phase the aim was to capture specific issues more in-depth that were identified during the desk study. Nevertheless, it is important to bear in mind that the aim at country level was to understand better, to illustrate and to provide insights into EC-CoE country-level cooperation and its contribution to the achievement of set objectives; the aim was not to base information on a representative sample in the usual sense of the word.

Another challenge of the exercise is related to the country visits: in the limited time allocated to them, it was important to cover the main issues related to the EC-CoE cooperation in the country, as well as the elements confirming or not confirming the desk phase findings. It is therefore evident that not all EC-CoE interventions in a country were visited and researched, and that these visits do not pretend to be, or replace, self-standing country evaluations.

Finally, as mentioned above, it is also important to mention that due to logistical difficulties in obtaining business visa to Russia, the originally planned mission to this country was replaced by a mission to Armenia. While Russia was the first choice given its political and geographical importance as well as its importance within the CoE, the mission to Armenia was not in our view an inferior alternative. It provided important findings on several specific issues, and represented the South Caucasian region in the field missions, which was an important beneficiary of many democratisation-related regional joint programmes.

2.2.5 Inventory

Considerable effort has been invested into gathering maximum of information about all financial commitments and disbursements from the EC to the CoE, and cross-checking the information where pos-

sible. Nevertheless, the evaluation team is aware of the limitations and constraints to the complete accuracy of the inventory. These issues are discussed in detail in the Inventory in Volume IV.

The CRIS database contains most of the information required but has its own limits. First, not all contracts of the RELEX family DGs are entered into CRIS, especially those that are older or those concluded by a specific entity, such as the EAR. Second, CRIS does not generate a readily exportable overview of disbursements by year for individual contracts, only a disbursement total to date. This means that aggregated annual disbursement tables cannot be prepared for this inventory, and annual information is aggregated on the level of commitments only.

Another constraint to the completeness of the inventory was the fact that some contracts were concluded at DGs outside of the RELEX family. While some DGs contributed their overviews of financial flows towards the CoE, at other DGs this information was not readily available. Therefore, in cases where the information on contracts from CoE could not be verified with the EC unit responsible, and the CoE information was used for the purposes of the inventory (clearly marked).

There were constraints to the complete accuracy of the typology of the financial flows as well. Foremost, the three key areas of cooperation – Human rights, Rule of Law, Democracy – are interrelated to a great extent, and many interventions cannot be conclusively assigned to single one of them, based on their objectives. Even so, it was deemed useful for further analysis to maintain the separation of the three key areas in the classification, while the ambiguity of the assignment of a single category in some cases is recognised.

3 Background and context

3.1 An overview: History of cooperation between the CoE and the EC

Box 1: Council of Europe in brief

Council of Europe (CoE) is an intergovernmental organisation, founded in 1949 by 10 states¹⁵. There are currently 47 member states¹⁶ in the CoE, encompassing virtually the whole European continent. The Statute of the CoE¹⁷ states that the “*aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress*”. The members of the CoE pursue this aim by entering into agreements (conventions) and joint actions on questions of common concern. The **conventions** of the CoE are not statutory acts of the Organisation. They owe their legal existence to the consent of those member States that sign and ratify them. Full list of CoE conventions and detailed information can be found on the website of the CoE Treaty Office.¹⁸

Conventions of the CoE are distinguished from **Partial Agreements**, which are not international treaties but a particular form of co-operation within the Organisation. Partial Agreements allow member states of CoE to abstain from participating in a certain activity advocated by other member states.¹⁹ Some of the most prominent Partial Agreements include the European Commission for Democracy through Law (Venice Commission)²⁰, Group of States against Corruption (GRECO)²¹, the North-South Centre²², or the Pompidou Group²³. Detailed **information** on the functioning of the CoE can be found at the CoE website²⁴. Detailed information about the on-going reform of the CoE can be found at the reform website, together with the reports of progress.²⁵

The CoE and EU have a long history of agreements of varying formality to encourage and guide co-operative efforts. An initial agreement was concluded in 1959 between the Secretary General of the CoE and the European Commission, followed by the establishment, in 1974, of a Liaison Office in Brussels to “*facilitate contacts and the exchange of information between the Council of Europe and the Communities with a view to promoting... a closer co-operation between these institutions.*”²⁶ The 1959 agreement was superseded by the “*Arrangement between the Council of Europe and the European Community*” in 1987, an exchange of letters between the Secretary General of the CoE and the President of the European Community, laying the groundwork for direct EU participation in CoE work of mutual interest and facilitated the potential contractual inclusion of the EU in CoE-sponsored conventions and agreements. It also espoused a set of actions designed to improve high-level communication and consultation between the organizations, including the appointment of senior officials “*to follow the progress of co-operation between the two institutions and act as a point of contact in this respect.*”²⁷ In 1996, a supplement to this agreement noted the “*profound political and institutional changes*” in both organizations and the need for increasing coordination between the two, and therefore provided for more open mutual access to and participation in meetings held by each.

2001 marked the adoption of the more formal “*Joint Declaration on cooperation and partnership between the Council of Europe and the European Commission,*” following the entry into force of the

¹⁵ Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden and the United Kingdom

¹⁶ Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, United Kingdom, Greece, Turkey, Iceland, Germany, Austria, Cyprus, Switzerland, Malta, Portugal, Spain, Liechtenstein, San Marino, Finland, Hungary, Poland, Bulgaria, Estonia, Lithuania, Slovenia, Czech Republic, Slovakia, Romania, Andorra, Latvia, Albania, Moldova, Macedonia, Ukraine, Russia, Croatia, Georgia, Armenia, Azerbaijan, Bosnia and Herzegovina, Serbia, Monaco, Montenegro

¹⁷ <http://conventions.coe.int/Treaty/en/Treaties/Html/001.htm>

¹⁸ <http://conventions.coe.int/Default.asp>

¹⁹ http://conventions.coe.int/?pg=/general/IntroAP_en.asp

²⁰ <http://www.venice.coe.int/>

²¹ http://www.coe.int/t/dghl/monitoring/greco/default_en.asp

²² http://www.coe.int/t/dg4/nscentre/default_EN.asp

²³ <http://www.coe.int/T/dg3/pompidou/>

²⁴ <http://www.coe.int>

²⁵ http://www.coe.int/t/reform/default_en.asp

²⁶ CoE, Resolution 74(13): On the Establishment of a Liaison Office of the Council of Europe in Brussels

²⁷ “Arrangement between the Council of Europe and the European Community.” 1987. The arrangement followed and built on CoE Resolution (85) 5 (1985): “On Cooperation Between the Council of Europe and the European Community,” which stressed the importance to the CoE’s goals of greater cooperation and communication with the EC and called for joint activities where likely to be profitable, intensified communication, the widest possible application of CoE legal instruments, and the establishment of flexible contact procedures between the organizations.

Treaty of Amsterdam, which dealt, *inter alia*, with issues of individual rights, citizenship and free movement. The Declaration identified a number of areas of on-going active cooperation: “*human rights, democratic institution-building, legal affairs, social and health matters, education and culture, heritage and the environment, local government and the protection of national minorities.*” It also described the establishment of **joint programmes** which “*enhanced the complementarity of [their] activities and ensured maximum benefit for the countries concerned.*”²⁸ Among its provisions were intensified dialogue to identify valuable arenas for concerted action, and joint planning and identification of medium-term priorities. The Declaration identified a framework and principles to guide specific cooperation between the two organisations. Particularly, it specified that cooperation “*should include all areas of common concern where [it] would be to mutual advantage... [and should be] extended to areas where it is likely to bring added value to both sides and strengthen complementarity of action.*” As well, it mandated an annual high-level meeting and progress report, and spelled out a basic structure for management and evaluation of joint programmes.

The evolving process of negotiation culminated in a 2007 “*Memorandum of Understanding between the Council of Europe and the European Union,*” (MoU) which for the first time set inter-organizational cooperation in a legal framework.²⁹ The MoU summarized the purposes and principles of cooperation, reiterating the status of the CoE as the “*benchmark for human rights, the rule of law and democracy in Europe,*” and emphasizing enhanced partnership, complementarity, and value-added in cooperative efforts. It identified **seven thematic areas for collaboration** based on shared priorities, and specified arrangements and mechanisms for enhancing and ensuring cooperation. These include:

- human rights and fundamental freedoms;
- rule of law, legal cooperation and addressing new challenges;
- democracy and good governance;
- democratic stability;
- intercultural dialogue and cultural diversity;
- education, youth and promotion of human contacts; and
- social cohesion.

The MOU provides the framework basis for cooperation between the EU and CoE today, and provides for re-evaluation and revision, as necessary, in 2013.³⁰ The results of this evaluation, it is expected, will be relevant to and useful in, the revision process.

Inventory of main cooperative activities

Cooperative actions between the CoE and EU build upon three basic principles:

- coherence – standards, protocols and legal precedents promulgated by the respective organizations should not contradict one another or diminish the authority of existing norms;
- complementarity – each organization should understand and avail itself of the specific strengths of the other so as to minimize duplication, make better use of resources, maximize efficiency, and ensure that all important goals are met;
- value added – efforts should be made to identify collaborative actions that foster synergies, providing better results than either institution could provide alone.

Given these standards, the MoU mandates that cooperation should encompass the following general principles:

²⁸ Joint programmes, initially aimed at the Central and Eastern European Countries (CEECs), have been implemented by the EU and CoE since 1993 (see below).

²⁹ The MoU itself relied heavily on two other sources: the Warsaw Summit Declaration and Action Plan (2005) and a commissioned personal report by Jean-Claude Juncker, the then-Prime minister of the Grand Duchy of Luxembourg, “Council of Europe – European Union: ‘A sole ambition for the European continent.’” The latter details a long list of specific recommendations for inter-organizational cooperation to maximum effect, and has been heavily drawn upon in later documents. Perhaps its most ambitious proposal is that the EU accede directly to membership in the CoE—by 2010.

³⁰ Some have interpreted the MOU as a modest (if not weak) re-affirmation of shared principles and mechanisms of cooperation, rather than the bold step forward envisaged by the Juncker report, “a first step towards the full normalization of the situation of the EU vis-à-vis the Council of Europe” (De Schutter 2008). As such, “... its adoption is a welcome development... [but] only a first step in the evolution towards the establishment of an ‘exemplary institutional framework’ between the two organizations” (Joris and Vandenberghe 2008; internal quote from the Juncker Report).

- reinforced dialogue on policy issues to identify joint priorities and develop common strategies;
- regular exchange of information and development of common views and initiatives (declarations, joint awareness raising initiatives, etc.);
- further coordination of operational activities in priority areas;
- enhanced consultation between network bodies- partnerships with those states benefiting from activities, programmes and other common initiatives carried out in this framework; and
- joint activities and events.

In practice, six general overlapping categories of cooperative interactions exist between the CoE and EU. These are:

- actions that directly promote inter-institutional linkages and dialogue, communication of priorities, actions and intents, and political dialogue;
- actions to promote policy coherence through harmonization of standards, protocols or legal practice;
- consultations to coordinate action on specific issues, frameworks or processes where both organizations have pre-existing units or interests;
- mutual participation in institutional meetings;
- planning, implementation and evaluation of Joint Programmes;
- direct (on a contractual basis) participation by the EU in CoE treaties.

We look at each of these in turn:

Actions that directly promote Inter-institutional contact and dialogue

In 1996, the Deputies authorised a representative of the European Commission to participate in the various meetings of the **Ministers' Deputies**³¹. Further to the entry into force of the Lisbon Treaty and the opening of a Delegation of the European Union to the Council of Europe, the Head of the Delegation of the European Union to the Council of Europe participates in meetings of the Ministers' Deputies, their Rapporteur Groups and in meetings of Steering Committees.

Further to the entry into force of the Lisbon Treaty also, the former "**Quadripartite**" meetings³² have been replaced by "**High Level Political Dialogue Meetings**" focusing on topical issues of mutual interest. These meetings are complemented by **ad hoc meetings** between the Secretary General and/or the Deputy Secretary General and leaders of the EU. In addition, the Committee of Ministers holds regular **exchanges of views** with EU representatives on co-operation between the two organisations. **Senior Officials' meetings** are designed for planning and coordinating cooperation on a technical level.³³ **Regular consultations** also take place to discuss co-operation at a technical level in specific policy areas, with the active involvement of the **Liaison Office of the Council of Europe** and the **representative of the European Union in Strasbourg**.

Reciprocal representation constitutes a more formal linkage between the CoE and EU. As stated above, since 1974, the CoE has maintained a Liaison Office with the EU in Brussels³⁴. The representation of the Council of Europe in Brussels has been recently **reinforced** by the appointment of a Director at Ambassadorial level, a Press Officer and a Program Coordinator, reflecting the intensification of relations between the Council of Europe and the EU both in qualitative and quantitative terms. The EU

³¹ See the modalities of such participation at:

[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec\(96\)579/2.1&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(96)579/2.1&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

³² Quadripartite meetings were established on the basis of a political Declaration "on the future role of the Council of Europe in European construction" and Resolution (89) 40 on the future role of the Council of Europe in European construction, both adopted by the Committee of Ministers on 5 May 1989, and the decision of the Council of the European Community on 20 March 1989.

³³ Established by the "Arrangement" between the Council of Europe and the European Community concluded by an exchange of letters on 16 June 1987, building on CM resolution (85)5." DER(2009)1. p5. Senior officials' meetings are attended by the CoE Director of External Relations and EU Director of Multilateral Relations and Human Rights (DG Relex).

³⁴ Established by Resolution (74) 13, adopted on 6 May 1974. Regulated by Resolution CM/Res(2010)5 on the status of Council of Europe Offices.

is represented to the CoE by an Ambassador, and, as of 2010, a permanent delegation.³⁵ The **enhanced reciprocal representation** of the Council of Europe in Brussels and of the European Union in Strasbourg has significantly facilitated the reinforcement of the partnership and raised its visibility.

Beyond these established protocols, the adoption of the MOU has generated further impetus toward political and technical exchange and inclusivity on the part of the high leadership of both organizations.³⁶

Actions to promote policy coherence and harmonized standard-setting

Among actions designed to promote coherence are the early **consultation** of corresponding units and written exchanges of views in the process of elaborating standards, and the transmission of the legislative work programme of the EC to the CoE. Increased dialogue between such entities as the ECtHR and the European Court of Justice (ECJ) reflect this priority, as well.

Some consultations arise on an *ad hoc* or informal basis, as provided for in the MOU.³⁷ Others have been codified to a greater or lesser degree: for example, the Presidents of the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament meet periodically, according to a 2007 agreement³⁸ Other examples of more-or-less regular meetings include consultations in specific areas between the Liaison Office of the CoE and the representative of the European Commission/EU in Strasbourg.

Consultations to coordinate actions on specific issues

Issue-specific consultations importantly include meetings between the CoE Secretariat and European Commission on “synergies in the framework of the Neighbourhood Policy and Enlargement Process.”³⁹ These add value and encourage complementarity through the adoption of CoE monitoring body decisions and conclusions. Another important framework for consultative cooperation is between the Agency for Fundamental Rights (FRA) of the EU and the CoE, where an agreement (FRACOE) provides for “regular contacts” between selected representatives of the European Union Agency for Fundamental Rights (FRA) and the CoE.⁴⁰ Cooperative activities include “regular exchanges [of documents]... joint projects... joint implementation of specific activities... and participation in relevant meetings.”⁴¹

In some cases, meetings also encompass other regional organizations, as is the case for the **tripartite talks** involving WHO, the EU, and the European Health Committee of the CoE (CDSP).⁴²

To a certain (limited) extent, the CoE and EU have become mutually involved in each other's **deliberative processes**, by invitation, in the spirit of the Juncker Report. For example, the Presidency of the EU has invited CoE representatives to meetings of the working groups of the Council of the EU, such as the Working Group on the OSCE and the Council of Europe (COSCE) and the Working Group on Human Rights (COHOM).⁴³ The EU legislative work programme is transmitted annually to the CoE, and in some cases the CoE has been consulted on EU legislative initiatives, or submitted written contributions to EU working groups.⁴⁴ Conversely, EU representatives regularly participate in CoE **standard-setting** meetings. As elaborated in the Juncker report, this relationship is not truly reciprocal, as the unique status of the EU in terms of acquired sovereignty from its members precludes involvement

³⁵ Reding, Viviane. (2010, May 1). The EU and the Council of Europe: towards greater collaboration and partnership The Free Library. (2010). Retrieved January 11, 2011 from [http://www.thefreelibrary.com/The EU and the Council of Europe: towards greater collaboration and...-a0242509906](http://www.thefreelibrary.com/The+EU+and+the+Council+of+Europe:+towards+greater+collaboration+and...-a0242509906)

³⁶ CM(2010)52 final. 6 May 2010. 120th Session of the Committee of Ministers (Strasbourg, 11 May 2010). Co-operation between the Council of Europe and the European Union – Report for the 120th Ministerial Session.

³⁷ §44-45

³⁸ Agreement on the strengthening of co-operation between the Parliamentary Assembly of the Council of Europe and the European Parliament. 28 November 2007.

³⁹ DER (2009)1. pp 5-6.

⁴⁰ Agreement between the European Community and the Council of Europe on co-operation between the European Union Agency for Fundamental Rights and the Council of Europe, 18 June 2008. The establishment of the FRA was originally seen with some concern by the CoE as potentially infringing upon or duplicating the mandate of the ECtHR and CHR—see Annex 1.

⁴¹ DER (2009)1 “Co-operation between the Council of Europe and the European Union.” 2009.

⁴² CM/Del/Dec(2007)993/6.2b/appendix9E / 16 April 2007. Terms of reference of the European Health Committee (CDSP). “...the CDSP plays a unique role in merging the agendas of health and human and patients rights. The WHO and the European Union actively participate in the work of the CDSP and there is mutual willingness to reinforce this fruitful collaboration, based in particular on the regular tri-partite meetings.”

⁴³ DER (2009)1. 30 September 2009. Co-operation between the Council of Europe and the European Union: Overview of arrangements for co-operation between the Council of Europe and the European Union. pp. 5-6

⁴⁴ CM(2010)52

of outside organizations in its internal deliberations. Nevertheless, participation of this sort appears to be increasing.

Mutual participation in institutional meetings

Both organisations regularly participate in each other's meetings and conferences organised in the key areas of cooperation. These include, for example, EU participation in the meetings of the Committee of Experts on Roma and Travellers, the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence, the Committee of the Parties of the CoE Convention on Action against Trafficking in Human Beings, the Steering Committee on the Media and New Communication Services, the Council of Europe Committee of Experts on Terrorism, the Venice Commission and many others. Equally, CoE representatives contributed, for example, to the meeting of the European Platform on Roma Inclusion in Brussels, the meeting on Monitoring and Evaluation of Roma Projects and Policies organised by the Directorate General for Regional Policy of the EC, the EU conference on women and security, the meetings of Platforms 1 and 4 of the Eastern Partnership of the EU, and many others.⁴⁵

Joint programmes

Since 1993, both organisations have been involved with *“numerous programmes in support of democratic reforms, planned in consultation with the beneficiary states, co-funded by the two institutions and carried out by the CoE.”*⁴⁶ Programmes are often supported by CoE field offices and EU country delegations, but while the EU typically contributes the lion's share of financial resources, the CoE is much the more visible and responsible partner with respect to implementation.⁴⁷ Joint programmes have been characterised as the *“most successful and most visible examples of extremely effective cooperation”* between the two organizations.⁴⁸ The design, implementation, and evaluation of joint programmes are discussed in more detail in section 3.2.

Direct EU participation in CoE treaties / conventions

As of 2009, the EU was party to 11 CoE treaties, providing opportunities for direct consultation and participation.⁴⁹ An important upcoming event is the accession of the EU to the ECHR, for which the Lisbon Treaty, on the part of the EU, and Protocol 14 of the ECHR, for the CoE, provide a legal basis. Official talks are currently underway to implement this process. This event will constitute a major step forward in the harmonization and standardization of European human rights efforts.

3.2 EC-CoE Joint programmes

3.2.1 Rationale

Not the only, but a main, concern of this evaluation is EU-CoE Joint Programmes. The rationale for Joint Programmes derives from the core differences between the two entities. While the CoE is an exclusively **value-based organisation**, the EU was conceived, and has for most of its existence, been a primarily **economically-based** union founded on the four freedoms of movement (goods, services, persons, and capital); its core objectives were, however, always underpinned by the values forged and canonised by the CoE. Work on setting new standards and promoting common values was never a core competence of the EC, but always regarded as being the core remit of the CoE. The much larger **geographic** scope provided additional justification to leave work on promoting, implementing, and strengthening democratic values and standards to the CoE.

⁴⁵ A Complete overview of mutual participation in institutional meetings is available in yearly reports on the implementation of the MoU prepared by the Directorate of External Relations of the CoE.

⁴⁶ Juncker Report. 2006. “These joint programmes are intended for countries covered today by the EU's Neighbourhood Policy and Stabilisation and Association Process, and for other countries, such as Turkey and Russia... they are the practical expression of a Europe without dividing lines... the CoE is not just another competitor in this area—the EU must regard it as an essential partner.”

⁴⁷ Joris and Vandenberghe (2008) “The Council of Europe and the European Union: natural Partners or uneasy bedfellows?” 15 *Colum. J. Eur. L.*: 1-42.

⁴⁸ “Report by the High-Level Group Entrusted with Examining the Follow-up to the Juncker Report,” 12, Doc. No. CM (2007) 75 final.

⁴⁹ As of September 2009; DER(2009). Note, however, that as of the end of 2008, there were 46 CoE conventions potentially allowing for EU accession. Although even in the absence of accession, CoE conventions often guide EU legal standards, there is clearly potential for greater cooperation on this front. Joris and Vandenberghe (2008) note that the arrow of influence can run both directions: EU law has on occasion served as the basis for CoE conventions.

3.2.2 Overview of Joint Programmes

The EU is the largest donor of voluntary contributions to the CoE. In the six-year period of 2004-2009, it has contributed a total of 91,978,118 €, while for the second largest donor (Sweden) this figure is 4,298,497 €. ⁵⁰ Thus, the contributions of the EU are of vital importance for the implementation of the CoE interventions in its member states (and beyond).

The following table presents the voluntary contributions made by the EU to the CoE in 2004-2009, compared to the total voluntary contribution receipts in that period.

Table 4: Voluntary contributions to the CoE by the EU

Year	EU voluntary contributions (in €)	Total voluntary contributions (in €)	EU share of voluntary contributions
2004	12,395,171	20,525,015	60%
2005	9,225,802	15,251,618	60%
2006	15,631,743	22,636,098	69%
2007	13,248,624	20,437,000	65%
2008	21,420,269	29,177,883	73%
2009	20,056,507	28,857,638	70%
TOTAL	91,978,118	136,885,251	67%

Source: CoE⁵¹

The EU voluntary contributions are in their majority used to finance so-called Joint Programmes with the CoE. The JPs between the EU and the CoE have been implemented since 1993 *“in pursuit of common aims with regard to the promotion of democracy, respect for human rights and fundamental freedoms and the rule of law in Europe.”*⁵² The total number of JPs implemented in the nearly two decades is almost two hundred with a total value of over 200,000,000 €. ⁵³

JPs have been implemented primarily in CoE member states outside of the EU (some of which joined the EU since then, and some others are at different stages on their way to accession), with JPs having been carried out in

- Albania (since 1993),
- Armenia (since 1999),
- Azerbaijan (since 1999),
- Bosnia and Herzegovina (since 2003),
- Bulgaria, Croatia, Estonia, Georgia (since 1999),
- Kosovo (since 2006),
- Latvia, Lithuania, Moldova (since 1997),
- Montenegro (since 2001),
- the Russian Federation (since 1996),
- Serbia (since 2001),
- “the former Yugoslav Republic of Macedonia”, Turkey (since 2001), and
- Ukraine (since 1995).⁵⁴

⁵⁰ Making a difference: Voluntary contributions – Facts and figures; council of Europe, 2010
Available at: http://www.coe.int/t/dgap/VC_DOC/Contributions_volontaires_EN.pdf

⁵¹ Ibid.

⁵² CM(2008)49 add2 rev – CM documents, 118th Session of the Committee of Ministers (Strasbourg, 7 May 2008), Council of Europe

⁵³ While the overview of joint programmes implemented since 2000 is quite complete at the CoE online database (www.jp.coe.int), the information available on programmes implemented in the 1990s is less detailed. Therefore, the total number and budget of JPs implemented is only approximate.

⁵⁴ CM(2009)52 add2 – CM documents, 119th Session of the Committee of Ministers (Madrid, 12 May 2009), Council of Europe

Several JPs have also been implemented in CoE non-member states, such as Kazakhstan, Kyrgyzstan, Bolivia or countries included in the activities of the North-South Centre's Euro-African dimension (introduced in 2009).

While the JPs represent only one aspect of the cooperation between the two institutions, it is the part of the cooperation that involves financial flows in the form of contributions of the EU towards the implementation budget of the programmes. Therefore, in certain aspects the CoE functions as a channel of aid delivery and an implementing agency for EC's external assistance programmes. However, some characteristics of the CoE distinguish it from other 'channels of aid delivery' (not least the fact that some JPs are being financed through other than the traditional external assistance instruments), and the implementation of JPs stems from a broader partnership and cooperation between the two organisations.

Indeed, the Joint Declaration of 2001⁵⁵ emphasises the foundation of the partnership between the two institutions to be in shared values and common aims, which *"have led the CoE and the EC in recent years to develop a number of joint programmes for cooperation with countries which have joined the CoE since 1989, or have applied for membership."* However, since then the portfolio of JPs has grown and this particular form of EC-CoE cooperation has become more pronounced. The Declaration also states that for each JP the two parties *"shall set up a technical working party which will provide a forum for discussing implementation and monitoring of activities"*, and that the *"programmes shall be evaluated at regular intervals, according to procedures to be determined in each case by the senior officials."*⁵⁶

The Memorandum of Understanding of 2007⁵⁷ follows up on the Declaration in the area of JPs, and states that the cooperation in their framework will be reinforced, and *"could include regional thematic programmes"*. Further, the *"consultations involving the European Commission, the Secretariat of the Council of Europe and as a general rule the Council of Europe member countries concerned will continue to be organised to discuss the priorities of cooperation."*⁵⁸

3.2.2.1 Financing of the JPs

There are two management modalities in which the EC can finance or co-finance the actions of international organisations – in this case the JPs with the CoE – joint management and grant award. The following figure presents an overview of the possible award procedures.

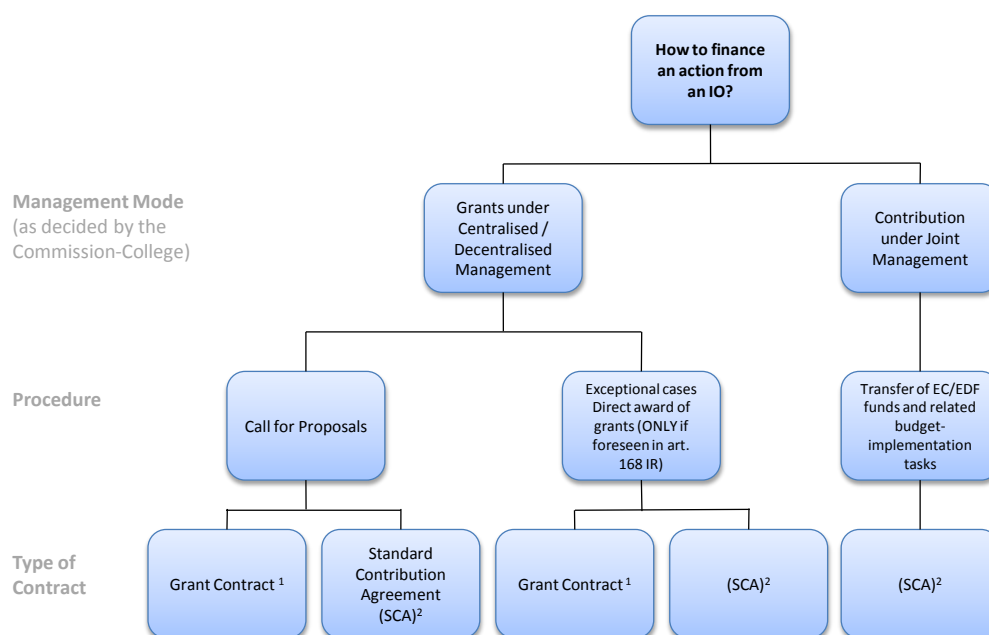
⁵⁵ Joint Declaration on cooperation and Partnership between the Council of Europe and the European Commission, 3 April 2001

⁵⁶ Ibid. Appendix, pages not numbered

⁵⁷ Memorandum of Understanding between the Council of Europe and the European Union, 23 May 2007

⁵⁸ Ibid. p.7

Figure 3: EC financing of the actions of international organisations



1: when the procedures of the international organisation do not offer guarantees equivalent to internationally accepted standards
 2: when the procedures of the international organisation are considered offering guarantees equivalent to internationally accepted standards

Source: EuropeAid⁵⁹

As described in more detail in the Inventory, joint management is a specific budget allocation modality by which the EC entrusts some of its implementing tasks to an international organisation. The management of the tasks related to the implementation of these funds is delegated by the EC to the international organisation.⁶⁰

A grant is a direct financial contribution, by way of donation, from the EU budget or the EDF, in order to finance in order to finance either an action intended to help achieve an objective forming part of a European Union policy; or the functioning of a body which pursues an aim of general European interest or has an objective forming part of a European Union policy.⁶¹

Grants are generally awarded based on a call for proposals (open or restricted); however, direct award is also possible in specified cases, and this modality has been widely used for financing the actions of international organisations, including the CoE.

Based on the findings of the Inventory section of this report, most of the cooperation involving financial flows has been carried out through non-competitive award procedures (direct grant award and joint management – 82% of EC commitments to CoE where award procedure is known). This corresponds to the perception of the CoE as a body with specific and unmatched expertise in certain areas, which thus holds a monopoly for implementation of certain types (especially politically sensitive) of actions.

However, this approach might be changing, at least according to the CoE: “While the Organisation has been hitherto able to deliver assistance mostly through direct grant agreements with the European Commission, this scenario is progressively changing. In fact, on the one hand, the Commission has started granting direct budgetary aid to a number of recipient countries – especially in Eastern Europe and the South Caucasus – putting less emphasis on classical technical assistance; on the other, it has

⁵⁹ http://ec.europa.eu/europeaid/work/procedures/faq/documents/diagramme_en.pdf

⁶⁰ http://ec.europa.eu/europeaid/work/procedures/faq/international_organizations_en.htm

⁶¹ Practical Guide to Contract procedures for EU external actions (PRAG), EC 2010 – p.91

Available at http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm

*decided to have less and less recourse to direct grants, but has opted to release funding through either calls for tenders or 'twinning'.*⁶²⁾⁶³

Nevertheless, from simple observance of the evolution of the total yearly amounts of EC commitments to the JPs and number of JPs implemented, it does not seem that the cooperation between the two organisations should be in decline.

3.2.2.2 Implementation of the JPs

For the period 2000-2010 that falls within the scope of this evaluation, almost 160 joint programmes have been identified in the inventory of this evaluation.

Implementing arrangements differ from JP to JP, as they depend on a variety of factors. For example, where the JP is a horizontal programme, covering more than one country, the programme will be overseen, on the EC side, by a project manager in Brussels, while the responsibility for implementation on the CoE side will have been, until now, with a project manager at the CoE secretariat. Where a JP is using allocations from a programme in a country where the EUD is operating under a decentralised structure (for example Russia), the CoE will have established a project office in that country, and will be in direct contact with the EUD there. Where the EU has decentralised contracting to a national contracting authority (in Enlargement countries), the CoE will typically also operate a project office (which can be co-located with the CoE country office, or with other TA projects, or with the beneficiary authority), and will liaise on contractual issues with the contracting authority, but also with the EUD on major questions regarding the substance and progress of the project. Any project is being back-stopped by the CoE secretariat in Strasbourg, given that, until now, financial disbursements (except sundry/petty cash) were the exclusive responsibility of the financial departments at HQ.

Mostly, the JPs were represented by single-country or regional programmes, for which individual contracts were signed between the two organisations on case-by-case basis. However, the JPs were also implemented in the form of so-called 'joint actions', whose distinctive feature compared to the other JPs is the recurrence of the EC contributions. In other words, joint actions are joint programmes, which are financed or co-financed by the EC on a regular basis. In some cases, the financing is based on multi-annual framework agreement, supplemented by annual agreements, through which yearly funding is contracted. This is the case for e.g. Youth Partnership programmes, for which the framework agreement is in principle now renewed every three years. In other cases, such as the European Heritage Days, there is no framework contract for the joint action, even though the action is implemented annually. According to the information from the CoE, the legal basis allowing regular EC contribution in this case is less specific, whereby the annual contracts just make a reference to an exchange of letters of 1987 and 1996. There are also several JPs, which have been implemented in multiple phases, one being a follow-up on the activities of the previous. These are not considered to be joint actions.

Towards the end of 2010 a new type of contract was signed between the CoE and the EC – the so-called "CoE facility". This contract is specific in that it is not concluded for a particular JP but foresees the implementation of future JPs identified only by their geographical scope (six countries of the Eastern Partnership) and thematic priorities. However, specific programme descriptions to be implemented under this facility will still be approved individually by the EC.

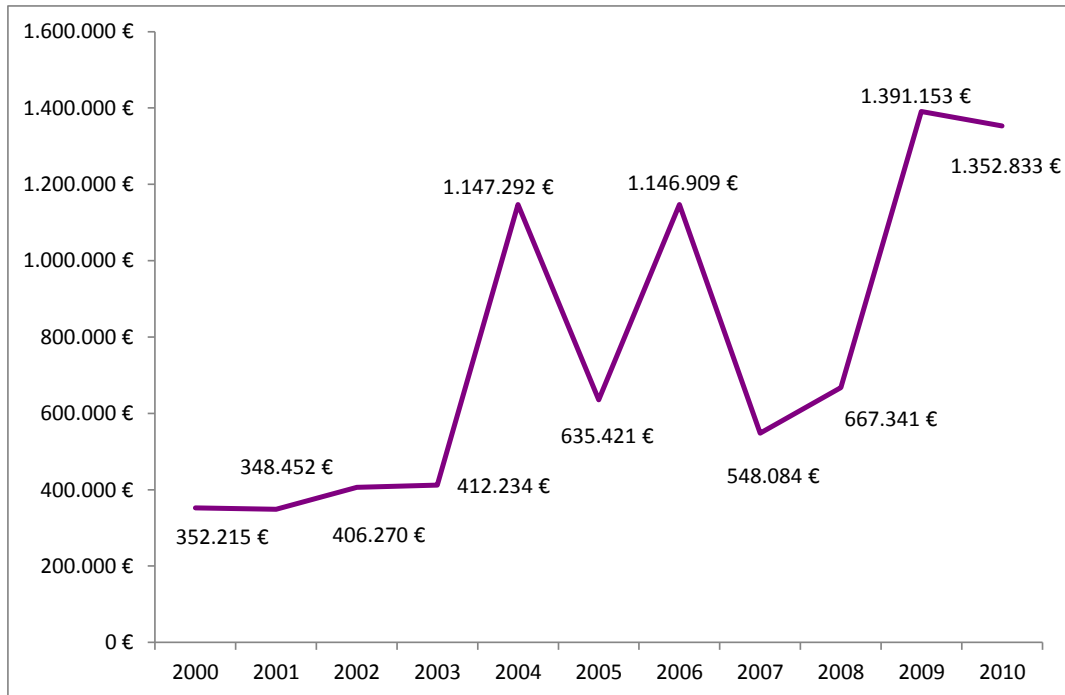
The average contribution (commitment) from the EC towards the JPs has been around 80% of total planned budget. This share has had a slightly upwards trend through the past decade but also varied widely for individual programmes (between 25-100%). The average contribution for an individual programme in terms of the actual financial contribution has been around 1 million €, also with an upwards trend through the past decade, as the following figure shows.⁶⁴ In total, almost 160,000,000 € were committed by the EC towards JPs with the CoE in the period of 2000-2010.

⁶² *Within the framework of a "twinning", the reform of a sector (e.g., penitentiary system, court management) is carried out through a direct agreement between the recipient country and one of the EU Member States. This excludes a priori any role for the CoE. "Twinning" schemes are being applied more and more often as either own choices of candidate and potential candidate countries or following the EC's advice.* – footnote given in the original document

⁶³ CM(2009)52 add2 – CM Documents – 119th Session of the Committee of Ministers (Madrid, 12 May 2009), Council of Europe

⁶⁴ Note: for the purpose of this analysis the CoE facility has been considered as one JP of total EC commitment 4 million €, even though it is foreseen for several programmes to be implemented within its framework. However, the number of JPs under the Facility is not known at the time of writing.

Figure 4: Evolution of the average EC commitment for a joint programme by year



Source: EC, CoE, Particip analysis

The JPs were implemented in 15 countries (single-country programmes) and in three regions (regional programmes). In addition, there were programmes implemented with unspecified or pan-European reach (e.g. the European Heritage Days). The largest recipient of interventions financed by the EC through the CoE was Turkey, followed by Ukraine and Russia. On regional level (single country and regional programmes combined) the largest contributions were made to the region of Eastern Europe and South Caucasus. The three 'key sectors of cooperation' – Rule of law, Human rights and Democracy – received the overwhelming majority of contributions; combined value of 85% of total EC commitments. Most resources to the JPs have been channelled through the geographic instrument TACIS followed by the instruments for human rights and democracy (domains DDH and EIDHR combined).

The importance and impacts of the JPs are generally valued highly by the CoE – *“by combining resources and expertise, the complementarity of the respective activities of the EC and the CoE has been enhanced. ... [Cooperation] has demonstrated that lasting results in support of the rule of law, better protection of human rights and stronger democratic institutions can be achieved when the two organisations combine their resources and respective strengths.”*⁶⁵

However, the CoE also recognises and acknowledges the existing shortcomings in the implementation of the JPs. Specifically, it notes that *“joint cooperation activities would benefit from better knowledge on all sides ... on how priorities for cooperation are defined, including timelines. ... In addition, the CoE has been encouraged by the EU to strengthen the project design of its draft programmes.”*⁶⁶

These lessons learned are being addressed by the CoE e.g. in devoting more resources to programme planning and design stages, and in the current reorganisation process within the CoE, leading to more decentralised capacities and strengthened field presence.

⁶⁵ CM(2009)52 add2 – CM Documents – 119th Session of the Committee of Ministers (Madrid, 12 May 2009), Council of Europe

⁶⁶ CM(2010)52 final – CM Documents – 120th Session of the Committee of Ministers (Strasbourg, 11 May 2010), Council of Europe

4 Intervention logic of the EC-CoE cooperation

This section presents the intervention logic (IL) underlying the Commission's external cooperation with partner countries specifically implemented with and through the CoE.

In accordance with the scope of the evaluation as outlined in the ToR, this intervention logic focuses primarily at the **logic behind the process of pursuing specific objectives in cooperation with and through the CoE**, as opposed to the EC's own intervention or intervention through another international organisation, donor or civil society organisation. In other words, the intervention logic is trying to capture the particular value added brought by the cooperation with the CoE for achieving EC's objectives in partner countries.

The review of the key objectives of the cooperation, their hierarchy and the identification of the logic connecting them is a starting point of the evaluation. The intervention logic diagram facilitates understanding of the actions taken in the framework of the cooperation of the EC and the CoE, and demonstrates in a visual form how this cooperation is expected to contribute to the achievement of the EC's external policy objectives.

The intervention logic also serves as a basis for formulating the Evaluation Questions (EQs), the answers to which should produce a comprehensive picture of the EC's cooperation with the CoE and its impacts.

The ToR point out that *"given the complex framework for cooperation it is may be difficult to develop a proper impact diagram relevant for the evaluated period"*. Indeed, this intervention logic differs from the usual impact diagrams in that it emphasises the process of cooperation and channelling of funds through another organisation. It does not attempt to present the logic of specific interventions conducted in cooperation with the CoE; instead it is presenting the logic of implementing these intervention through the CoE as opposed to utilising other alternatives that might have been available to pursue the same goals.

To establish the intervention logic in this sense proved to be challenging in terms of finding EC policy documents that would specifically outline the expectations that the Commission holds when making a decision to cooperate with or to channel funds through the CoE. While the high level objectives of mutual cooperation of the two organisations are presented in the main agreements such as the *Joint Declaration*⁶⁷ and *Memorandum of Understanding*⁶⁸ (MoU), the EC in the policy documents examined to date does not explicitly articulate in which instances the pursuit of these objectives is preferably carried out through cooperation with the CoE and why.

Therefore, the intervention logic diagram is mostly **reconstructed**, and depicts the consultants' understanding of said logic, developed through interviews to date with the EC and the CoE, the literature review previously given, review of past evaluations, and the consultants' experience in working with these two organisations.

The diagram comprises of five hierarchically ordered levels, represented by five columns of the table:

- The lowest level identifies the Inputs, in this case represented by areas of cooperation and mechanisms of cooperation between the EC and the CoE. The **areas of cooperation** are drawn from *Art. 14 of the MoU*; within these, key areas of cooperation were identified based on the highest levels of activity and financial volumes dedicated to them. The key areas of cooperation are human rights, rule of law and democracy. The outline of the **mechanisms of cooperation** in the diagram is based on the CoE document *"Cooperation between the Council of Europe and the European Union – Overview of arrangements for cooperation between the Council of Europe and the European Union"*⁶⁹. In the diagram, the mechanisms of cooperation are separated into non-spending activities and activities entailing financial flows from the EC to the CoE (mostly joint programmes).
- The second level shows the Outputs, which describe the characteristics of the mechanisms of cooperation (from level one), for which these mechanisms were chosen as preferable to any other form of activity to achieve high level objectives.
- The Outputs are divided into three groups by the prevailing characteristics: political (expected benefits stemming from the CoE's political strength and special relations to partner countries,

⁶⁷ Joint Declaration on cooperation and partnership between the Council of Europe and the European Commission (2001)

⁶⁸ Memorandum of Understanding between the Council of Europe and the European Union (2007)

⁶⁹ Council of Europe, DER(2009)1

and its specific recognition as a leader in certain areas), expertise (utilising the CoE's particular expertise and experience), and operational environment (taking advantage of the CoE's established operational framework).

- The third level presents the Results, which represent the short-term expectations of the EC with respect to the cooperation with the CoE. These expectations are based on the Outputs, and specific links have been established between the clusters of operational objectives and the individual Results, as represented by the arrows in the diagram. Thus, for example, the objective of increased partner country ownership is derived from both the expertise and operational environment of the CoE when implementing interventions with partner countries.
- The fourth level of the diagram outlines the Intermediate Impacts. The Intermediate Impacts represent the actual reasons behind the EC's decision to cooperate with and through the CoE, while pursuing maximum effectiveness in contributing to its global objectives (highest level). The Intermediate impacts follow from the Results, as symbolised by the sets of arrows.
- The third and fourth levels of the diagram are complemented by a box outlining the EC's objectives in the key areas of cooperation with the CoE – human rights, rule of law and democracy to help illustrate the objectives of specific activities carried out in cooperation of the two organisations. It is understood that the key areas are inextricably linked and considered together in all main EU official documents. The information in this box is based on official EC policy documents, specifically on The European Union's role in promoting human rights and democratisation in third countries,⁷⁰ the Thematic programme for the promotion of democracy and human rights worldwide,⁷¹ and the Regulation establishing a financing instrument for the promotion of democracy and human rights worldwide.⁷²
- The highest level of the intervention logic presents the global impact, to the achievement of which the Intermediate impacts are contributing. The global impacts are based on high level official documents defining the objectives of the EU in the sphere of its external actions. Specifically, they are based on Art. 11(1) of the Treaty on European Union, which outlines the objectives of common foreign and security policy, Art. 177 of the Treaty establishing the European Community, which defines the objectives of the Community development policy, and on the EC communication on the Thematic programme for the promotion of democracy and human rights worldwide⁷³, which presents the EC's objectives in the areas of human rights and democracy.

The figure also depicts the placement of the evaluation questions (EQs), which are further presented in the following section. As can be seen, more than half of the EQs are located at the level of intermediate impacts (EQs on impacts in key areas of cooperation and EQ on complementarity and synergies). Two questions are located at the output level (EQs on implementation modalities and on CoE's specific expertise and mandate). A question on guiding criteria for selecting CoE has been placed at the level of inputs for the purposes of this figure.

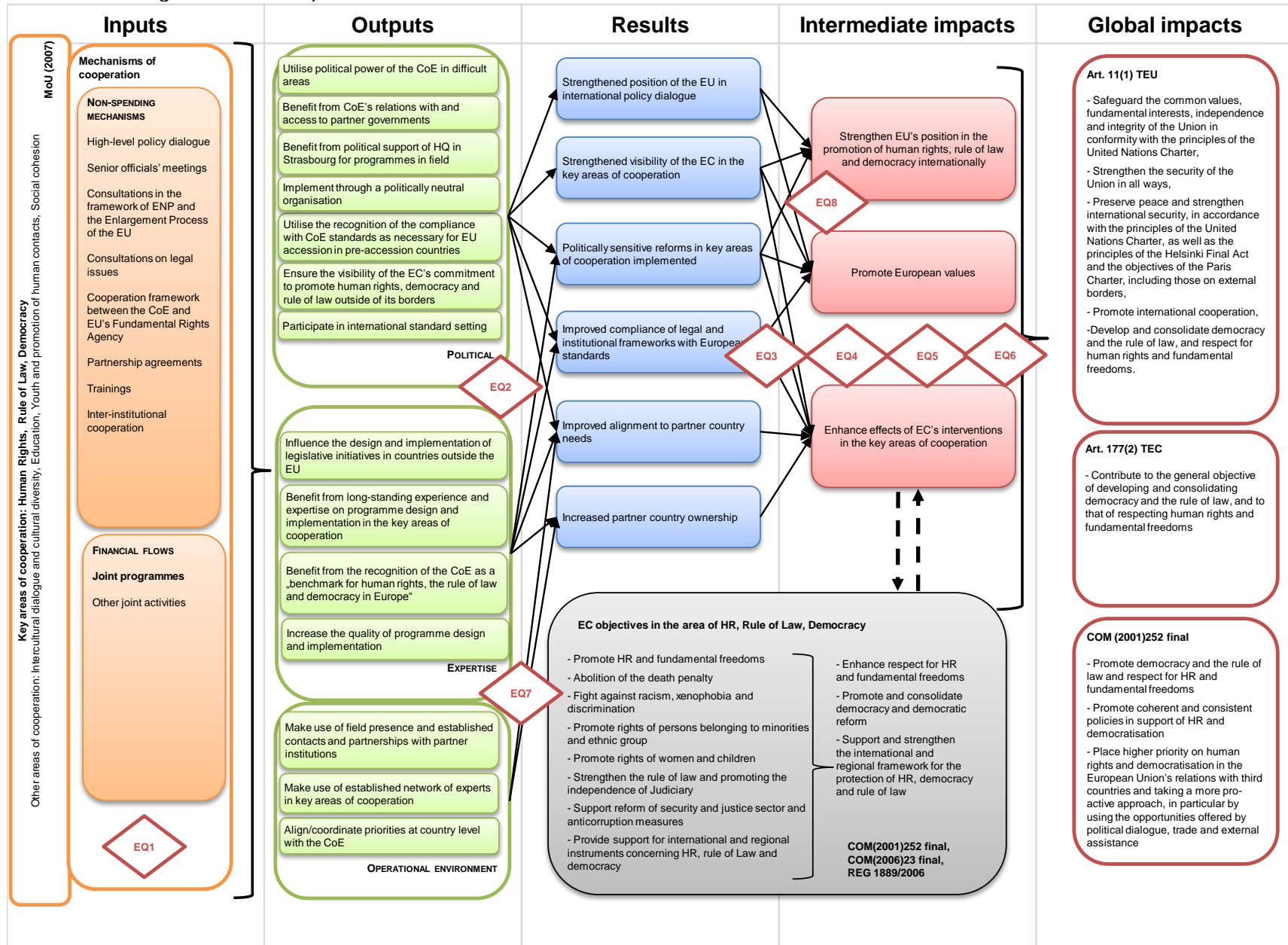
⁷⁰ Communication from the Commission to the Council and the European Parliament on The European Union's role in promoting human rights and democratisation in third countries, COM(2001)252 final

⁷¹ Communication from the Commission to the Council and the European Parliament on the Thematic programme for the promotion of democracy and human rights worldwide under the future financial perspectives (2007-2013), COM(2006)23 final

⁷² Regulation (EC) No. 1889/2006 of the European Parliament and of the Council of December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide

⁷³ COM(2006)23 final

Figure 5: Intervention logic of the EC cooperation with the CoE



5 Inventory⁷⁴

5.1 Introduction

This section presents a brief summary of the inventory of the European Commission's funding to programmes implemented by the Council of Europe (CoE).

As specified in the ToR, the inventory provides a "complete overview of the mapping of EC financial contributions (commitments and disbursement) of the RELEX family and of other DGs to the CoE, and their typology."⁷⁵

In accordance with the ToR, the inventory takes into consideration EC funding of the CoE programmes during the period 2000-2010, in "all regions where the EC cooperation with partner countries is implemented through the CoE."⁷⁶

The approach to this inventory relied primarily on the information available in the European Commission's Common RELEX Information System (CRIS) database. In addition, due to the specifics of the programmes implemented (as explained below), the information from CRIS was supplemented by information gained from other EC sources, particularly from officers in the HQ in Brussels, from officers in EU Delegations, and from additional documentation not found in CRIS.

Considerable effort has been made to gather maximum of information on EC financial flows to the CoE from EC sources. However, the CoE database of Joint Programmes (JPs) with the EC and additional information provided by the CoE officers was taken into account when establishing the inventory, mainly for cross-checking and information validating purposes. There were several instances where information on financial flows provided by the CoE could not be confirmed by the EC sources. In these cases the CoE information is also presented in this inventory while indicating the source.

5.2 Findings

5.2.1 Main findings

The main findings of this inventory can be summarised as follows:

- There were total of 164 contracts identified for this inventory, concluded between the EC and the CoE (with the exceptions explained in the section on detailed approach to the inventory) in the period 2000-2010. Through these contracts total of almost 160 million € have been committed to finance and co-finance programmes through and with the CoE.
- The annual amounts committed to the cooperation with the CoE show an upward trend, with some years showing substantial cutbacks to the trend.
- The largest recipient of interventions financed by the EC through the CoE was Turkey, followed by Ukraine and Russia. On regional level (single country and regional programmes combined) the largest contributions were made to the region of South East Europe, followed by Eastern Europe and South Caucasus.
- The three 'key sectors of cooperation' – Rule of law, Human rights and Democracy – received the overwhelming majority of contributions; combined value of 85% (over 132 million €) of total EC commitments. The other thematic sectors of cooperation were supported only marginally in comparison, with none of them receiving more than 6% (less than 10 million €) in commitments.
- Most resources to the JPs have been channelled through the geographic instrument TACIS (23% of funds for the JPs). The second largest contribution came from the instruments for democracy and human rights (domains DDH and EIDHR combined; 14%), followed by CARDS and IPA each with 13% of contribution.
- The share of programme budget financed by the EC varies, with slightly upwards trend. On average the EC financed about 80% of the budget of JPs, with individual programmes receiving between 25 and 100% of resources from the EC.
- Non-competitive award procedures (joint management and direct grant award) remain at the core of EC financing of the CoE activities (82% of total commitments where the information of

⁷⁴ The full version of the Inventory, including a detailed description of the approach to Inventory, is in Annex 4 of this report

⁷⁵ ToR pg. 8

⁷⁶ ToR pg. 5

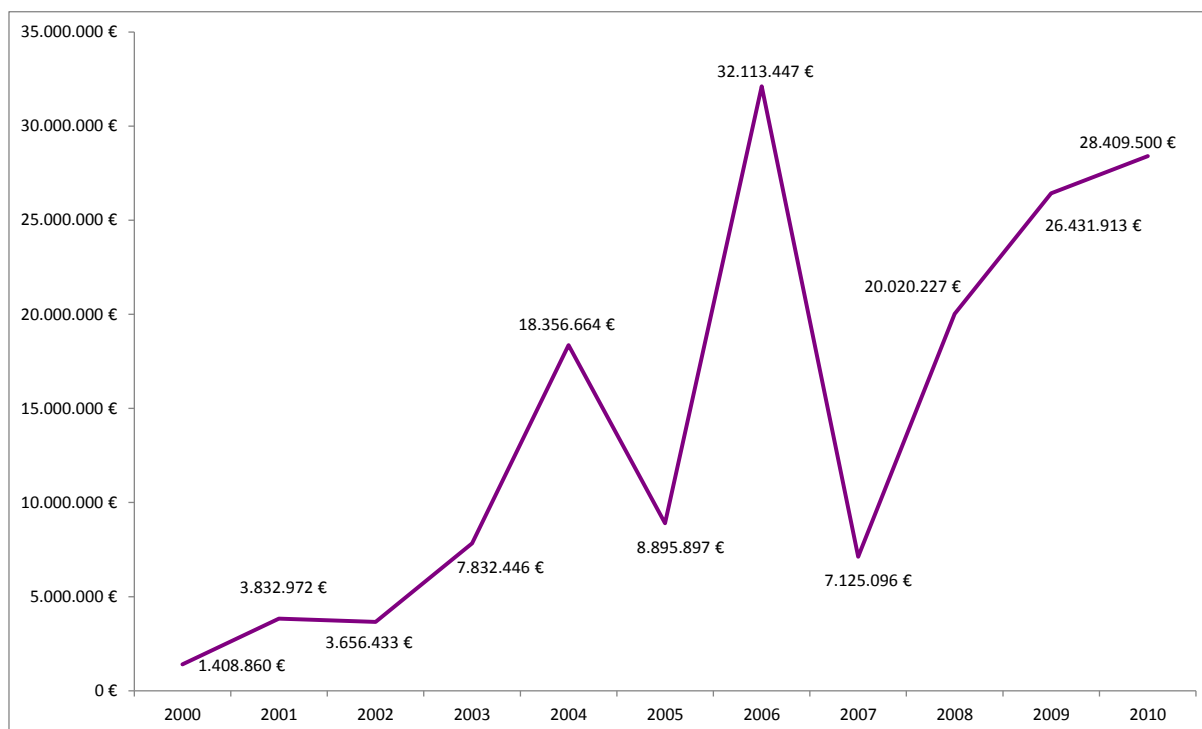
award procedure is available), being completed by grants awarded based on a call for proposals.

5.2.2 Detailed findings

5.2.2.1 Commitments by year

Total commitments contracted by the EC to the joint programmes with the CoE in the period 2000-2010 were 158,083,455 €. While the aggregated annual commitments show an upward trend in general, there are significant cutbacks to this trend in certain years. The following figure presents the evolution in the annual commitments to the CoE.

Figure 6: Annual commitments to EC-CoE Joint Programmes



Source: CRIS, EC, CoE, Particip analysis

Due to the fact that that CRIS database does not generate a readily exportable overview of disbursements by year for individual contracts, and the fact that disbursements for some contracts were not confirmed, yearly aggregations of disbursements could not be prepared for this inventory. However, disbursements for individual contracts, where known, can be found in the overview tables in the Annexes.

5.2.2.2 Commitments by country/region

Joint programmes between the EC and the CoE that fall within the scope of this evaluation were implemented in CoE member states outside the EU. There are a few exceptions to this rule – JPs were implemented in Bolivia, Kazakhstan and Kyrgyzstan, and one JP was implemented through the North-South Centre of the CoE, which includes countries that are not CoE members⁷⁷. There is also a group of JPs with pan-European reach, such as the European Heritage Days.

The following table and figure present aggregations and share of commitments for CoE programmes in 2000-2010 by countries and regions, the complete overview of individual contracts by country and region is in Annex 7.

The largest recipient of interventions financed by the EC through the CoE was Turkey (26,321,667 €, 17%), followed by Ukraine (20,129,429 €; 13%) and Russia (19,292,084 €; 12%),

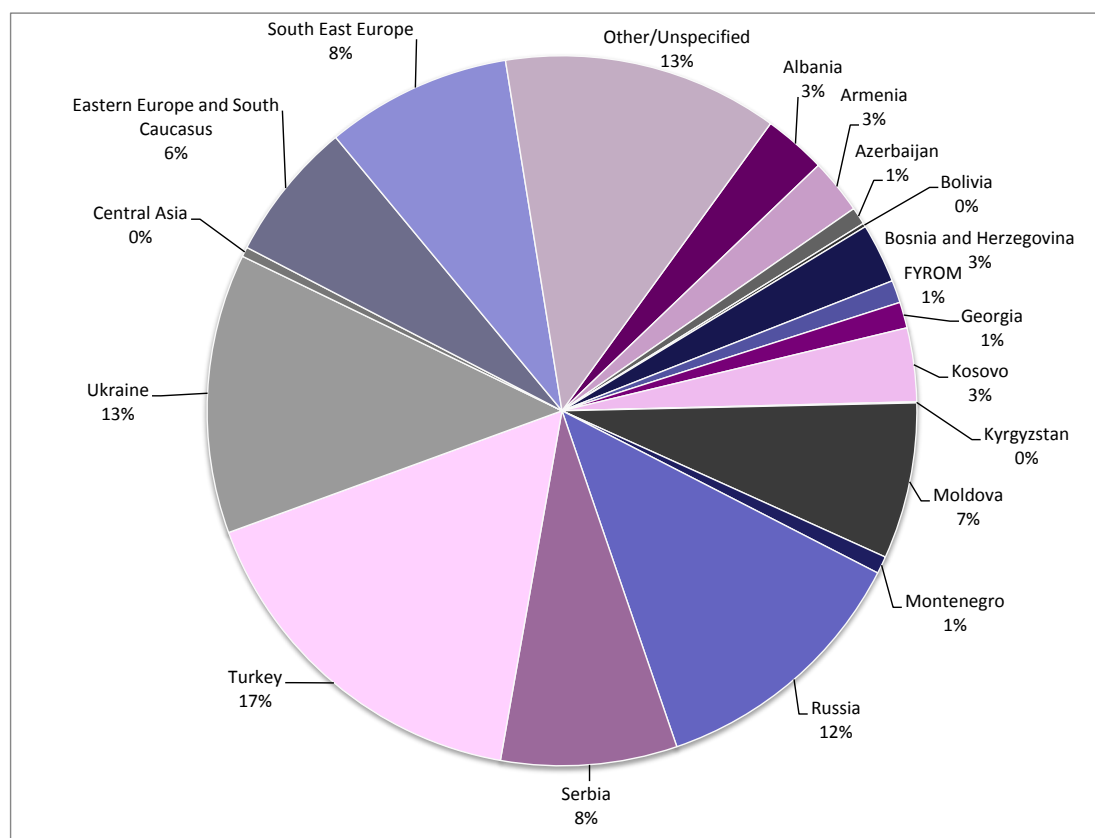
⁷⁷ E.g. Cape Verde and Morocco

Table 5: Overview of commitments to CoE programmes by countries and regions

Country/Region	Total commitments (€)	Share
Single country JPs		
Albania	4,513,016	3%
Armenia	3,961,502	3%
Azerbaijan	1,250,000	1%
Bolivia	270,000	0%
Bosnia and Herzegovina	4,292,071	3%
FYROM	1,621,597	1%
Georgia	1,869,300	1%
Kosovo	5,294,931	3%
Kyrgyzstan	80,000	0%
Moldova	11,242,844	7%
Montenegro	1,252,141	1%
Russia	19,292,084	12%
Serbia	12,687,655	8%
Turkey	26,321,667	17%
Ukraine	20,129,429	13%
Regional JPs		
Central Asia	700,000	0%
Eastern Europe and South Caucasus	10,091,983	6%
South East Europe	13,374,548	8%
Other		
Other/Unspecified	19,838,689	13%
TOTAL	158,083,455	100%

Source: CRIS, EC, CoE, Particip analysis

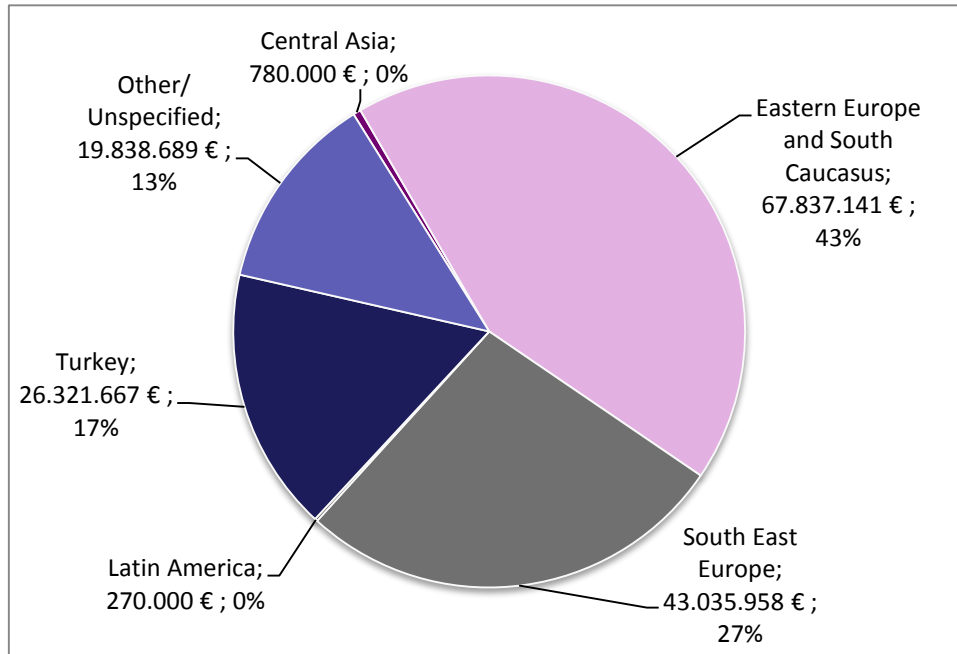
Figure 7: Share of commitments to CoE programmes by countries and regions



Source: CRIS, EC, CoE, Particip analysis

To receive a regional breakdown of commitments, single-country programmes were assigned to their respective regions⁷⁸, while Turkey was left in a category on its own. The largest proportion of JPs by financial value has been implemented in Eastern Europe and South Caucasus (67,837,141 €; 43%), followed by South East Europe (43,035,958 €; 27%). There have been commitments of 26,321,667 € (17%) for programmes in Turkey, while Central Asia and Latin America remained relatively marginal (780,000 € and 270,000 € respectively). The following figure represents this regional distribution of commitments for CoE programmes in 2000-2010.

Figure 8: Commitments to CoE programmes by region



Source: CRIS, EC, CoE, Particip analysis

5.2.2.3 Commitments by sectors

All contracts identified for this inventory were assigned to thematic sectors based on the EC-CoE areas of cooperation (a description of the process of classification can be found in the section containing detailed description of approach to the inventory).

By far the most supported sector was the Rule of law, with 61% (95,709,221 €) of total commitments, Contributions for Human Rights and Democracy followed with 13% (20,049,978 €) and 11% (17,041,652 €) respectively. Other sectors received less than 10% of contributions.

The following table and figures present the distribution of commitments into thematic sectors.

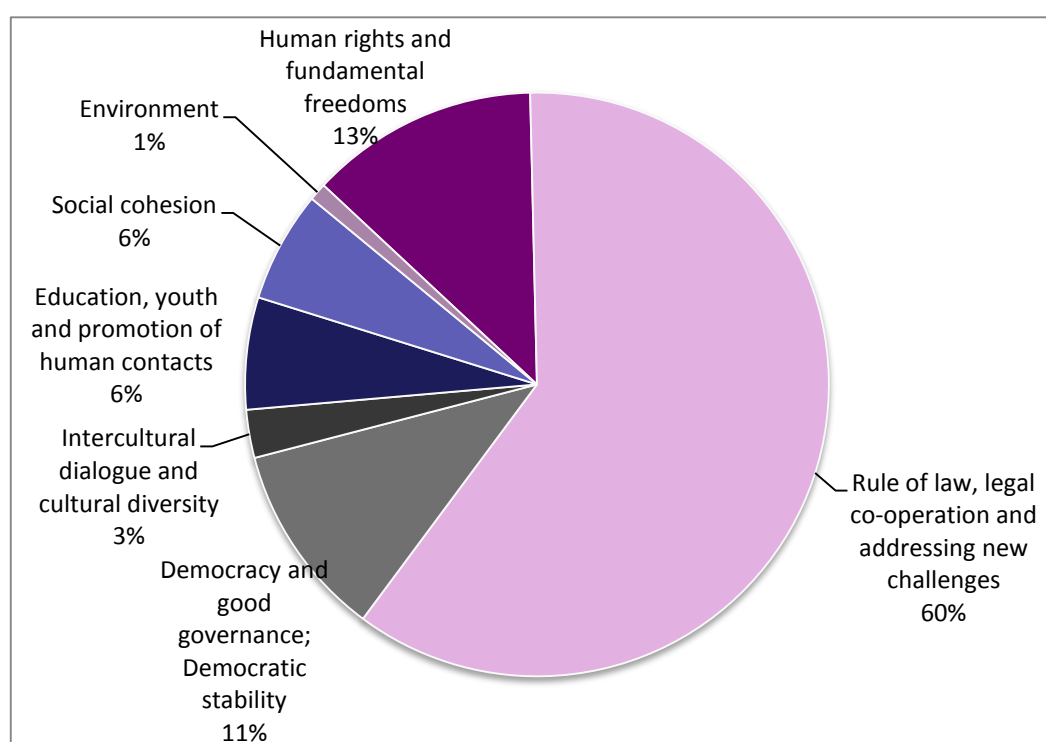
⁷⁸ South East Europe: Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro, Serbia
 Central Asia: Kyrgyzstan
 Eastern Europe and South Caucasus: Armenia, Azerbaijan, Georgia, Moldova, Russia, Ukraine
 Latin America: Bolivia

Table 6: Overview of commitments by thematic sectors

Sector	Total commitments (€)	Share
Human rights and fundamental freedoms	20,049,978	13%
Rule of law, legal co-operation and addressing new challenges	95,709,221	61%
Democracy and good governance; Democratic stability	17,041,652	11%
Intercultural dialogue and cultural diversity	4,211,647	3%
Education, youth and promotion of human contacts	9,808,683	6%
Social cohesion	9,728,275	6%
Environment	1,534,000	1%
TOTAL	158,083,455	100%

Source: CRIS, EC, CoE, Particip analysis

Figure 9: Share of thematic sectors in total commitments



Source: CRIS, EC, CoE, Particip analysis

5.2.2.4 EC contribution as a share of programme budget

The contribution from the EC towards joint programmes with the CoE varies in terms of its share towards the total planned budget. Usually, this share is between 50-100% but there are also programmes to which the EC contributed less than half of the budget. The following table and figure present the share of EC contributions in individual years (calculated from commitments and planned budgets).

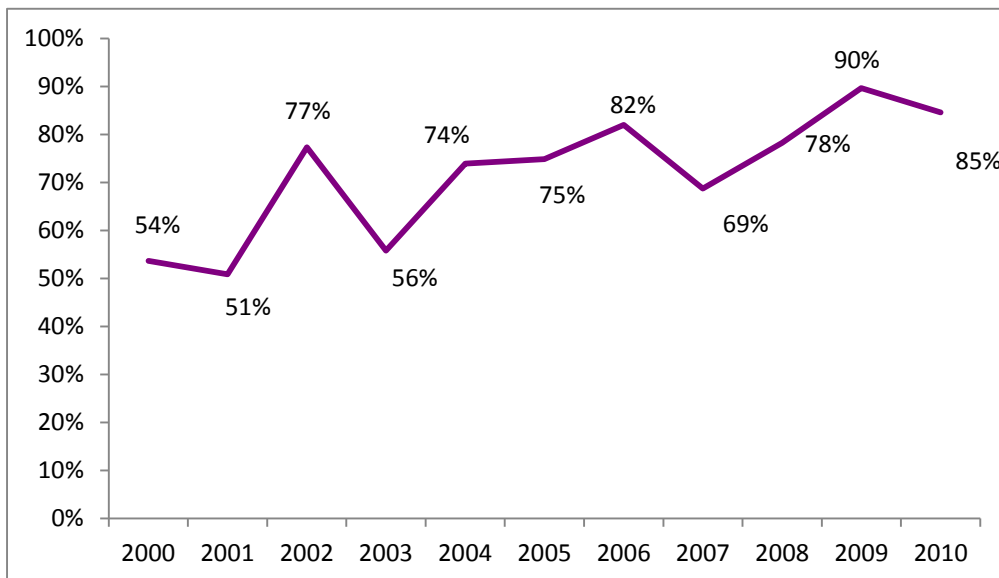
The share of EC contribution to the CoE programme budget shows an upward trend, with increasing number of individual programmes being fully financed by the EC.

Table 7: Share of EC contributions of total programme budget

Year	EC commitments (€)	Total budget (€)
2000	1,002,005	1,867,516
2001	3,788,709	7,452,349
2002	3,593,313	4,647,439
2003	7,658,857	13,726,493
2004	18,374,035	24,855,303
2005	8,895,897	11,890,136
2006	32,113,447	39,178,260
2007	7,125,096	10,369,790
2008	20,802,856	26,598,327
2009	26,431,913	29,478,521
2010	27,509,500	32,523,028
TOTAL	157,295,628	202,587,162

Source: CRIS, EC, CoE, Particip analysis

Figure 10: Share of EC contributions of total programme budget



Source: CRIS, EC, CoE, Particip analysis

6 Answers to the Evaluation Questions

This section of the report presents a summary of the answers to the eight evaluation questions listed in the table below. Volume II of this report provides detailed findings for each evaluation question. These findings were arrived at during the evaluation through the approach and with the tools described in section 2 of this report.

Table 8: Overview of evaluation questions

Code EQ	Evaluation question
EQ1: Guidance criteria	To what extent have the criteria for decisions to cooperate with the CoE been clear, transparent and strategically sound?
EQ2: Specific expertise	To what extent has the cooperation with the CoE, in particular via the channelling of funds, enabled the EC to use the CoE's specific sectoral expertise and mandate and geographical scope in the key areas of cooperation?
EQ3: Results and impact in human rights and fundamental freedoms	To what extent has the cooperation with the CoE, in particular via the channelling of funds, contributed to increasing respect for human rights and fundamental freedoms?
EQ4: Results and impact in strengthening the rule of law I	To what extent has the cooperation with the CoE, in particular via the channelling of funds, contributed to strengthening the rule of law as it relates to the fight against corruption, money laundering, and organised crime?
EQ5: Results and impact in strengthening the rule of law II	To what extent has the cooperation with the CoE, in particular via the channelling of funds, contributed to strengthening the rule of law as it relates to legal systems and access to justice?
EQ6: Results and impact in democracy	To what extent has the cooperation with the CoE, in particular via the channelling of funds, contributed to establishing stronger democratic institutions and practices at central and local level?
EQ7: Implementation	To what extent have the implementation modalities of joint programmes employed by the CoE been appropriate to help achieving EC objectives related to human rights, rule of law, and democracy?
EQ8: Complementarity and synergies	To what extent has the cooperation with the CoE, in particular via the channelling of funds, helped to enhance complementarity and synergies between the EC and the CoE?

The EQs can also be linked to one or several of the five DAC evaluation criteria (relevance, effectiveness, efficiency, impact and sustainability) and/or to the visibility and value-added themes identified in the terms of reference of this evaluation. These linkages are illustrated in the following table.

Table 9: Coverage of the evaluation criteria by the evaluation questions

Question	DAC criteria					Other criteria		
	Relevance	Effectiveness	Efficiency	Impact	Sustainability	3Cs	Visibility	Cross-cutting Issues
EQ1: Guiding criteria	✓✓					✓✓		
EQ2: Specific expertise	✓✓✓	✓✓	✓✓✓					
EQ3: Results and impact in human rights and fundamental freedoms		✓✓✓		✓✓✓	✓✓✓			✓✓✓
EQ4: Results and impact in strengthening the rule of law I		✓✓✓		✓✓✓	✓✓✓			✓✓✓
EQ5: Results and impact in strengthening the rule of law II		✓✓✓		✓✓✓	✓✓✓			✓✓✓
EQ6: Results and impact in democracy		✓✓✓		✓✓✓	✓✓✓			✓✓✓
EQ7: Implementation			✓✓✓		✓✓		✓✓✓	
EQ8: Complementarity and synergies	✓✓✓		✓✓			✓✓✓		

✓✓✓ The criterion is largely covered by the EQ

✓✓ The criterion is partially covered in the EQ

6.1 EQ1: To what extent have the criteria for decisions to cooperate with the CoE been clear, transparent and strategically sound?

This EQ asks whether the decision to channel aid through the CoE, as well as to engage in other forms of cooperation, was taken in such a way as to be consistent with the EC's strategic needs and goals; or, as put in the ToR, "the protection, promotion, and dissemination of European values on the European continent and beyond." Taking a decision in such a way would include, most importantly, a sound strategic assessment of why the CoE was the best partner through which to work. Reasons might, as shown in the intervention logic developed in the Inception Phase, include the CoE's expertise, mandate, respected position, and field presence. It might also include the CoE's neutrality, lack of institutional agenda beyond supporting human rights and related areas, and ability to tap expertise are key advantages.

It needs to be asked whether there exist specific criteria or guidelines at EC/EU headquarters and in EC/EU Delegations for the selection of CoE as an implementing partner. The kick-off meeting of the Reference Group and initial briefing at the CoE both stressed that the present evaluation should go beyond the nitty-gritty aspects of implementation to the strategic decision stage. Not only project implementation, but the strategic aspects of project development and design need to be considered at the programme-wide level.

The evaluation question critically assesses the extent to which this claim, and others, have influenced the EC's decision to work through the CoE (the next EQ, and later ones, come closer to examining the validity itself of the claim). Due attention is paid to forms of cooperation other than JPs, e.g. the setting of standards. In answering the EQ, we have also looked at the extent to which the EC and CoE share the same strategic vision of cooperation, both financial and non-financial.

The EQ was addressed through two judgment criteria:

- Level of discussion/analysis of the choice of the CoE as a cooperation partner
- Degree to which EC/EU staff at headquarters and in the field are well-informed regarding the possibility to cooperate with the CoE

The answer to this EQ is based on the following main sources:

- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Survey to EUDs
- Documentary review

**EQ1 on Guidance criteria:
– Summary Answer Box**

We answered this EQ on the basis of two JCs – the level of discussion and analysis of choosing the CoE as a cooperation partner, and the degree to which EC/EU staff in headquarters and in the field are well informed regarding the CoE and cooperation possibilities.

Findings show that, at EC Headquarter, there is a clear and consistent view of the **comparative advantage** of the CoE. In the financial cooperation area (Joint Programmes), this is as a source of expertise. In second rank is the CoE's political and moral authority in the CoE members which are not EU MSs. Analysis from the evaluation indicates that the first source of advantage has diminished as the CoE is increasingly competing with other implementing agencies for short-term expertise in a competitive and integrated market. The second is nuanced. The CoE is uniquely placed as to long-term constructive engagement with its Member States, but it is constrained by its governance structure as regards achieving near-term impacts. It emerges clearly that the **comparative disadvantage** of the CoE is on the project implementation side, where it is perceived to be old-fashioned, slow, not good in reporting, too Headquarters-oriented, etc. As EEAS is concerned with broad strategy and DG DEVCO is concerned with implementation, it is not surprising that there is generally a higher opinion of CoE in the first group than the second. Exactly the same views on expertise as a strong point and implementation as a weak one are expressed at CoE Headquarters, and much of the current re-organisation and reform are to be interpreted as an attempt to deal with problems that have emerged over the evaluation period, a decade in which Joint Programmes exploded in volume but old ways of work persisted. This is being done in a cash-short atmosphere – one of the major drivers of reform is the Council of Ministers' expressed desire that the CoE generate more external funds. While these can come in the form of flexible facilities, practically speaking, it would mean a further expansion of the volume of JPs. Putting in place a Directorate General of Programme above operational DGs to ensure coherence between cooperation and internal priorities, strengthening CoE field presence, and strengthening the evaluation function are all to be seen in the context of this drive for more cooperation funds and, as a result, greater relevance to MSs. Implicitly, this suggests that all have been found lacking over the evaluation period.

To summarise, **moral authority and specialised expertise are the CoE's strong suits and implementation is its weak one**. The CoE's present strategy is to strengthen its weak suit, not play to its strong one. Opinions on whether this is the best strategy differ.

In the area of **non-financial cooperation**, analysis shows that the EC's desire to cooperate with the CoE is driven by that organisation's established mandate and **expertise in monitoring** and, by extension, **standard setting**. The CoE "stamp of approval" in the accession process has been a significant factor, and CoE monitoring reports and expertise are intensively used in EU progress reports. In high political dialogue, vision has been expressed for closer cooperation based on the Lisbon treaty and EU accession to the ECHR, in addition to EC participation in monitoring mechanisms such as GRECO. All of these raise, however, legal issues which remain to be resolved.

Returning to financial cooperation, at EUD level, there is documentable analysis that "Why the CoE?" is asked, and from the field phase interviews there are signs that the view of the CoE as a "default" partner for certain areas has been increasingly challenged. However, the JP formulation process is often hasty and ad hoc. Given under-staffing (on both sides) and high turnover, there is an absence of a long-term, forward looking cooperation strategy. There are no explicit guidelines at EC Headquarters for selecting the CoE as an implementing agency. The **CoE appears to be taken as a partner of opportunity** – if it has the required expertise, or if Government has specifically requested CoE implementation, it will be selected. If not, another partner will do. This is, not surprising, of concern to the CoE, which aspires to be regarded as a privileged partner, an equal in institutional status, not merely another implementing NGO. The situation is rather different in the case of Joint Actions, where long-term partnerships develop, but so, at the same time, do constituencies which tend to support the continuation of activities regardless of efficiency and impact. Many of these are very small and subject to inefficiency and low overall impact as a result of small size. They also tend to cluster in areas outside the core areas of cooperation, such as youth, culture, and sport; however, both EC and CoE officials attach high value to them.

EC Headquarters staff appears reasonably well informed about possibilities to cooperate with the CoE. The CoE has recently undertaken, with the help of EEAS, significant outreach activities in Brussels, and the putting in place of a liaison office has been a positive step. The putting of an EU Delegation in Strasbourg has also strengthened institutional ties and improved information flows. One factor to be taken into account is that while DG DEVCO, a development cooperation agency, is attuned to Results-based Management approaches, EEAS is more in tune with the long-term strategic process and engagement approach typical of the CoE.

**EQ1 on Guidance criteria:
– Summary Answer Box**

At field level, despite the understaffing of EUDs, especially on the political level that is crucial for non-financial cooperation, and the CoE's historically weak field presence, **most EUDs appear fairly satisfied with information flow**, coordination, and the JP design. CoE officials who had been in the field expressed less confidence, complaining that JP design was often hasty and haphazard. This view is corroborated by the evaluation team's synthesis of past evaluations, which identified the lack of a shared EC-CoE strategic vision as the main reason for poor project performance when that occurred. Poor project intervention logic, discussed at various points in this report, means that JPs are often not really projects or programmes as such, but as bundles of activities carried out.

Overall, while the **decision to cooperate with the CoE through Joint Programmes has often been strategically sound ex post**, there is not much evidence of clear and transparent criteria **ex ante**. The strong and weak points of the CoE are well understood (and the former are well set out in the 2007 Memorandum of Understanding). No explicit guidelines, however, exist. This is in contrast to CoE Headquarters, where in the context of the reform and re-organisation, major guidelines and procedures for cooperation with the EU have been developed (in the latter years of the evaluation period) and promulgated (in 2011). That **there is a broad high-level strategic vision of cooperation, both financial and non-financial, on both ends of the Brussels-Strasbourg axis is not in doubt**; again, the 2007 MoU is the best evidence for this, as is the development in recent years of high-level regular political and practical consultations.

6.1.1 JC 11 Level of discussion/analysis of the choice of the CoE as a cooperation partner

We assessed this JC based on three Indicators. The first asked whether the EC, at Headquarters or EUD level, undertakes a strategic assessment of whether the CoE is the best partner for cooperation. The second, closely related, is whether there is a clearly articulated view at Headquarters or in the field, of the CoE's comparative advantage as a cooperation partner. The third is whether there is an overarching strategic vision for cooperation with the CoE.

The second is easiest to report on. At **EU headquarters** (to judge by interviews) as well as in EUDs (to judge by survey results and interviews in the field) **there is a clear and consistent view that the CoE's comparative advantage** is as a repository of expertise and knowledge in certain sectors and that its comparative disadvantage is as an implementing agency. It is regarded as old fashioned, overly bureaucratic, too Strasbourg-Headquarters oriented, inefficient in reporting, etc. This view is broadly confirmed by the synthesis of previous Joint Programme evaluations that has been produced (see Annex 2). As EEAS is more concerned with broad strategy and DG DEVCO is concerned with implementation, it is not surprising that there is more enthusiasm for the cooperation partnership in the first group than the second. Important to note, although the Indicator did not address the CoE's own view of its comparative advantage and disadvantage, the vision of an institution strong in expertise but weak in implementation skills is shared, overall, between Brussels and Strasbourg.

Views on non-financial cooperation are not so easy to characterise, but there is, at EC Headquarters, broad appreciation of the CoE's monitoring (and by extension, standard setting) mandate and the fact that, in countries which are not EU MSs, the CoE can exert political and moral pressure. It was striking that at no point in EC headquarters interviews, but frequently in CoE headquarters interviews, the fact that the CoE can act in EU MSs where the EC would be more constrained from acting was mentioned.

These points are also relevant to the first indicator (strategic assessment and/or justification for cooperation). Of importance is that in the EUD survey, almost all EUDs reported that there is some sort of **documented analysis** (more vulgarly, "paper trail") that would shed light on why the CoE was selected as a cooperation partners. However, in some cases, either a pre-existing document such as an Accession Agreement defines cooperation or another European entity, such as DG Enlargement, makes decisions. In the case of JPs, the decision to implement via an EC-CoE JP was often taken on the specific request of government. There are signs that the view of the CoE as a default partner for certain types of projects is being increasingly challenged at the EUD level, with the result that competitive bidding rather than direct award is increasingly viewed as the better approach. **The JP formulation process is often ad hoc** and, due to understaffing and high turnover, there is no forward looking strategic vision for cooperation at the EUD level.

The third Indicator, on existence of an **overarching strategic vision for cooperating with the CoE**, is broad, and we have addressed it in Section 3 of this report. Clearly, there is such a vision, and it is embodied mostly in the 2007 Memorandum of Understanding. On the non-financial side, there is a vision rooted in EU accession to the ECHR, the Lisbon Treaty, the desire to engage at least in mutually reinforcing standard setting if not joint standard setting, the promise and challenges of EC accession to monitoring bodies (notably GRETA), the need to coordinate monitoring activities, etc. This vision is

being articulated through regular high-level consultations covering both political and practical matters that have developed over the last three to four years.

On the financial cooperation side, i.e. Joint Programmes, no strategic vision was discerned in EC Headquarters interviews apart from the consideration of comparative advantages and disadvantage as discussed elsewhere. The CoE appears to be a partner of opportunity; if they are the best available or there is a special request from government, they will be engaged, but another implementing partner might be just as good if they were as qualified.

This is in contrast to the situation in Strasbourg, where a tightly defined strategy was everywhere reported. This involves increasing JP cooperation, instituting organizational reforms to prevent the expansion of external resources from distorting internal priorities, strengthening implementation capacity by re-orienting towards the field, consolidating cooperation into fewer, larger, more sector-oriented projects, etc. Whether this is the right overall strategy for the CoE is debated, but that this is the cooperation strategy is not.

To conclude, the **level of discussions on cooperation at the high political level is excellent**, a result of improvements over the last four years. Legal analysis of the ramifications of new elements of the EU-CoE relationship is proceeding. In the area of JPs, there is what might be called an informal analysis, or shared view, of the strengths and weaknesses of the CoE as a cooperation partner. At field level, EUDs do engage in some documentable analysis of the choice of the CoE although, as we show, the choice is often either ad hoc or driven by Government. There is a strong institutional logic and set of procedures being put in place at CoE Headquarters and field responsibilities are being bolstered. At EC Headquarters, there are no explicit guidelines related to the choice of CoE, as opposed to another implementing agency have been found, although the logic appears clear ex post, and is based on assessment of the comparative advantages and disadvantages of the institution.

6.1.2 JC 12 Degree to which EC/EU staff at headquarters and in the field are well-informed regarding the possibility to cooperate with the CoE

Regarding the HQ level, we have little information relating to the evaluation period strictly speaking, but the CoE, in collaboration with EEAS, has recently held information seminars in Brussels with some level of EU official attendance. At the one event attended by a team member, senior attendance was much higher on the CoE side than the EU Side. All **EC Headquarters officials interviewed were familiar with the CoE**; however, this is not surprising since they were not a random sample. There was no sign that the entire breadth of cooperation possibilities was appreciated across the board. EEAS officials interviewed were closely acquainted with possibilities, but this is not surprising because they are responsible for the relationship with CoE.

EUD officials responding to the survey generally reported that they had received adequate information from the CoE and that the CoE was active in proposing cooperation possibilities. The impression is that this was very largely concerned with financial cooperation, i.e. Joint Programmes. EUD responses regarding the level of contact, discussion and coordination at field level were favourable. CoE field office reports detail dozens of meetings with EUD officials.

At CoE HQ, the view was overall less positive. Officials who had previously occupied field posts reported that EUDs are understaffed, particularly in the area of political affairs, which would be disproportionately important for non-financial cooperation. We already commented, in looking at Indicator I-111, that on the CoE side, there is a feeling that JP preparation was hasty and ad hoc, a view borne out by our synthesis of past evaluation findings. However, this must be balanced with the view, on both the EC and CoE side, that in the past, the CoE has been weak in the field, a situation that the current reform and reorganisation are trying to address.

Overall, EC and EU officials appear to **have been reasonably aware of possibilities for cooperation with the CoE via Joint Programmes**. The main constraints to such cooperation were financial, or had to do with staff constraints or lack of a shared strategic vision, not ignorance of possibilities.

6.2 EQ2: To what extent has the cooperation with the CoE, in particular via the channelling of funds, enabled the EC to use the CoE's specific sectoral expertise and mandate and geographical scope in the key areas of cooperation?

The CoE has the ability to provide expertise in the areas of human rights, rule of law, and democracy. Moreover, the CoE's geographical scope and sectoral mandate grounded in standard setting, monitoring, and member states' voluntary international commitments are unique. The CoE members cover both EU Member States and EU neighbouring countries, which, in EC cooperation categories, belong to its IPA (pre-accession) and ENPI (neighbourhood) regions.

The EQ was addressed through two judgment criteria:

- Degree to which the CoE's sectoral expertise and mandate and geographic scope and political capacity to hold partner countries accountable have been taken advantage of in cooperation activities including JP implementation
- Degree to which EU has benefited from jointly working with the CoE on legal issues / standards setting and monitoring / country assessments in human rights, rule of law, and democracy

In addressing the EQ, the CoE's on-going institutional reforms and a shift in its strategic orientation from a headquarters-based institution to one with a stronger field orientation will need to be taken into account. The CoE's ability to sanction member states when they do not adhere to CoE standards should also be assessed. This issue concerns the "teeth" of the approaches the CoE employs to ensure that member states comply with standards. The CoE's relatively (as compared, say, to the EU) weak enforcement capacity can act as an advantage, in that it encourages countries to engage in areas where they would refuse to do so were there a true loss of sovereignty in joining the CoE. However, this capacity or lack of it cannot be ignored when assessing JPs.

The answer to this EQ is based on the following main sources:

- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Survey to EUDs
- Synthesis of past evaluations
- Documentary review

EQ2 on Specific expertise: – Summary Answer Box

We approached this EQ using two very different and complementary JCs, one largely focusing on financial cooperation (JPs) and the other on non-financial cooperation (standard setting and monitoring).

Some of the issues here were also relevant to EQ 1, since "expertise" is perceived on all sides to be the CoE's comparative advantage. The **ability of the EU to take advantage of the CoE's unique expertise, geographical coverage, and potential influence on its MSs was limited over the evaluation period by the fact that the CoE had a weak field presence**. Putting it briefly, it was universally recognised as a Headquarters-based organisation. The reform and reorganisation process set in motion in the closing months of the evaluation period was in large part, perhaps even mostly, designed to address this weakness, which has damaged the CoE's competitiveness as an implementing agency and, in the leaderships' view, thereby weakened its relevance to MSs. It has also, based on all the evidence, reduced its attractiveness to the EU as an implementing partner.

Another factor that needs to be taken into account is that, with the large rise in the volume of JPs, as well as budgetary pressures and the need to avoid becoming overstaffed with permanent officials, the **CoE increasingly moved to the use of external consultants** over the evaluation period. While necessary on efficiency grounds, and while most evidence is that the quality of consultants was good, this does tend to cause the CoE to blend in with alternative implementing agencies who draw on the same pool of consultancy talent. The international market for consultants is increasingly well-integrated and competitive.

When these, and other weaknesses in project implementation, are taken account, it **cannot be said in most cases that through JPs implemented by the CoE, the EC was able to obtain results that could not have been obtained any other way (effectiveness), or attain them at lower cost (efficiency)**. However, the CoE's long-term relationship and relationship of trust with beneficiaries may, in some instances, have improved the quality of results and promoted a long-term partnership in ways that would not have occurred if another group had implemented. In some cases, as reported in field missions, only the CoE would have been a credible partner for Government.

**EQ2 on Specific expertise:
– Summary Answer Box**

Having said that, it is important to realise that the EU and the CoE have different interpretations of “results.” The EU has a long-term engagement with partner countries, especially in difficult areas such as democracy and human rights. However, it also desires results that translate into relatively quick positive impacts on people’s lives in beneficiary countries to support its long-term engagement. This is particularly true in cooperation, where the institutional culture of DG DEVCO is, not surprising, grounded in work to promote development in poor countries. DG ELARG, concerned with pressing problems in pre-accession countries, also looks for near-term results. The CoE, by contrast, accountable to the Governments that represent its MSs and only indirectly to citizens, is an engagement and process oriented institution that is attuned to long-term structural, usually political, institutional, and attitudinal change, a process to be measured in decades, not two-year project cycles. Within the EU, EEAS is slightly more attuned to this long-term strategic view.

It would be fair to say that, **only by cooperating with the CoE is the EU able to tap into this long-term perspective and the institutional and governance arrangements that sustain it.** This is essentially a strong positive point for **relevance** attained through JPs. Also enhancing relevance, and amounting to the **CoE’s true “unique selling point” is the “triangle” of standard setting, monitoring, and cooperation**, with the latter then feeding back to further standard setting and monitoring. While the links could have been strengthened over the evaluation period (particularly the feedback since evaluation was the weakest link in the CoE’s PCM chain), only the CoE can offer this degree of relevance to the EU. The vaunted power of the CoE to use its moral and political persuasive powers to support change in MSs has to be qualified by the fact that, while non-compliance is unpleasant, it need not be fatal to maintaining a relationship with the CoE. Admittedly, some monitoring bodies such as the CPT, MONEYVAL and GRECO have real teeth, but generally speaking, the CoE sanction in many areas is confined to moral/political pressure as opposed to enforceable legal measures. The “unique selling point” is therefore of more importance for relevance, than it is for effectiveness or, one step further, impact.

Geographical scope of the CoE has not been identified as a point of particular interest to the EU. In fact, by promoting activities such as the South Initiative and work in Central Asia, as well as by promulgating CoE standards through its cooperation programmes worldwide, it is probably the EU that is providing the CoE geographical scope, not the other way around.

Most issues concerning non-financial cooperation have already been touched on. The JC asked to what extent the EU has benefitted from working jointly with the CoE, largely in standard setting and monitoring. There has been **relatively little work on joint standard** setting over the evaluation period, although this will change with the EU’s accession to the ECHR. Few concerns were expressed about overlap, as the existence of a stricter EU standard for the 27 can permit the CoE to promote optional protocols among the 20. Such work is referred to as mutually reinforcing standard setting, and there was a great deal of this over the evaluation period, with both organisations benefitting. Note, however, that while it may be often true, it is not always the case that standards for protection of human rights in the 20 are looser than those in the 27. The CoE has on occasion expressed concern about the potential lack of compliance of new EU legislation with ECHR standards and case law. While “instrument shopping” (acceding to the weakest standard) is a problem in some areas, the EU does not appear to be an offending party. Both the EU and the CoE are engaged in an inventory and mapping of standards, an exercise made necessary by the rapid expansion in the number of norms over the evaluation period.

There is concern, but this seems to refer to the end of the evaluation period and the present, that **there is overlap in monitoring.** The EU participates in monitoring bodies such as MONEYVAL and GRECO, but has not, so far, formally joined them. The desirability of the EU’s joining GRECO was long ago recognised, but still remains in the working stage. CoE monitoring reports are crucial inputs, cited with authority, in EU country progress reports and there is good sharing of information between experts in Strasbourg and desk officers in Brussels. In standard setting, as well, there are examples of cooperation, for example, with DG Justice.

6.2.1 JC 2.1 Degree to which the CoE’s sectoral expertise and mandate and geographic scope and political capacity to hold partner countries accountable have been taken advantage of in cooperation activities including JP implementation

In assessing this JC, we looked first at the extent and quality of CoE involvement in JPs at all stages. Over the evaluation period, the CoE was universally recognised to be a Headquarters-based organisation with weak field presence. The current reform process, initiated at the end of the evaluation period, is designed in part to correct this weakness. In general, the CoE provided a good level of input of Headquarters expertise to JPs over the evaluation period, although programme officers are some-

times dealing with an overload of projects. However, JPs managed solely from Strasbourg were considered inferior to projects managed from the CoE country office in terms of quality of management and results. Human resource policies at Headquarters have also been changed to try to better manage the trade-off between turnover and ossification. The **need for better use of CoE expertise in JP formulation** has been discussed under EQ 1, and further evidence is presented below of the **need to take better advantage of the CoE's unique strength as an organisation whose work encompasses standard setting, monitoring, and cooperation**. This links directly to JC 2.2, whose assessment identified the progress made, but need for improvement in, coordination and joint work in standard setting and monitoring.

Over the evaluation period, the **evaluation function at CoE was weak and structurally flawed**, as evaluation was linked to project design and implementation. It was also ad hoc, and even gathering together a database of past evaluations has been a challenge. Poor evaluation weakened the quality of JPs and, by putting the CoE well behind competitors in project implementation, reduced the attractiveness of the CoE to the EU as an implementing partner. However, near the end of the evaluation period, as one of the first steps of re-organisation, the evaluation function was moved into the Office of Oversight, reporting directly to the Secretary General, and given enhanced staff resource and visibility.

The CoE's **reliance on external consultants in an increasingly integrated and competitive market conflicts in some ways with the CoE's perceived unique advantage as a repository of expertise** discussed under EQ1. Part of this trend is due to the explosion in the number of JPs over the evaluation period. It places the CoE, however, in precisely the position it wishes to avoid, namely, that of being "just another implementing organisation." An important step in strengthening performance on this JC is the putting in place of a Directorate General of Programme to ensure that cooperation activities (specifically JPs) conform to CoE priorities jointly agreed with Government. The alternative is a donor-driven agenda, with nefarious long-term effects as governments accept assistance programmes to whose results they have little commitment. That said, absent EC funding via Joint Programmes, the CoE's cooperation activities would have to be severely curtailed, and beneficiary governments are often willing to engage in projects even where the political will to achieve fundamental results is weak.

Was the EC, working through the CoE, able to obtain results that they would have not been able to attain with any other organisation? In answering this question, it is first necessary to recognise that the **CoE and the EC have different interpretations of results**. The CoE is a process- and long-term engagement oriented organisation. The EC (DG DEVCO more so than EEAS, which is somewhat closer to the CoE in orientation) is a traditional development organisation looking for near-term impacts as identified by objectively verifiable indicators. For an evaluator trained in such Results-based Management development evaluation, looking through CoE project reports is an exercise in frustration, as they tend to amount simply to an inventory of activities carried out.

It the area of financial cooperation (JPs), it would be overly optimistic to say that the CoE's unique institutional status delivered results – in any sense – that could not have been delivered by another organisation drawing on the same pool of consultants. However, there are exceptions. In cases where monitoring reports can give rise to independent sanctions (such as a negative MONEYVAL or, in the case of accession countries, a negative GRECO report), the CoE's unique status may leverage its effectiveness as an implementing partner. In some specific contexts the CoE could have been the only organisation engaging with governments in troubled times, when only few other alternatives were available (*Serbia, Turkey*). While the situation since then has changed, and many partners are now on the scene, the CoE is seen as the organisation, which made the initial crucial steps. In some cases (*Moldova*), the CoE may have unique status in a Ministry that is, on the whole, resistant to change.

A difficult to pin down but clearly identifiable advantage of the CoE is the **moral high ground that results from the CoE's role in standard setting and monitoring activities**, including adjudication through the ECtHR. What is referred to at CoE Headquarters as **the "triangle" of standard setting, monitoring, and cooperation**, (with results of the latter feeding back into subsequent standard setting and monitoring) **is truly the CoE's "unique selling point."** This is related to, but distinct from the CoE's vaunted power to encourage change in MSs. MSs have quickly realised, following accession, that while non-compliance is unpleasant, it is not necessarily fatal to maintaining a relationship with the CoE. There are exceptions, such as MONEYVAL and GRECO, whose adverse findings can have immediate negative effects. In general, though, the standard setting and monitoring function, backed up by cooperation, is more effective in maintaining the relevance of the CoE's engagement than it is for producing quick results.

Two specific comments: The CoE's geographical scope, often mentioned, does not appear to deliver a great advantage in fact. If anything, by encouraging the CoE to work in areas such as North Africa and Central Asia, and in its limited efforts to promote CoE standards beyond Europe, it is the EU that is delivering geographic scope to the CoE, not the other way around. Second, the political influence of

the CoE must be placed in perspective. If anyone has direct ability to deploy incentives and disincentives, it is the EU, with accession, or trade policy, or visa policy, etc. at its disposal. When countries fail to live up to their ECHR commitments, as shown by an adverse or non-executed ECtHR judgment or a critical monitoring body report or report of the Commissioner for Human Rights, this amounts to “name-and-shame.” The increasing peer-to-peer nature of the CoE’s operations increases the effectiveness of such policies; however, countries learned quickly after accession that their margin of appreciation is relatively wide.

6.2.2 JC 2.2 Degree to which EU has benefited from jointly working with the CoE on legal issues / standards setting and monitoring / country assessments in human rights, rule of law, and democracy

There has been **more progress on mutually reinforcing standard setting rather than joint standard setting per se**. CoE standards have been transposed into stricter EU Directives for the 27 MSs, giving the CoE the opportunity to then take the stricter standard’s requirements over in the form of an Optional Protocol. The EU has also taken the opportunity to promote CoE standards outside the European area through its cooperation programmes. There was a setback to joint standard setting over the evaluation period when collaboration on a cross-border television convention was stopped in its tracks by an EC Legal Services finding that this was a MS area of competence. There has **continued to be duplication in normative activities**, for example, the CoE convention on trafficking in human beings in addition to an EU Directive. However, CoE and EU standards can serve a mutually reinforcing role. The EC participates in the drafting of conventions and therefore has an automatic right to accede, but over the evaluation period this proved legally difficult.

Indicator 2.2.1 asked if the EU and CoE drew on separate and complementary bodies of expertise, to which the frank answer is “No.” The **same experts and consultants are available to both institutions**, and the argument that the CoE has unrivalled access experts is thin. While the CoE has excellent in-house expertise, it draws on external experts and here, it must compete with other implementing agencies. It experiences difficulty in recruiting long-term project experts, as opposed to short-term consultants. The **unique advantage of the CoE, as discussed above, is more its institutional status and relationship with MSs**, although it continues to rank high on expertise. As we discuss at a number of points, the unique relationship can be a double-edged sword, as the relationship of trust that the CoE has with governments gives it a long-term process- and engagement-based view of impacts. Only recently is the CoE, recognising that it is increasingly an implementing development agency, beginning to apply good-practice impact evaluation. The change of approach cannot be expected to occur immediately.

When **country assessments and monitoring reports are produced, there is close communication between the two institutions** (Indicator 2.2.2) and the EU, in particular, benefits from the CoE’s monitoring bodies such as GRECO and MONEYVAL. As discussed in Indicator 2.2.3, the EC participates in monitoring activities, albeit usually informally. Formal participation, e.g. in GRECO, is being pursued but raises legal issues. There is concern over the proliferation of standards and of the resulting “monitoring fatigue”; however, in general, the assessment of EU-CoE coordination is positive.

All persons interviewed pointed to the change caused over the evaluation period by the Lisbon Treaty, which gave the **EU competence in areas that had traditionally been the exclusive purview of the CoE**. This unfortunately occurred in the context of a period of relatively weak political relations between the two institutions, a situation that has radically improved in the latter years of the evaluation period (see discussion under EQ 1). With the high-level political coordination mechanisms now in place, there is the **possibility of closer coordination and greater combined impact in normative activities including monitoring**. All evidence suggests that the EU accession to the ECHR will promote coherence, although it will also lead to legally challenging situations such as the EU being a respondent in ECtHR cases.

An area in which there could have been improvement is in the EU’s use of the link between monitoring and cooperation. As CoE MSs, not EU MSs, countries benefitting from JPs should be improving compliance with CoE standards and pursuing priorities in the context of their CoE membership, not pursuing EU priorities. In many cases, the agenda are the same, and the EU has benefitted tangibly from the use of CoE monitoring bodies as “gatekeepers” to accession, however, there is still evidence that JP design does not always reinforce the triangle of standard-setting-monitoring-cooperation, with information from cooperation the feeding back into standard setting. Elsewhere (e.g., in answering EQs 7 and 8) we point to the fact that poor PCM, especially the weakness of the evaluation function, has impaired JP performance, made it difficult to assess impact and generate lessons to be incorporated, and has overall weakened the attractiveness of the CoE to the EU as an implementing partner.

So overall, the **EU has benefitted from joint work with the CoE in the area of standards and monitoring, and the CoE has benefitted as well**. This has reflected not so much actual collaboration in

joint-standard setting, but in the mutually reinforcing nature of standards set by the two institutions. While there is concern over duplication in standard setting, the fact that EU standards tend to be tougher presents opportunities, as well. In monitoring, there is need to avoid duplication but changes over the evaluation period have increased opportunities for the EU to participate in CoE monitoring exercise. CoE monitoring reports are crucial inputs into EU progress reports.

6.3 EQ3: To what extent has the cooperation with the CoE, in particular via the channelling of funds, contributed to increasing respect for human rights and fundamental freedoms?

A key priority of EU cooperation with the CoE, including financing of programme activities during the time period being addressed, has been to strengthen the promotion and protection of human rights. Central to this has been the European Convention on Human Rights (ECHR), the core legal framework of European values covering the right to life, freedom from torture, freedom from slavery, the right to liberty, the right to a fair trial, the right to privacy, freedom of religion, the right to free association, and the right to marry and non-discrimination as a cross-cutting right.⁷⁹ All countries joining the CoE accede to the ECHR and thereby subject themselves to the oversight of the European Court of Human Rights (ECtHR). Some of the selected case study countries account for a disproportionate percentage of findings of ECHR violations as well as featuring among those countries where analysis of applications indicates a “systemic” or “structural” problem.⁸⁰

More recently, case study countries have also ratified the Revised European Social Charter, though without accepting all provisions. The Conclusions of the European Committee of Social Rights identify many findings of non-conformity.

The EQ was addressed through five judgment criteria:

- Improved protection of human rights (civil, political, social, economic and cultural), including non-discrimination
- Degree to which accession to, and compliance with, the European Convention on Human Rights (ECHR) and the European Social Charter has been promoted and strengthened
- Enhanced protection of the rights of minority groups (including linguistic minorities)
- Increased awareness of human rights and fundamental freedoms
- Improved treatment and conditions of detention

The answer to this EQ is based on the following main sources:

- Documentary analysis
- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Interviews with stakeholders at country level

EQ3 on Human Rights: – Summary Answer Box

The trajectory of improvement in human rights protection in the selected case study countries is generally positive over the time period evaluated, albeit from a very low starting point and with some trends in some countries showing a slowing down of progress and regression on some issues. Impact of JPs needs to be viewed against the various country contexts (including newly independent states, recent large scale conflict, relatively recent membership of the Council of Europe (in some cases post 2000) or accession to core treaties etc.

Field visits generally tended to confirm desk phase working hypotheses that despite accession to ECHR and the European Social Charter and significant volume of awareness raising and capacity building with respect to the ECHR, **compliance with treaty requirements and implementation of ECtHR decisions and European Committee of Social Rights Conclusions** remains problematic. State institutions typically attribute this to challenges of historical legacy, on-going capacity needs, new institutions and legal frameworks, while civil society stakeholders stress more systemic problems,

⁷⁹ Other human rights issues are addressed in the context of other EQs eg regular, free and fair elections (Article 3 Protocol 1), access to justice (Article 6, 13, 14 etc).

⁸⁰ CoE Parliamentary Assembly Committee on Legal Affairs and Human Rights, States with major structural/systemic problems before the European Court of Human Rights: statistics, AS/Jur/Inf (2011) 05 rev 2, 18 April 2011

**EQ3 on Human Rights:
– Summary Answer Box**

lack of political will, impunity and weak accountability.

EU support to CoE included JPs particularly relevant to acknowledged needs, including low **awareness and capacity to apply human rights standards** across a range of substantive human rights (principally civil and political) as well as related CoE mechanisms. In particular, in the early years of the timeframe being evaluated there is some sense that activities were organised (in many cases from HQ) on the basis needs being so fundamental and widespread that securing engagement on any human rights activity was in itself positive.

Its **overarching legal framework** as well as the CoE's **status as an IGO** were (and to some degree still are) **distinct comparative advantages in securing engagement by state institutions** on human rights projects, in particular given sensitivities around external 'interference' and poor human rights track records. However, this strong sense of 'ownership' by implementing partners may also explain the failure of JPs to address some more sensitive human rights issues, including accountability.

Overall human rights JPs score highly for their **relevance in targeting core problems** in the jurisdictions concerned, and being based on States' CoE obligations, planned or recent treaty ratification etc. Low awareness of, and capacity to apply, human rights are acknowledged needs among key institutions and the public at large and were addressed by JP activities including, training, production of materials and other contribution to curricula and to training institutions. Domestic institutions with key responsibilities for raising awareness (e.g. human rights Ombudsman's offices and commissions) were also supported.

Human rights related JPs appear strongest in their provision of legally accurate support that addressed some key human rights priorities in the States concerned. The ability to draw upon **substantive expertise**, in many cases experienced senior professionals, helped to foster engagement with partner institutions. Most stakeholders consulted, in particular implementing partners, offer a favourable assessment of the knowledge and skill of the human right expertise provided.

Evaluation interviews identify some JPs as making **important contributions to key stakeholders levels of knowledge and technical familiarity with the ECHR** in particular. *Ex post facto* impact evaluation of human rights JPs is challenging in light of the range of human rights actors active in the countries concerned, but is made more difficult by the lack of project baselines (especially in the case of earlier JPs), limited attention to indicators and means of verification that might measure resulting human rights change (as opposed to activity and outputs). The almost total absence of independent evaluation of JPs contributes to a strong sense that securing engagement in human rights activity by state institutions was an end in itself. While this may have had some justification in initial years its now makes it now makes it all the more difficult to develop a culture of accountability for results within CoE and among implementing partners.

Some JPs contributed to **enhanced NGO involvement in human rights**, though NGOs in case study countries are more sceptical than state interlocutors regarding the impact of JP's contribution (as distinct from the variety of other drivers of change (including EU, CoE generally). Among wider civil society actors, some journalists report JPs (as well as activities of the EU and CoE more generally) as enhancing journalists knowledge and media coverage of human rights though in all countries independent media face severe constraints on their freedom of operation.

Regional human rights JPs present particular challenges to assessment for impact or sustainability but are acknowledged by participants as being significant for their cross-border engagement for lessons sharing (and other benefits in the Balkan post-conflict context) given the CoE's particular advantages in securing involvement in projects of multiple countries. With the **rights of minority groups** addressed predominantly addressed in regional JPs precise impact is more difficult to ascertain in this context though country specific JP contributions also included expert support on drafting of anti-discrimination legislation.

Detention puts individuals at particular vulnerability to human rights abuses and was prioritised in a number of JPs. Some limited progress towards compliance with standards set by the ECtHR and CPT is identified (in some cases linked to specific JPs). However, the overall the situation of treatment and conditions remains grave, linked to overcrowding, inappropriate use on pre-trial detention, lack of alternative sentences etc.

Access to **social and economic rights** was central to only a limited number of (principally regional) JPs. Gender and non-discrimination either did not feature in JPs at all, or was not addressed as a cross-cutting priority in objectives and activities. This despite gender/non-discrimination issues being a fundamental human rights concern in all case study countries and gender/non-discrimination a legal and policy obligation of the EU and CoE.

**EQ3 on Human Rights:
– Summary Answer Box**

Generally JPs that addressed human rights have (at the outset of the timeframe concerned at least) been weak in terms of adherence to core project cycle management best practice long familiar to development practitioners. In particular, the impact of JPs conceived as 'human rights JPs' could have been reinforced by ensuring that JPs generally were human rights based, given that many of them concerned issues and sectors where human rights are of critical concern, e.g. justice, organised crime, elections.

6.3.1 JC 3.1 Improved protection of human rights (civil, political, social, economic and cultural), including non-discrimination

This JC looks into the protection of the basic human rights, including discrimination through four Indicators:

- Increased availability of formal and practical legal procedures (application for bail, leave to appeal, scope of judicial review, etc.) in the protection of human rights (I-311);
- Increased use of ECtHR jurisprudence in the curricula of academic and professional training (lawyers, journalists, prison staff, medical staff, etc.) (I-312);
- Increased NGO involvement in human rights (death penalty, torture, etc.) (I-313);
- Access to social and economic rights (European Social charter) (I-314).

The availability of **formal and practical legal procedures** (application for bail, leave to appeal, scope of judicial review, etc.) has generally evolved in a positive direction in case study countries and while rarely an explicitly stated JP objective may have benefitted from JP engagement by Justice Ministries and judiciary generally in justice reform JPs. Virtually every JP cited is also cited under a more specifically defined Indicator below. (ECHR compliance and support to ombudsman institutions are discussed under EQ 3; judicial reforms and access to justice under EQ 5.)

In most case study countries there have been positive developments in inclusion of ECHR and **ECtHR jurisprudence in the curricula** of academic and professional training, and EC-CoE joint programmes have contributed to this progress. Examples include impact on curricula development in a JP supporting the Academy of Justice in *Russia*, in *Moldova* the National Institute of Justice has been set up and made operational with the support of two consecutive JPs, with the Justice Academy in *Turkey* also assisted. In *Bosnia and Herzegovina* Centres for Judicial and Prosecutorial Training have been supported, and in *Armenia*, there is on-going cooperation with the School of Advocates. Enhanced knowledge and capacity to train justice system personnel on human rights is acknowledged as a key need in all of case study jurisdictions, and providing support via state training institutions maximises the likelihood of sustainability. The scale of the training needed, in terms of numbers of personnel, low starting point regarding human rights awareness/knowledge, new and prospective treaty responsibilities etc. (particularly in 2000) made training a logical focus of many JPs. However, as noted in project reports, for example in the *Turkey JP Support to the implementation of human rights reforms* in 2006-2007, without follow-up activity there was no guarantee that trainers applied knowledge. Field visits in Serbia and Armenia highlight an on-going need for translation of ECtHR judgments and capacity building to actually apply the judgments domestically. On professionals other than those working in the justice system, see below with regard to journalists/media. In Armenia, there have arisen issues of sustainability because of the failure to ensure premises for the School of Advocates.

Actual change in practice as a result of training provided and supported is more difficult to gauge given JPs' lack of monitoring and evaluation systems that might capture changed practice over time. In many cases the relatively low starting point means that any change could only be tentatively measured in the immediate aftermath of JPs (even those run over several years), but successive JP activity could have been used to seek to measure such impact. While impact of training is generally presumed rather than systematically verified, examples of impact are offered anecdotally by field visit interlocutors and in the case of Turkey two external evaluations (post 2010) identify important examples of impact. These evaluations are reported also as having been important for having now made implementing partners more aware of the rationale and utility of evaluation, especially when done mid-project.

As an intergovernmental organisation, the CoE has a comparative advantage in securing cooperation from state institutions for programme implementation, a factor identified in Turkey and Moldova, for example, as key to securing engagement on some sensitive topics, particularly, in the first case, at a time when this type of international cooperation was new. This approach has certain logic, with the State being the primary duty-bearer for ensuring compliance with treaty obligations. NGOs as representatives of rights holders are however key to ensuring human rights compliance. Overall, while many of the selected case study countries have seen more active **NGO involvement in human**

rights (albeit with varying degrees of constraints) JPs focus on State institutions as JP partner means that there is somewhat less evidence of JPs contributing specifically to NGO activity. However, NGOs have been involved in numerous JPs (including general human rights awareness raising, minority rights, media freedom, elections (see EQ6 *Increased opportunities of participation and mobilisation of independent civil society in the political processes*; etc.) as well as on the advisory boards of justice/detention related JPs in Turkey, for example. This is a potentially important step towards promoting the role of NGOs in, but there remain fundamental reluctance by state to recognise legitimate NGO activity, particularly monitoring of State compliance with its human rights obligations and most of the case study countries visited report a significant problem of Government controlled NGOs. More generally, on the issue of increased NGO involvement in human rights, CoE membership, monitoring and ECtHR decisions are all cited in field visits as helping to legitimise and secure a 'space' for the increasing numbers of NGOs that choose to base their work on human rights norms.

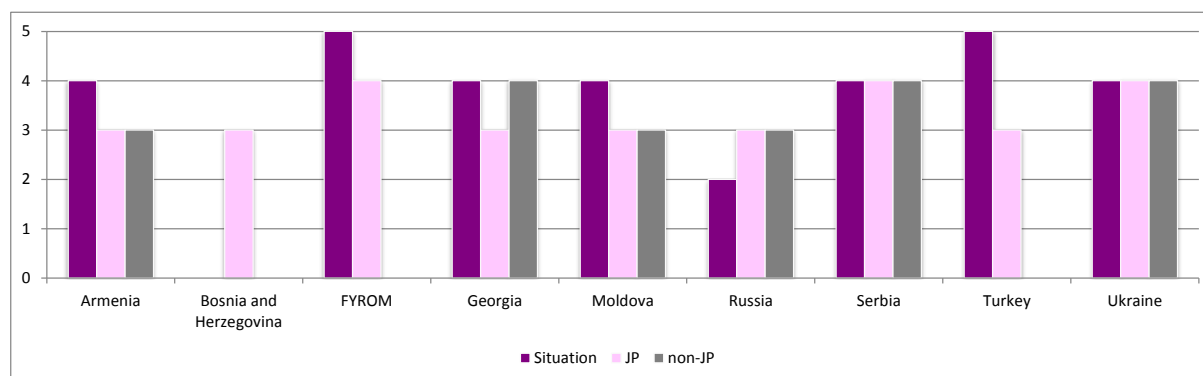
Social, economic and cultural rights featured as a central element in only a few JPs during 2000-2010 (Regional JPs including Social Security Co-ordination and Social Security Reforms in South-East Europe 2008-2010 and Access social rights anti-poverty Caucasus, with cultural rights featuring in the series of Roma projects). The reasons for this are not obviously apparent though the relevance in terms of state accession to the European Social Charter and the fundamental gaps in protection in this regard in the selected case study countries is not in question.

In terms of contributing to improved **access to social and economic rights**, two large regional JPs implemented in the *Balkans* and later also in *Turkey* addressed social security reforms, including cross-border social security cooperation between countries. Support was also provided to countries to accede to the European Social Charter, and capacity building regarding ESC reporting (*Armenia, Azerbaijan, Serbia, Russia* and *Moldova*). Under Indicator I-341, we address specific programmes to improve the economic and social rights of specific groups, especially the Roma people.

The overall situation regarding human rights protection has improved, although varying over time with some examples of significant deterioration also identified (e.g., freedom of media and other civil society actors in some countries, justice system rights of defendants in 'political' cases in others), very slow progress (e.g., conditions of detention in most countries covered, social and economic rights). Some positive impacts of JPs have been identified, but, as throughout this evaluation, making the link between capacity building (including training, awareness raising, study visits, etc.) new policies, action plans and laws, and impact in terms of human rights change is difficult.

For all JCs in impact EQs EUDs were asked their assessment of the overall change in the country situation, and the impacts of the EC-CoE cooperation, both through JPs and other forms of cooperation. The results are captured by the following figures (Figures 1-12). EUDs survey responses express more positive assessment than that which emerges from other evidence. The views of the EUDs on the impacts of EC-CoE cooperation in the area of protection of human rights are presented in the following Figure 11. The most positive were EUDs in *FYROM, Serbia* and *Ukraine*, which indicated high impacts of JP cooperation, in the case of FYROM, together with significant improvements in the overall situation of human rights protection in the country. Significant improvements in the situation generally were also reported by EUD Turkey, with some contribution by JPs. The EUD in *Russia* noted some deterioration in the situation but still some positive impacts of the EC-CoE cooperation, both JP and non-JP.

Figure 11: EUD survey results: Impacts in Improved protection of human rights



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.3.2 JC 3.2 Degree to which accession to, and compliance with, the European Convention on Human Rights (ECHR) and the European Social Charter has been promoted and strengthened

This JC assesses the degree to which accession to, and compliance with, the European Convention on Human Rights (ECHR) and the European Social Charter (ESC) has been promoted and strengthened through the following indicators:

- Level of knowledge and technical familiarity with the ECHR among key stakeholders and main institutions (I-321);
- Implementation and execution of the ECtHR decisions (I-322);
- ECtHR jurisprudence incorporated into domestic law and practice (I-323);
- Strengthened and more effective state institutions in defence of human rights (such as Offices of Human Rights Commissioners and Ombudsmen) at both central and local levels in beneficiary countries (I-324);
- Human rights education introduced in school curricula (I-325).

Increased **level of knowledge and technical familiarity with the ECHR** among key stakeholders and main institutions has been addressed in JPs in nearly every country reviewed.

Mostly this has been enhanced through seminars, training, production, translation and dissemination of materials and placements to CoE institutions as well as visits to justice institutions in other CoE member states (*Armenia, Turkey, Azerbaijan, Bosnia and Herzegovina, Russia*). JP reports and field visit interviews suggest that these have resulted in an increase in knowledge and also enhanced technical capacities to comply with the ECHR among key institutions, though with less JP focus and less verifiable evidence of JPs contribution in the case of the ESC. Generally, while enhanced capacity contributing to greater ECHR compliance is supported by some field visit discussions, more specific attribution proved a challenge, in part due to weaknesses in project design – lack of baseline surveys, absence of objectively verifiable indicators, or specific provision to measure impact (beyond training participant feedback).

The promotion aspect of JPs can hardly be doubted and, while other donors were also active, the contribution of EC-CoE joint programmes is clear. More problematic is assessment of these activities actually strengthening compliance. Generally it is difficult to say whether the person receiving the

training will be able/allowed/required to apply the new knowledge. Lack of political will and rigid institutional culture stand in the way, as evidenced by, for example, the continuing lack of independence of the judiciary in some countries (I-321), **for implementation and execution of the ECtHR decisions** (I-322) and the **incorporation of ECtHR jurisprudence into domestic law and practice** (I-323) there was very little evidence of results attributable specifically to JPs. Training, particularly of lawyers (fewer of whom have received training than judges and prosecutors), can have benefits even in legal systems characterised by lack of independence. As found in *Armenia*, for example, when lawyers begin to raise ECtHR issues in court, prosecutors and judges are forced to respond in kind. Second, a cadre of lawyers capable of taking cases to Strasbourg is formed.

Whatever the contributing factors, among the selected case study countries three (*Moldova*, *Russia* and *Turkey*) were listed in 2011 as showing "extremely worrying delays", in complying with ECtHR decisions, with others (*Armenia*, *Azerbaijan*, *Bosnia and Herzegovina*, and *Serbia*) are identified as jurisdictions where "the issue of non-compliance and solutions to outstanding problems should also be made a priority".⁸¹

With regards to **strengthening of NHRIs** (I-324), multi-country JPs, such as the *Peer-to-Peer I and II* projects and *South Caucasus Democratic Stability*, contributed to strengthening of state institutions responsible for protecting human rights (I-324). However, these regional JPs represent only a very small percentage of activities relative to on-going institution support from a range of actors, OSCE, bilateral donors etc. The NPM in *Armenia* also involves a combination of Ombudsman (the Office of the Human Rights Defender) as well as NGOs (the latter involvement reportedly at the Office's initiative), but it is not clear what support the Peer to Peer JPs played. An acknowledged aspect of *Peer to Peer I & II* is the opportunity they afforded for jurisdictions less advanced towards establishing an NHRI or NPM to learn from the experience of others. The Ombudsman's Office in *Moldova*, for example cites the Support to Democracy JP as facilitating contacts with the Ombudsmen in Greece and Poland and affording an opportunity to compare experiences related to the rights of persons with disability.

Overall, perspectives on Ombudsman's Offices vary from very favourable among interlocutors in *Serbia* to doubts about independence and of power in *Moldova* and *Armenia*. At the same time there is a year-on-year increase in complaints being filed (in countries visited this is reported to be an indicator of increasing confidence in the institutions). Generally, however there is a need for more systemic monitoring and evaluation of programme support to such institutions (and of the institutions generally) assess the merit of criticisms and significance of complaint trends and the impact of project support.

In three case study countries (*Russia*, *Serbia*, *Bosnia and Herzegovina*) JPs have been implemented which contributed to the incorporation of **human rights education in school curricula** (I-325). This has been done through seminars, trainings for teacher and curricula development. However, desk phase review of documentation did not identify impacts attributable to JPs and field visit constraints precluded verification of possible impacts, including in the context of CoE. In *Turkey* a JP is implemented in partnership with the Ministry of National Education and the Board of Education, officially commenced in 2011. While the JP was not reviewed given the relatively recent start date it is noted that the request for assistance by the Ministry is attributed to participation by officials in an earlier regional JP.

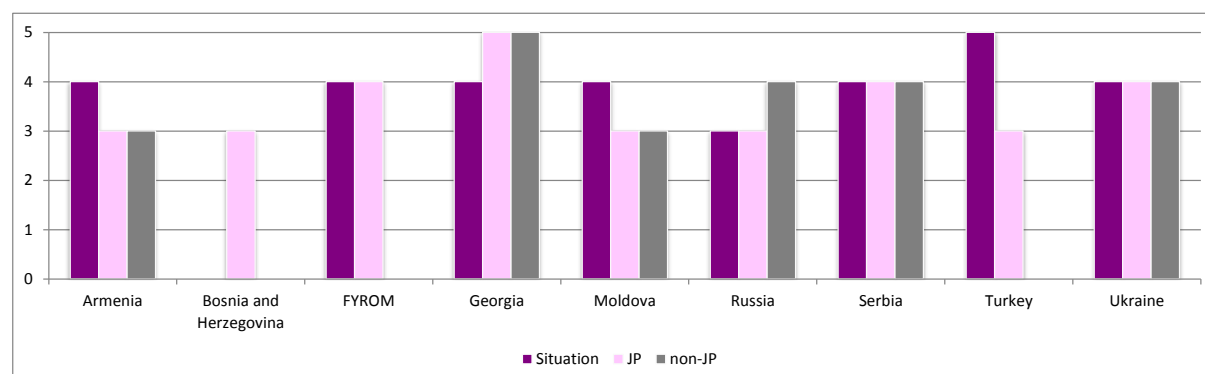
The JC asks whether accession to, as well as **compliance with the ECHR and ESC has been promoted and strengthened**. As to promotion of both, we have no hesitation in replying in the affirmative and crediting EC-CoE cooperation. Compliance with is a much more difficult question, and we would refer the reader to more specific Indicators and JCs, where we find progress overall, but countries consistently falling short of their international commitments on practically the entire range of issues covered. In field visits to *Serbia*, *Turkey*, *Moldova*, and *Armenia* interlocutors express varying views on trends regarding compliance with the ECHR and the ESC (for the most part interlocutors were more familiar with the former), though there was a consensus of overall improvement in human rights since 2000 (with the possible exception of *Armenia*, where independent NGOs paint a dark picture). However, apart some examples, generally offered by project implementing partners, (e.g., JP Judicial Modernisation and Penal Reform 2004-07 in *Turkey*), it remains difficult to distinguish the contributions to greater compliance with human rights of JP activities, as opposed to wider CoE functions (monitoring, ECtHR decisions etc), other technical assistance by the EC (e.g., twinning) and others and political pressure by the EU.

The EUDs were positive about the JPs impact in this area, with three EUDs reporting high extent of impact (*FYROM*, *Serbia*, *Ukraine*), and one very high impact (*Georgia*), all noting some improvements

⁸¹ <http://echrblog.blogspot.ie/2010/11/pace-report-points-out-biggest-echr.html>

in the country situation. Notably, in this JC a high number of EUDs attribute impact to non-financial EC-CoE cooperation (*Russia, Serbia, Ukraine*), *Georgia* assesses this as very high.

Figure 12: EUD survey results: Impacts in accession to, and compliance with, the European Convention on Human Rights (ECHR)



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.3.3 JC 3.3 Enhanced protection of the rights of minority groups (including linguistic minorities)

The criterion of enhanced protection of the rights of minority groups was addressed through four Indicators:

- State sponsored events in support of inter-group confidence building and multiculturalism (I-331);
- Implementation of anti-discrimination legislation and implementing rules (I-332);
- Level of legitimate activity of minority group NGOs (I-333);
- Policies in place/developed to support Cross Border Cooperation relating to minority groups (I-334).

Only a limited number of JPs involved **state-sponsored events for confidence building and multiculturalism** (I-331). An example of such JP activity targeted prejudice and discrimination against Roma minority in the Balkans countries through the Dosta! campaign.

State supported events in support of Roma have been noted, outside of JP activities, notably the Roma Decade, in which *Serbia* and *FYROM* take active part. Even though some state-sponsored events and even long-term engagement of authorities in the promotion of multiculturalism have been noted, in all concerned countries the protection of Roma rights still see concerns raised by various monitoring bodies.

The support to Roma minority in the *Balkans* has been promoted by three successive regional JPs in the area of **legislation and implementing rules** (I-332), Roma I-III. Specifically the development of National strategies for the integration of Roma, and the support to their implementation and monitoring has been provided. Some progress is reported in this area, although to a different extent in different countries involved. The overall progress on the implementation of anti-discriminatory legislation and integration of Roma remains mixed at best. Support was provided to the promotion of the Framework Convention for the Protection of National Minorities in *Armenia* and *Azerbaijan* with limited results, and

the promotion of European Charter for Regional and Minority Languages recently commenced in Russia through a targeted JP. JP activities in Turkey did not address minorities as a central focus, though human rights of minorities remain one of the most significant areas of human rights concerns. *Turkey*, for example, has not yet ratified the Framework Convention for the Protection of National Minorities. Similarly CoE visibility on LGBT human rights (e.g. in Serbia) was not reflected in specific JP activity. While the Support to Democracy JP saw the Ombudsman's Office in Moldova produce a guide to the rights of persons with disabilities, this group is generally not visible in JPs despite specific needs in justice system, detention and other contexts and historical legacy in many of the jurisdictions concerned of being denied their human rights. Some civil society actors met in the field express the view that government 'ownership' of JPs explains this failure to prioritise certain issues/groups and that CoE should have done more to ensure they were included.

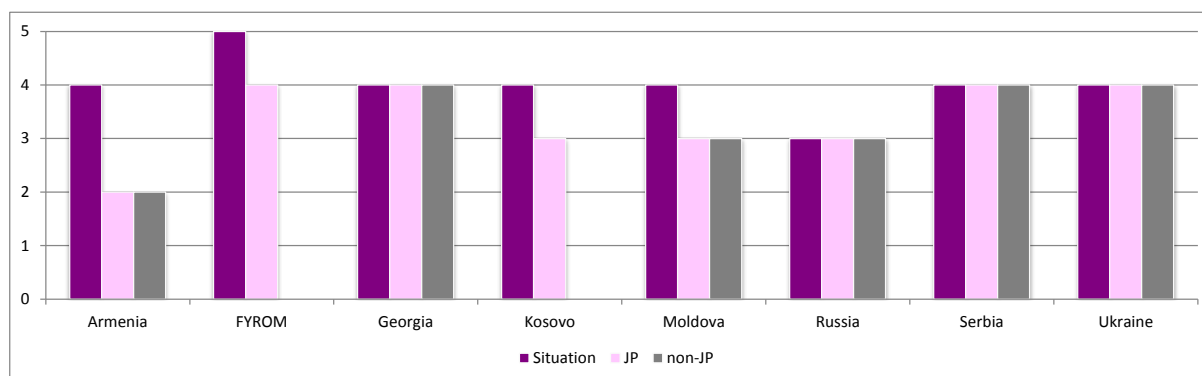
The regional JPs supporting Roma inclusion involved **activity of minority group NGOs** (I-333) in the processes of policy development and project implementation and are likely to have strengthened capacities and promoted cooperation, leading in some cases (e.g., *FYROM*) to a demonstrable increase in the level of activity. In other cases (e.g., *Serbia, Bosnia and Herzegovina*) it is more difficult to assess whether NGOs' JP involvement was an expansion in their activity levels. A cross-section of stakeholders active on Roma issues met in the course of the *Serbia* field visit (the one field visit that reviewed JPs concerned with minority issues) were not able to recall details of regional Roma JPs though generally CoE was not seen as a lead actor on Roma issues in Serbia, though the FCNM was acknowledged as providing a critical framework for NGO activity.

A minority language JP in Russia is reported to have also contributed to an increased level of legitimate activity of minority groups through developing the capacity of the NGOs. In country field missions in *Armenia* and *Moldova*, while admittedly no ethnic minority NGOs representatives were met, it was striking that human rights NGOs and, the former case, both the CoE Country Director and the Ombudsman expressed the view that, despite support from regional JPs in the area, ethnic minority rights were not a priority issue.

Very little evidence has been found as regards actual policies in support of **cross-border cooperation** relating to minority groups (I-334) arising from JPs, but regional JPs generally (including three on Roma) are acknowledged to some degree as helping foster cross-border engagement – which is particularly noteworthy in the post-conflict Balkan context.

The views reported by the EUDs are presented in Figure 13 below. Overall, EUDs seem to be fairly positive about the situation of minorities in their respective countries, most noting some improvements. EUD *FYROM* reports significant improvements together with high impact of the JPs in this area. High impact of JPs is also reported by EUDs in *Georgia, Serbia* and *Ukraine*, in all cases EUDs also report high impacts of non-JP cooperation.

Figure 13: EUD survey results: Impacts in Enhanced protection of the rights of minority groups



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.3.4 JC 3.4 Increased awareness of human rights and fundamental freedoms

The criterion of increased awareness of human rights and fundamental freedoms was assessed through three indicators:

- Increased media coverage on questions relating to human rights and fundamental freedoms (I-341);
- Awareness-raising campaigns undertaken (I-342);
- Number of complaints dealt with by the Ombudsmen, both at central and local levels (I-343).

Overall, it proved difficult to attribute specific **increases of awareness of human rights** and fundamental freedoms among the general public to JPs delivered during the evaluation period. However, the scale of JP activities and associated publicity (particularly linked to JPs with some NGO involvement) suggest contribution to general increase in human rights awareness – particularly in educated urban circles. (Awareness-raising activities targeted to personnel working in State institutions legal professionals, journalists etc. are discussed under other Indicators in this EQ).

Interviews with journalists and civil society representatives in all case study countries visited report **increased media coverage of human rights** issues (I-341) with a range of Factors including JPs are seen as contributing to this. Media were also used to disseminate advocacy messages in a number of JPs (for instance *Roma I-III* campaign on minority rights, see below.)

Several components of JPs in *Serbia* and *Russia* addressed this indicator to some extent, through providing trainings for journalists and media professionals on their rights and responsibilities. In *Armenia* and *Moldova*, as well, regional JPs aimed to increase the professionalism of media. In *Serbia* two JPs⁸² were identified by participants met as having been key to increasing the human rights literacy of journalists at a time when the language and concepts were new to the profession. In general, media coverage of human rights and fundamental freedoms seemed to have increased in pre-accession countries, while in *Armenia* and *Azerbaijan* the case study reports continuing censorship of the media by State authorities, even though some progress have been achieved in the coverage of human rights

⁸² Media in Serbia 2001 – 2002 and Support to promote freedom of expression and information and freedom of media in accordance with CoE/EU standards 2006 – 2009.

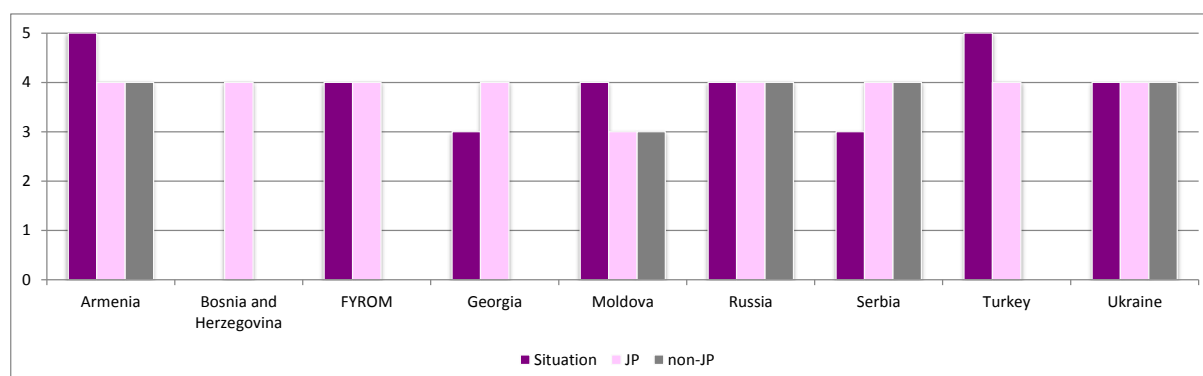
via new media, especially the internet. In addition, in *Turkey* self-censorship is reported as a factor in media avoiding controversial human rights issues. Raised human rights awareness attributed to JP activities and resulting in publications is reported by various interlocutors among specific JP target groups, CSO participants in *Peer-to-Peer I* and *II* (in *Turkey* and *Serbia*), journalists in media-related JPs (*Serbia*) etc. But absent baselines and post JP assessment it remains difficult to quantify the scale of this or distinguish impact of JP activities from media coverage of ECtHR decisions or CoE activities generally.

Awareness-raising campaigns (I-342) have been specifically supported by JPs in *Turkey* (see above), and the Dosta! campaign raising awareness for Roma rights in the Balkans (*Albania, Bosnia and Herzegovina, Montenegro, Serbia, and FYROM*). This campaign was later extended to *Ukraine* and *Moldova* through another JP, although in *Moldova* only limited implementation was possible. Relevance in *Armenia* and *Moldova* was called into question by interlocutors in the field visits, who expressed the view that Roma problems were only a minor concern. These campaigns are likely to have had some impact in awareness-raising. Indirect human rights awareness-raising is reported in the case of a number of JPs, notably the two regional JPs in support to the non-judicial human rights structures (*Peer-to-Peer I* and *II*) implemented in all case study countries. The offices of Ombudsmen, receiving support through the network, have also engaged in publicity campaigns, e.g., linked to International Human Rights Day, and more generally promote human rights awareness as part of their mandate.

In all the desk study countries the **number of complaints filed with the office of Ombudsman** (I-343) increased over the evaluation period. This could be interpreted as a positive sign of increased awareness in the general public of their rights or popular trust in ombudsmen's authority, but equally it may represent an increase in human rights violations or lack of confidence in /access to courts etc. Generally these trends require in-depth analysis in order to identify relevant programme support. In *Armenia*, the Ombudsman's Office expressed particular satisfaction that the number of complaints settled had increased. See further support provided to strengthen the capacities of ombudsmen offices at I-324.

The EUD survey answers (presented below in Figure 14) show that the JPs related to awareness raising of the general public are considered by the EUDs to have the highest impact compared to all other topics covered in this EQ on Human Rights. Total of eight EUDs assessed the impacts of JPs in this area as high (*Armenia, Bosnia and Herzegovina, FYROM, Georgia, Russia, Serbia, Turkey* and *Ukraine*), and four of them had the same view on the impacts of non-JP cooperation as well (*Armenia, Russia, Serbia* and *Ukraine*). *Armenia* and *Turkey* report significant improvements in the public awareness of human rights over the evaluation period.

Figure 14: EUD survey results: Impacts in Increased awareness of human rights and fundamental freedoms



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0

Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown

Source: EUD survey

6.3.5 JC 3.5 Improved treatment and conditions of detention

The criterion of improved treatment and conditions of detention was assessed through two indicators:

- European standards (mainly defined by the Committee for the Prevention of Torture recommendations and the ECtHR judgments) are increasingly adhered to (I-351);
- Reduced recourse to detention (in particular pre-trial); and reduced duration of deprivation of liberty (I-352).

Significant amount of support over all the desk study countries has been delivered in promotion of the **European standards in treatment and conditions of detention** (I-351) over the evaluation period. This support was of particular relevance in the context of States ratifying the CoE and UN Torture Conventions as well as preparation for establishing NPMs under OPCAT. The activities in country and regional JPs included the provision of legal expertise on regulatory framework (South Caucasus, Moldova, FYROM, Russia), expertise in different aspects of prison management (South Caucasus, Moldova, Bosnia and Herzegovina, Serbia, FYROM, Russia, Turkey), training and awareness-raising campaign for legal professionals, and law enforcement officers and support provided to prison training centres (Azerbaijan, FYROM, Turkey). To a lesser extent detention-related JPs involved human rights NGOs. All CoE countries have been a part of two regional JPs establishing Peer-to-Peer support network of ombudsmen and National Preventive Mechanisms under OPCAT. Nevertheless, while incremental improvements have been reported in various aspects of detention treatment and conditions, the situation of detention treatment and conditions at national level in all the desk study countries remains well below the European treaty standards, whose attainment the programmes were intended to support. This can be ascribed to a lack of awareness/knowledge among key personnel, punitive institutional culture (including a deviance-control approach to criminal and sometimes also civil justice), a lack of/failure to allocate resources necessary to improve detention conditions, and lack of political commitment to address impunity. Lack of political will has been highlighted as a key barrier to project effectiveness, impact and sustainability by ROM reports and other credible sources. While a number of JPs have likely contributed to increased knowledge, (through training study visits, production and translation of relevant materials etc.), and in some cases new laws and structures these efforts did not necessarily translate into changes in legislation, procedures or behaviour.

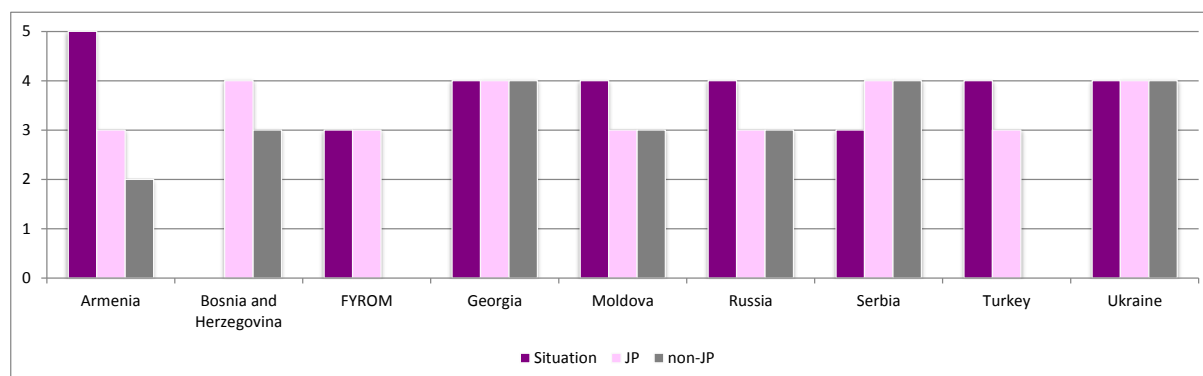
The case studies for *Armenia*, *Azerbaijan*, *Russia* and *Turkey* particularly highlight problems in **excessive detention, including pre-trial** (I-352). Some JPs included elements addressing this particular issue, in addition to general support to penitentiary reforms and prevention of torture. In *Russia*, *Turkey*, *Armenia*, and *Moldova*, JPs addressed recourse to detention or the duration of deprivation of liberty to some extent. Achievements included for instance, adoption and changes in criminal norm and penitentiary to remove certain barriers to parole (*Armenia*), and promotion of alternatives to pre-trial detention (*Moldova*). However, the impact on the overall situation is difficult to attribute. The field visit in Armenia, for example, produced evidence that reforms in regulations regarding pre-trial detention are commonly flouted.

Overall, it is important to note that reservations have been expressed (e.g., case study *FYROM*) regarding the measuring of impact. For instance, the JP *Assistance for the reform of the prison system* in *FYROM* did not include “any objective measuring of the current application of the European standards.” Instead its conclusions were based on the assessment of the training, whether trainees are likely to have absorbed the learning sufficiently and motivated to apply it and take on the role of trainers as well as whether the drafts of parts of the national strategies would be able to contribute of the overall national strategy on prison reform. While generally positive assessment of training is offered the report notes that in the “absence of a defined framework for follow-up or continued assistance, there is a risk that the sustainability will be lost”. Consequently it is difficult to link project assessments to impacts on the actual country situation.

The results of the EUD survey (presented in Figure 15) show more positive assessment of the impact of JPs than the case study findings support in the detention situation, and to a lesser extent the impact of JPs. Armenia being identified as a case of “significant change” needs to read against the case study findings and reports of key international monitoring bodies (CoE CPT in 2010 and UN CAT in 2012), as well as flatly negative assessments heard in field visit interviews.

The majority of EUDs report some or even significant improvement (*Armenia*) of the situation related to rights and conditions of detention in the country. The Delegations in *Bosnia and Herzegovina*, *Georgia*, *Serbia* and *Ukraine* view the impact of JPs as high, and with the exception of *Bosnia and Herzegovina* these EUDs also rate the impacts of non-JP cooperation as high. Although *Azerbaijan* was targeted under both regional and country JPs, the EUD did not know whether JPs contributed to improved conditions of detention.

Figure 15: EUD survey results: Impacts in Improved treatment and conditions of detention



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.4 EQ4: To what extent has cooperation with the CoE, in particular via the channelling of funds, contributed to strengthening the rule of law as it relates to the fight against corruption, money laundering, organised crime and trafficking?

The rule of law is a broad and politically contested subject; however, it is one in which broadly shared European values can be identified. The CoE, having identified corruption, money laundering, and organised crime as posing a threat to democratic stability, has become a leading organisation in work on standards and mechanisms to address these issues. The CoE has also been the major partner of the EC in delivering cooperation designed to improve implementation of the standards adopted.

This EQ is assessed through two judgment criteria:

- Increased accession to, and compliance with, the conventions relating to the fight against corruption, money laundering, organised crime and trafficking
- Improved prevention and deterrence of corruption, money laundering, organised crime and trafficking

The answer to this EQ is based on the following main sources:

- Documentary analysis
- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Interviews with stakeholders at country level

EQ4 on Rule of Law I: – Summary Answer Box

Almost all countries have acceded to almost all major conventions, albeit with some reservations; in many countries, there was progress in compliance over the evaluation period as recorded by the relevant monitoring mechanisms (notably, GRECO and MONEYVAL). For most countries reviewed, accession to the anti-corruption, MONEYVAL, and related conventions came as a function to their becoming members of the Council of Europe.

JPs in the areas of anti-corruption, money laundering and organised crime typically addressed both

**EQ4 on Rule of Law I:
– Summary Answer Box**

the accession to the convention stage, as well as contributing to capacity-building for implementation of the provisions. On the first vector, JPs provided specific, **targeted technical assistance to help countries transpose legal and institution requirements from the conventions into national legislation**. On the second vector, JPs focused on **building the capacities of the respective institutions to implement these requirements** – this was done on the level of country JPs (*Russia, Moldova, Serbia* etc.) as well as at the regional level (various JPs in the Western Balkans). Albeit falling into the end of the evaluation period, or being as recent as to be outside the evaluated time frame, stakeholders were able to reconstruct this rationale of JP/CoE/EC intervention. In specific cases, they were able to attribute capacity changes (*Moldova, Serbia*) to the assistance provided to the JPs. In the evaluated period, trafficking was not generally part of JPs; therefore, no findings can be reported for this part of the EQ.

The rationale for JPs in this area to be implemented by the CoE seems to be well understood at the level of the EC: **CoE is credited with being the standard-holder for anti-corruption; money laundering; and organised crime** and therefore, the organisation's implementing JPs in these thematic areas is stringent. JPs – in particular recent ones – are defined against the benchmarks of the conventions. They appear often to be driven by countries wishing to improve their performance in the monitoring exercises (GRECO, MONEYVAL); in the Western Balkans, this ambition is significantly fed by the EC's using the monitoring reports to inform their annual Progress Reports towards EU accession.

To assess the impact of the JPs under this EQ is marred by a number of difficulties. These relate to the lack of reliable baseline data that could be used to measure decline in actual levels of corruption; money laundering; and organised crime. As elsewhere, higher numbers of prosecuted cases can mean a greater problem; it also can mean that the capacity of the authorities to deal with cases has increased, or that the political will to go after cases is greater than in a prior period. In general, in all countries reviewed the **formal compliance with the requirements of the conventions has increased**. Yet, there is no conclusively proven link between these and actual corruption and organised crime levels. Overall, third party reports and indices seem to suggest that there is only incremental (*Serbia*) improvement, or stagnation (*Armenia, Azerbaijan, Moldova*) of corruption and money laundering/organised crime. The assessment is further complicated by the fact (discussed elsewhere in the report) that there is a lack of an assessment, inside the CoE, of what effective capacity-building is to mean; with a resulting lack of thorough needs assessments. This is, then, often accompanied by a somewhat ad-hoc approach to designing activities and outputs.

It is important to acknowledge that **political will to deal with corruption, money laundering, and organised crime is key** to achieving progress in these areas. Where such political will is absent, JPs will skirt around refining some technical solutions, which will be, at best, used selectively. An institution-wide strategic discussion, as well as a discussion between the CoE and the EC on how to deal with countries where such political will is missing, might be useful not least to manage expectations of what can realistically be delivered through a JP.

For money laundering, JPs may have contributed to better compliance, as they contributed to capacity building and institution strengthening. MONEYVAL monitoring process has contributed to better compliance. Regarding corruption, JPs also contributed to stronger institutional capacity. There are important remaining points of weakness that require attention, and weak enforcement of legislation.

6.4.1 JC 4.1 Increased accession to, and compliance with, the conventions relating to the fight against corruption, money laundering, organised crime and trafficking

The JC is assessed through two indicators. The first investigates whether countries acceded to and complied with the provisions of the relevant legal instrument and their additional protocols in the area of organised crime, corruption, money laundering, and trafficking. The second assesses the capacity of domestic institutions to apply and implement the provisions of the relevant legal instrument.

To assess the first JC, we selected major conventions related to two areas – money laundering and corruption – and investigated whether countries covered by case studies had acceded and how their compliance had been assessed by the relevant monitoring bodies MONEYVAL and GRECO (Indicator I-411). We left organised crime aside due to a lack of data and human trafficking, because GRETA published its first evaluation reports only in 2011. First, almost all countries have acceded to almost all major conventions, albeit with frequent reservations (e.g., *Armenia* and *Azerbaijan* regarding corruption). In most countries, there was progress in compliance over the evaluation period. Regarding money laundering, this was sometimes significant progress (e.g., *Russia* and *Serbia*); the field visit to *Serbia* showed that the relevant JP is too recent to allow attributing progress to the JP. Only in *Bosnia and Herzegovina*, which benefited only from regional JPs that dealt with money laundering under the

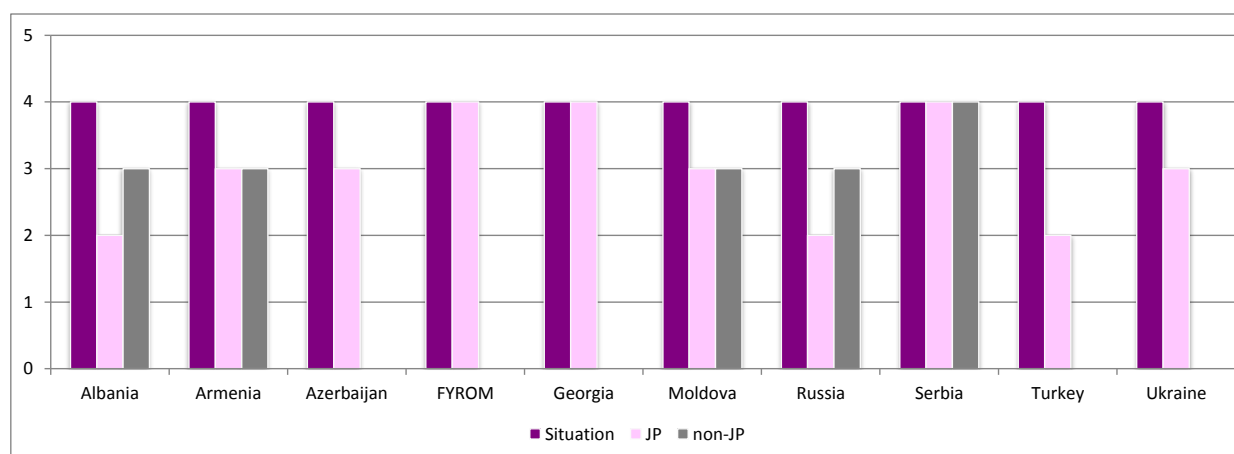
broader umbrella of economic crime, did MONEYVAL report an outright deterioration. However, in all the other countries, despite progress, there remain serious problems of non-compliance and partial compliance with international recommendations. JPs may have contributed to better compliance; however, this could not be corroborated beyond doubt during the in-country phase. (Indicator I-412). What can be said without hesitation is that the MONEYVAL monitoring process has contributed to better compliance as countries have been forced to report on concrete steps and their reports have been carefully scrutinised by the MONEYVAL Secretariat. In *Armenia* and *Moldova*, field visit interviews indicated that money laundering is not, at present, a major problem.

In the area of corruption, it is more difficult to summarise monitoring results because the conclusions of GRECO evaluations are textual, i.e. there is no simple classification of countries by degree of compliance. As in the case of money laundering, the picture that emerges is one of overall progress, especially in legislation, but also one of important remaining areas of weakness that require attention and lagging enforcement of legislation. Countries where GRECO reported significant progress were *Azerbaijan*, *FYROM*, *Serbia*, and *Moldova*. *FYROM* and *Serbia* were beneficiaries of regional economic crime projects over the evaluation period, but only *Moldova* could be said to have received support in the form of a major, country-based JP (Swedish Sida co-funded the project), MOLICO (2006-2008); beneficiaries who were interviewed during the in-country visit considered the project of good quality in both its anti-corruption and anti-money laundering aspects. One concrete innovation is that now, all draft legislation is assessed for "corruptibility" and changes are suggested. However, the field visit revealed deep frustration among all persons interviewed with the continuing high level of corruption in *Moldova*. It should be noted, in passing, that MOLICO experienced significant management problems, but these are not strictly relevant to answering this EQ. In *Serbia*, due to the lack of institutional memory among Serbian beneficiaries on past JPs, it was difficult to get additional perspectives on the impact of these regional JPs. *Turkey*, which also benefited from a country JP aimed at corruption, received a less favourable report from GRECO.

Based on this evidence, it is difficult to state with confidence that JPs made a major contribution to improving compliance with countries' international commitments to fight corruption. It can be said with more confidence, though, that, as in the case of money laundering, JPs contributed to stronger institutional capacity in the fight against corruption (Indicator I-412). This occurred via assistance in legislative drafting, training of law enforcement officials and members of the judicial system, dissemination of international good practice, encouragement of regional approaches to what is a cross-border problem (in the case of money laundering), etc. The caveat to this statement is that a single, consistent definition of what capacity-building is to entail does not seem to be used across the EC/CoE JPs, making it therefore difficult to capture 'capacity building' and whether it has succeeded.

Assessments based on monitoring body reports can be complemented by the perceptions of EUDs. The majority of EUDs that responded to the survey reported that there has been some or significant improvement of the situation related to increased compliance with conventions. No EUD assessed the situation to have deteriorated. When it comes to the impact that JPs had on the situation in the country, nearly two-thirds of the EUDs stated that the JPs improved the situation to a high or some extent. Also, overall, the contribution of non-financial cooperation, too, was rated as positive.

Figure 16: EUD survey results: Increasing compliance with conventions relating to the fight against corruption, money laundering, organised crime and trafficking



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

Overall, monitoring reports and country case studies suggest that there has been some improvement in compliance with major conventions against money laundering and corruption, and that there has certainly been improvement in the institutional capacity to meet international commitments. Isolating a contribution to improved compliance is more difficult; there are examples of case study countries with large JPs where there was no improvement and also of countries with relatively small participation in JPs where there was significant improvement. That many problems remain in the area of corruption is in part a function of legislative gaps, but even more so one of failure to enforce existing legislation. Case studies report some contribution of JPs, especially to institution strengthening to fight money laundering, corruption, organised crime, and trafficking. In the areas of corruption and money laundering, which we have covered in greater detail, it is important to recognise the independent contribution of the monitoring process, including significantly its peer-to-peer element.

6.4.2 JC4.2 Improved prevention and deterrence of corruption, money laundering, organised crime and trafficking

The JC is assessed through four indicators investigating whether improved prevention and deterrence of corruption (Indicator I-421), money laundering (Indicator I-422), organised crime (Indicator I-423) and trafficking (Indicator I-424) has taken place, and whether EC-CoE cooperation has contributed to the change in situation. It is to be distinguished from Indicator I-411, which examined compliance with international commitments by the fact that this Indicator looks at actual levels of criminal activities in the form of corruption, money laundering, organised crime, and trafficking. Here, as opposed to Indicator I-411, we look at organised crime and trafficking, as well as money laundering and corruption.

Statistical data are, to say the least, scarce and difficult to interpret. All four involve criminality and the underground economy. An increase in prosecutions can mean that the underlying problem is getting worse, a negative judgment, or that authorities are taking the problem more seriously or have improved capacity to address it, positive ones. In order to evaluate convictions data, it is necessary to look below the "headline number" to ask whether the persons convicted were big fish or small fry. In general, we have not analysed the statistical data that are available. Nonetheless, the information below serves as a useful complement to the information presented under Indicator 411.

More specifically, regarding **corruption** (I-421), improvements in the Transparency International Index of Perceived Corruption were recorded in six of eight case study countries (albeit very slight ones in *Armenia* and *Azerbaijan*). The two countries experiencing deterioration were *Bosnia and Herzegovina* and *Russia*. Even countries that experienced improvement remain highly corrupt, generally held to correspond to an Index of five or less. In the area of money laundering, we have documented compliance improvements in most countries (*Bosnia and Herzegovina* being an exception) but also that, in most countries, there continue to be problems of non-compliance and partial compliance with FATF recommendations. As shown in the table below, only Moldova and *Russia* benefited from major country JPs addressing corruption over the evaluation period. Some new programmes have come into operation in 2010 but cannot be expected to have made a contribution over the evaluation period. In the pre-accession countries, two large regional projects in the CARDS region did not exclusively address corruption, but included it under the umbrella of economic crime. In *Turkey*, there was a large country JP against corruption. This is not a systematic database, but it is possible that the JPs in *Moldova* and *Turkey* made some contribution to the progress observed. More generally, the GRECO monitoring system, by engaging governments over the long term, has contributed to progress against corruption in the countries covered, albeit with the problems remaining described in Indicator I-411.

Table 10: *Transparency International Index of Perceived Corruption, early and late in the evaluation period*

Country	Ca. 2000	Ca. 2010	Observation	JPs specifically aimed at corruption or containing corruption components
Armenia	2.9	2.6	No change	Eastern Partnership Corruption Bridge Project (started 2010) Council of Europe Facility (started 2010, succeeds Corruption Bridge Project)
Azerbaijan	2.0	2.4	No change	Eastern Partnership Corruption Bridge Project (started 2010) Council of Europe Facility (started 2010, succeeds Corruption Bridge Project)
Moldova	2.1	2.9	Improvement	Support to the National Anti-corruption Strategy (PACO Moldova) (2005-2006), Programme against Corruption, Money Laundering and Terrorist Financing in Moldova (MOLICO Moldova) (2006-2009) Eastern Partnership Corruption Bridge Project (started 2010) Council of Europe Facility (started 2010, succeeds Corruption Bridge Project)
Russia	2.7	2.1	Deterioration	Harmonisation of Russian Anti-Corruption Legislation with International Standards (RUCOLA) (2004-2005) Development of Legislative and Other Measures for the Prevention of Corruption (RUCOLA 2) (2006-2007)
Bosnia and Herzegovina	5.5	3.2	Deterioration	CARDS – South-East Europe – Police and Economic Crime (2004-2007) Support to the Prosecutors' Network in South-East Europe ((2008-2010)
FYROM	2.7	4.1	Improvement	CARDS – South-East Europe – Police and Economic Crime (2004-2007) Support to the Prosecutors' Network in South-East Europe ((2008-2010)
Serbia	2.8	3.5	Improvement	CARDS – South-East Europe – Police and Economic Crime (2004-2007) Project against Economic Crime (2005-2008) Support to the Prosecutors' Network in South-East Europe ((2008-2010) Strengthening the Capacities of the Directorate for Confiscated Property Management and Improvement of the system for Search, Seizure, and Confiscation of Proceeds of Crime in Serbia

				(started 2010) MOLI (2010-2013)
Turkey	3.2	4.4	Improvement	Project on Ethics for the Prevention of Corruption in Turkey (2007-2009)

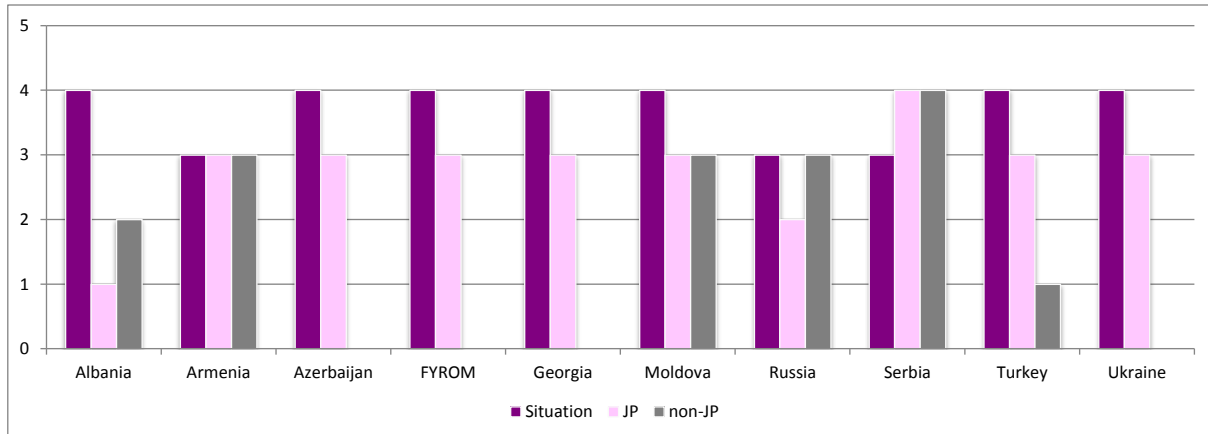
For **money laundering** (I-422), we have not attempted to analyse the limited and generally untrustworthy statistical data available. In assessing Indicator I-411, we found significant progress in compliance with FATF recommendations in *Serbia* and *Russia*, significant worsening of the problem in *Bosnia and Herzegovina*, and some progress, but many remaining problems in the remaining case study countries. It is noteworthy that in all ENPI countries, the information available points towards a positive development in the area of money laundering. The main tool in the fight against money laundering remains MONEYVAL monitoring, and the disruption of international financial ties and investment that follows negative findings. However, in four cases (*Moldova*, *Russia*, *FYROM*, and *Serbia*) country-specific JPs made some contribution to progress in the form of capacity building and institution strengthening.

No information on trends in **organised crime** (I-423) was found, however, it is acknowledged that this continues to be a problem in all the case study countries. JPs related to organised crime were found only in three pre-accession countries (*Bosnia and Herzegovina*, *Serbia* and *FYROM*) and these were regional projects. Of those countries, only Serbia was included in the field phase. Stakeholders attributed an impact on their ability to prosecute organised crime where it has an international dimension to the regional JP linking prosecutors from the region (PROSECO), and there is a statistical upwards trend in such prosecutions. Likewise, very little information has been available on JP implementation addressing **trafficking** (I-424) and, as discussed under Indicator I-411, GRETA monitoring activities are just getting underway. Among the case study countries in the ENPI East region, no JP could be identified which has specifically addressed the problem of trafficking, even though it was identified as a prevalent problem in two countries (*Azerbaijan* and *Russia*). Regarding the pre-accession countries, a multi-country JP⁸³ for *Bosnia and Herzegovina*, *Serbia* and *FYROM* (also including Albania, Croatia, Montenegro and Kosovo) has included in its project outputs a training strategy on trafficking in human beings, smuggling and illegal migration, but no information is available on its implementation.

The discussion above can be supplemented by EUD perceptions. The results of the EUD survey show that the majority of EUDs that responded to the survey, feel that there have been some (*Armenia*, *Azerbaijan*, *FYROM*, *Georgia*, *Moldova*, *Turkey*, *Ukraine*) or significant (*Serbia*) improvements of the situation related to prevention and deterrence of corruption, money laundering, organised crime and trafficking, due to the implementation of JPs. Only for two countries the EC-CoE contribution has been low (*Russia*) or very low (*Albania*).

⁸³ CARDS - South East Europe - Police and Economic Crime (2004-2007)

Figure 17: EUD survey results: Contribution of EC-CoE cooperation to prevention of corruption, money laundering, organised crime and trafficking



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.5 EQ5: To what extent has the cooperation with the CoE, in particular via the channelling of funds, contributed to strengthening the rule of law as it relates to legal systems and access to justice?

Central to the rule of law is the international law requirement that access to justice be afforded to all. This necessitates a strong normative legal framework; awareness of rights and remedies; access to appropriate dispute resolution mechanisms, effective administration of justice, with accountability, enforcement of law and oversight.

Barriers to access to justice range from lack of awareness of or confidence in the system, physical, linguistic, financial and other barriers, backlogs and delays, and lack of legal remedies or of enforcement. Some of these issues are addressed under other EQs (e.g., corruption addressed above denies access to those without resources to pay bribes, etc.)

This EQ is assessed through two judgment criteria:

- Increased transparency, efficiency, and effectiveness of the legal system
- Improved access to justice

The answer to this EQ is based on the following main sources:

- Documentary analysis
- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Interviews with stakeholders at country level

EQ5 on Rule of Law II: – Summary Answer Box

The principles underlying access to justice and the necessity for an effective, efficient non-discriminatory justice system are core human right obligations deriving from CoE treaties. **JPs relevant to this EQ were delivered in a context of large-scale challenges identified by key actors monitoring the functioning of the justice system (CoE, UN as well as various credible NGOs) in the**

**EQ5 on Rule of Law II:
– Summary Answer Box**

countries concerned. The extent to which many root causes are deeply engrained means that **reform typically requires efforts of multiple actors and many years** - a factor which needs to be uppermost in assessing the impact or likely impact of individual JPs. In several cases JPs considered here were among the first experience of international project cooperation on justice system reform for (in some cases) new states, and in all cases new or reformed institutions engaging for the first time with applicable international law standards, but are identified by stakeholders met in the course of field visits as resulting from the cumulative contribution of earlier JPs.

The **overarching CoE legal framework** including a range of treaties relevant to justice system reform contributed to JP objectives being accurately framed in terms of legal standards, with the exception of gender and some grounds of discrimination which were generally not prioritised, despite being fundamental problem areas in the justice systems of all countries concerned.

The State is the primary duty-bearer for ensuring access to justice for all and establishing, funding and overseeing a justice system that is accessible, effective, efficient etc. In that context a key **CoE comparative advantage has been its opportunity to implement programmes in partnership with State institutions**. This was particularly strong at the beginning of the time period covered in the evaluation when the CoE profile and mandate saw projects initiated that might not have been possible with others (twinning with individual states or via private companies etc.). To some extent this advantage continues with partners linking CoE programme partnership with their CoE treaty obligations, the synergies between CoE membership and EU accession (in some countries) and a "status" preference for an IGO partner. This focus on state implementing partners, while logical, meant that JPs were not effectively linked to rights-holders and their representatives on the "demand" side. Strategically making this link could have enhanced accountability and sustainability, helped provide independent assessment of impact and build public confidence when meaningful reforms were achieved.

Key **JP contributions in this sector included substantive expert inputs on reform of substantive and procedural laws**, in particular ensuring that new/revised laws comply with CoE standards. Legislative (e.g., on legal aid and ADR) and IT support is identified as contributing to enhanced access to justice, better case management, albeit with little change in the overall situation of case backlog and delays.

Interpreting impact of JPs regarding complaints against judiciary and law enforcement officials is problematic. Some interlocutors regard increased complaints as evidence of enhanced awareness (linked to JPs in some cases) while others see this as evidence of on-going problems. A related issue is the need to assess what increased complaints to Ombudsman's offices indicate regarding public engagement with the justice system. The capacity to undertake analysis of conflicting perspectives is critical for planning reform interventions but was not a feature of JPs;

The very nature of justice sector reform and the low starting point of the justice system in many of the case study countries (linked to history, recent conflict, and absence of key institutions, experienced in applying international standards) means that **reform efforts need to be viewed as a continuum**. In many cases impact identified is cumulative after several JPs (some post-2010). Attributing concrete reforms even to multi-year JPs is problematic (except where they were focussed on specific outputs such as drafting of specific legislation or strategies). Attribution is even more difficult since JPs during 2000-2010 lacked plans to measure impact changed behaviour / practice, efficiency of the justice system, etc.) and sustainability. Weaknesses in project cycle management, and particularly the fact that external impact evaluation was rare means that in many cases effectiveness, impact and sustainability are presumed rather than proven. In some cases stakeholders met in field visits (particularly individuals engaged on multiple JPs or working in the justice system over the decade) recalled examples of JP support contributing (in some cases significantly) to reforms. However, this has not been documented, or analysed so as to contribute to institutional learning aimed at enhancing efficiency, effectiveness impact and sustainability. Lack of independent verification of impacts asserted is also likely to be contributing to scepticism among non-participants (e.g., CSOs) regarding the impact of CoE and JPs in particular.

The effectiveness of justice-related JPs appears to have been enhanced by the presence of Country Offices (as opposed to HQ-based management), in some cases local staff have past involvement in the sector. A related feature **in some case study countries has been strong local ownership on the part of state institutions**. This tended to mean specific institutional needs were identified and active engagement was secured. However, this ownership may also have contributed to fundamental on-going challenges of accountability and political will not being adequately reflected in JP objectives or a proper understanding of the impact required as a matter of international law in this sector.

Effectiveness and impact appear to have been impeded by extensive reliance on short-term experts

**EQ5 on Rule of Law II:
– Summary Answer Box**

and sometimes ad hoc or short term activities on issues that require long term engagement. For example, several justice related JPs involved training of trainers, which is a logical approach for wider reach and greater sustainability. Generally, however, there is a limited understanding of the concept of “trainer,” that is, the necessary qualities, capacity, and the support needed for appropriate individuals to be identified and trained effectively as trainers. JP consultants training trainers are in many cases substantive experts but not trainers *per se*. Some examples are offered of individuals trained on human rights continuing to deliver training (in subsequent JPs or more generally for their institutions, Bar Associations etc.). However, in many cases there is little evidence of planning for trainers to be utilised in a training role going forward and provision to enhance their skills and knowledge.

The **predominant focus on capacity building (in particular awareness raising and training), reform of law, policies and institutions of justice-related JPs addressed acknowledged needs.** However, JPs uniformly failed to target underlying root causes that affect access to justice - poverty, gender and other discrimination, lack of expectation and demand by rights-holders. There is evidence of more recent (post 2010) JPs linked to this EQ being more targeted in design and delivery, in some cases building upon established implementing partnerships, including more in-depth needs assessment, and more engagement by partners – though this is variable country to country and focus on and capacity to monitor actual impact remains weak.

While examination of individual JPs identifies **various positive, sometimes key, contributions to justice system reform, systemic problems remain in all case study countries.** Individual JPs offer less impact and sustainability compared to a holistic approach to justice reform that addresses both symptoms and root causes of dysfunction. In all countries reviewed a sector-wide approach to justice reform is lacking and poor coordination and communication between related (sometimes overlapping) interventions encourages large volumes of activity with inadequate focus on accountability for change.

6.5.1 JC 5.1 Increased transparency, efficiency, and effectiveness of the legal system

The criterion of increased transparency, efficiency, and effectiveness of the legal system was assessed based on two indicators:

- Introduction of reforms in substantive and procedural law including supplementary regulations (I-511);
- Reduction of backlogs and delays through improved case management (I-512);

Reforms leading to improvements in the transparency, efficiency, and effectiveness of the legal system are complex, and take time, sustained efforts, and above all political commitment to be achieved. Some contribution of the joint EC-CoE action towards these efforts was found for these two indicators, mainly achieved through implementation of joint programmes. However, many countries remain well short of their international commitments. Overall, apart from some perspectives gained in field visits, analysis is limited to review of project reports, with no corroborating evidence in the form of ROM reports or external evaluation.

Some evidence of EC-CoE involvement in **reforms of substantive and procedural laws** (I-511) has been found in most case study countries. In the countries of the South Caucasus (*Armenia, Azerbaijan, and Georgia*), there were some results in the form of laws being drafted. However, in the first two countries, despite statutory reforms, both systems of justice have been the subject of international criticism for, e.g., lack of independence of the judiciary, failure to respect the principle of equality of arms, systematic bias of judicial proceedings in favour of the prosecution, etc. In *Moldova*, support to judicial reform was supported over the evaluation period, with three consecutive JPs over the decade contributing to reform preparations and law drafting, even though not all recommendations were eventually accepted by the Moldovan authorities. Comments on draft laws were also the main contribution to reforms in *Serbia* and *Bosnia and Herzegovina*, contributing to the National Judicial Reform Strategy and Criminal Justice Strategy respectively. In *Bosnia and Herzegovina*, implementation of laws is problematic. Serbia has experienced massive legal reform over the evaluation period, but it is difficult to estimate the contribution of joint EC-CoE programmes because so many other donors were active in the area. In *Turkey*, capacity building was provided to the MoJ staff to draft legislation compatible with European standards and some examples are identified of this capacity being applied. In *Russia*, long-term EC-CoE engagement in legal reform is slowly bearing fruit in the form of a new drive to reform the appeals process. A number of reform steps were instituted in *FYROM*, albeit with relatively little support from EC-CoE JPs. The OSCE and EC (in its progress report) identify continuing problems in the judicial system. In *Armenia*, the JP *Access to justice* provided expertise for revision of the Civil and Criminal procedure codes and, prior to this, the JP *Support to justice reform* provided expertise on

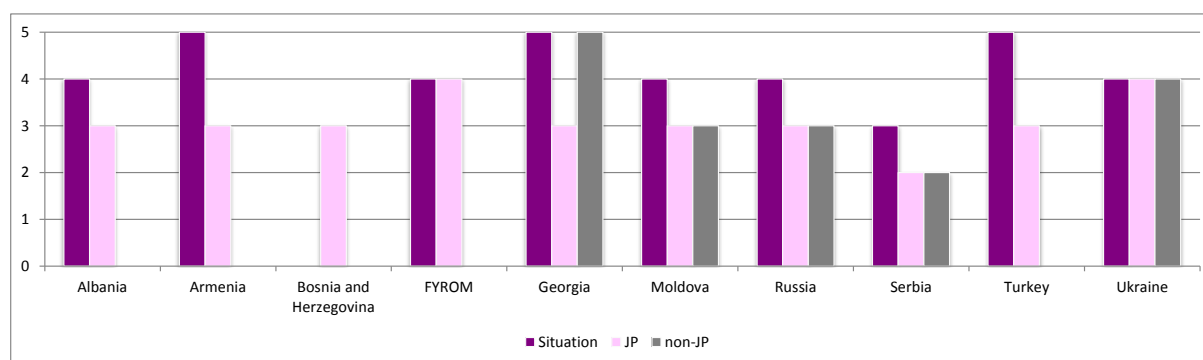
constitutional changes. Many sources of evidence report, however, that the judiciary remains highly dependent on the presidential party.

Less evidence of EC-CoE involvement in **reduction of backlogs and delays** specifically through support to improved case management (I-512) was found. One JP specifically dedicated to case management was implemented in *Turkey* (2007-2009). While a new strategy for case management was implemented in five pilot courts, likely leading to more efficient case management, the JP was unable to introduce necessary legislative changes within its time frame and the project work plan was adjusted accordingly. Problems with the efficiency, transparency and effectiveness of the court system persist in *Turkey*. In *Armenia*, an EC-CoE JP helped to put in place an online system for case-tracking.

JPs appear to have been most effective when linked to the presence of CoE Offices and when accompanied by strong local ownership by key institutions (typically for this EQ Ministries of Justice or specialised agencies). This local ownership has evolved over time and successive JPs. In *Moldova* the *Democracy Support Programme* (2010-2011), saw CoE support strategy formulation, the operation of working groups to discuss drafts, public debate, and dissemination. An EU Advisor attached to the Ministry, viewed government ownership of this JP as being much stronger than that of the predecessor Justice Reform JP. Similarly in *Turkey* a series of justice system JPs have seen growing proactive Turkish ownership. Despite effective delivery and strong ownership by implementing state institutions JPs generally lacked inputs from rights-holders and their representatives, and therefore lack focus on root causes, the optimum assistance required and impact (as opposed to activity or outputs) achieved.

In the EUD survey (results presented in Figure 18), the Delegations were, in general, positive about the development in their respective countries in the area of transparency, efficiency, and effectiveness of the legal system with none rating the situation as being one of "some deterioration" or "significant deterioration" with *Armenia*, *Georgia* and *Turkey* suggested as showing significant improvements. The response from *Armenia* is of interest because it is diametrically opposed to the finding of the case study and field visit, which is that despite international support including an EC-CoE JP specifically addressing judicial reform, there has been little progress in major areas of judicial reform (such as the independence of judges, or the public perception of the judiciary as a corrupt institution) None of the three EUDs reporting significant improvement considered the contribution of JPs as "very high" or "high." High contribution of JPs to the development of the indicator was reported in *Ukraine* and *FYROM*, together with 'some improvements' in the indicator. Notably, EUD *Georgia* considers the contribution of non-financial EC-CoE cooperation as 'very high', and stresses the expertise provided by the Venice Commission in this respect.

Figure 18: EUD survey results: Impacts in Increased transparency, efficiency, and effectiveness of the legal system



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

Overall, the impression left by the two Indicators examined is that **there have been examples of progress**, in the form of new laws passed, reform plans adopted, case management systems piloted, etc., but that **all of the judicial systems examined have yet to meet the applicable international obligations**. JPs have made some contribution, as non-financial cooperation through groups such as CEPEJ and the Venice Commission, but ultimately, effective judicial reform is subject to two constraints. The first of these is resources: with some exceptions, judicial systems are operating without sufficient financial, human, and physical resources. This leads to backlogs and delays, opening the door to corruption, and impairs the quality of justice and the reputation of the judicial system. The second is political commitment, where the Soviet era legacy of a judiciary subordinate to the executive, a prosecution operating at a vast advantage over the defence, and inadequate attention to civil and administrative law is still present

6.5.2 JC5.2 Improved access to justice

The criterion of improved access to justice was assessed based on two indicators:

- Improved availability of free legal assistance (I-521);
- Increased use of Alternative Dispute Resolution (ADR) (I-522).

No JP implemented during the evaluation period had enhanced access to justice as an explicit project objective. However, several JPs in principle should have contributed to this or laid a foundation, through raised awareness (including groups that historically have been denied access to justice) and enhanced capacity of specific stakeholders (e.g., of lawyers and institutions such as Ombudsmen's Offices). Access to justice is also enhanced by reduced backlogs and delays in the justice system (see above).

A key aspect of access to justice (and a state obligation under the ECHR) is the **provision of legal aid** in criminal cases, and in civil cases of particular complexity and gravity of outcome. While CEPEJ evaluation reports suggest that provision is formally available in all jurisdictions, for criminal legal aid at least, monitoring bodies (CoE, UN, etc.) have noted failure by all case study states to effectively meet this obligation. Gaps include absence of specific legislative provision in some jurisdictions and in all countries inadequate resourcing and limited oversight of legal aid provision.

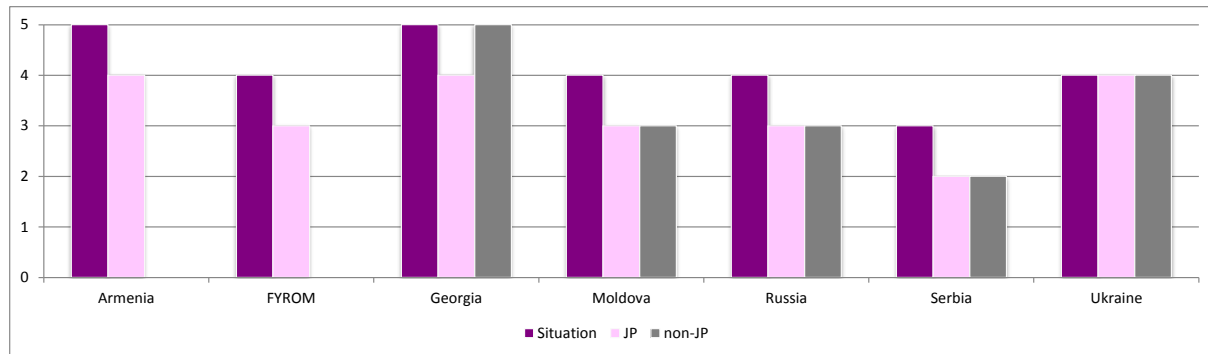
EC-CoE JPs included support to the preparation of draft laws on legal aid in Russia and Bosnia and Herzegovina. In Armenia, despite some ten years of support in the area, the legislative basis for legal

aid remains uncertain. In Moldova, consecutive JPs have supported the expansion of legal aid, and the last of these, *Increased independence, transparency and efficiency of the justice system* (2006-2010), supported effective implementation of the 2007 Law on Legal Aid. In Ukraine, the EUD reported that a law on legal aid was passed with the support of expertise provided by a JP, but no information has been found on the successful implementation of that law.

The evidence of specific JP contributions to **increased use of ADR** is also limited with a range of actors active on the issue in several jurisdictions, OSCE, UN, etc. In *Moldova*, the JP *Increased independence, transparency and efficiency of the justice system* contained components promoting the expansion of ADR and some progress was reported in the project final report. In *Ukraine*, two JPs spanning 2006-2011 were described by ROM reports as having made significant contributions to the use of ADR and medication in four pilot regions. In all countries in the region, the work of CEPEJ encouraged the development of ADR.

Five EU Delegations responding to the survey question on access to justice ticked the “Do not know” or “not applicable” box. The remaining EUDs, as in the case of JC 5.1, were positive about the general developments in the area, with no delegation of the view that access to justice has deteriorated. Delegations in *Armenia* and *Georgia* are of the opinion that there have been ‘significant improvements’ in the area of access to justice, together with “high extent” of EC-CoE JP contribution.

Figure 19: EUD survey results: Impacts in Improved access to justice



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

In summary, some evidence has been found that, in some countries such as *Moldova* and *Ukraine*, EC-CoE support to increasing the availability of free legal aid and promoting ADR improved access to justice. However, both remain weak in most countries surveyed and, in one case (*Armenia*), sustained support for expansion of legal aid appears to have had little effect. When combined with the continuing problems of backlog and delay identified, it appears that the impact of EC-CoE Joint Programmes on access to justice has been limited. Some steps forward have been identified, such as the putting in place of an administrative court in *Armenia* to review the decisions of public bodies, and the preparation of draft laws on legal aid in *Russia* and *Bosnia and Herzegovina*. These, like the continued engagement of CEPEJ, are evidence of a sustained process of improving access to justice, but implementation remains subject to resource constraints and political will.

6.6 EQ6: To what extent has the cooperation with the CoE, in particular via the channelling of funds, contributed to establishing stronger democratic institutions and practices at central and local level?

As suggested by the enshrinement of democracy in the key European treaties, a third goal of the EC in channelling aid through the CoE is to strengthen its position in promoting, strengthening, and consolidating democracy. It pursues this by supporting interventions to strengthen democratic institutions and processes, such as parliamentary and judicial review of executive actions, the functioning of political parties, and the role of the media including internet. Special attention is given to the structural aspects of elections, such as the functioning of observers and monitoring, the availability of a complaints procedure, the application of proper procedures, etc.

This EQ is assessed through three judgment criteria:

- Strengthened democratic institutions and processes in the area of democracy
- Improved electoral legislation and practice
- Improved local and regional governance and practice

The answer to this EQ is based on the following main sources:

- Documentary analysis
- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Interviews with stakeholders at country level

EQ6 on Democracy: – Summary Answer Box

An assessment of this EQ needs to be made against the background of a general trend, in many of the countries reviewed, of a halt, or even digression, in democratic consolidation.

Extensive JP activity and non-financial cooperation in the area of **media freedom** has taken place in the majority of countries, although rarely with the expressed aim of strengthening democratic institutions. In many of the countries reviewed, there is a trend of curbing down of media freedoms in recent years, putting a question mark to the sustainability of the interventions, especially those delivered through trainings.

Some progress in different aspects of **election process** has been noted in numerous countries; overall, though, the **record remains mixed**. The value of sustained monitoring and political pressure for improvements is difficult to quantify but is generally recognised.

Various JPs, throughout the evaluation period, aimed to strengthen **parliamentary oversight and scrutiny** (*Armenia, Azerbaijan, Ukraine, South Caucasus, Serbia, and Montenegro*). The situation in Azerbaijan and Armenia remains problematic (with a concentration of power in the executive), for other countries (*Serbia*), it has been difficult to attribute impact to a range of relevant outputs from JPs on this issue (including support to various parliamentary committees and to financial oversight of parliament via the establishment of a sub-committee, revision of the Statute of Parliament in accordance with the Venice Commission comments, training of MPs etc.). Other countries under review did not have explicit JPs addressing the role of parliament (*Moldova, Russia, FYROM, Turkey*); in these countries, too, a lack of parliamentary oversight has been noted by outside observers.

Strengthening the **role of civil society** has not been the explicit target of any of the JPs, although various JPs have had some components aimed at strengthening NGOs (*Armenia, Azerbaijan, FYROM, Turkey, Ukraine*). Overall, however, it is difficult to give a positive assessment of the impact of these interventions. Registering an NGO is not a major issue in most countries. In a number of countries, there has been no significant change of participation of civil society (*Turkey*) in dialogue on key issues; in other countries (*Moldova, Armenia, Azerbaijan*), there is a general observation that independent civil society is increasingly being pushed aside by GONGOs.

Overall, limited scale of JP support has been provided to legal reforms on **decentralisation** and local self-governance, and little evidence of impacts found in this area of action, with the exception of *Serbia*. Despite progress on legislation in many countries, local authorities remain dependent on central government transfers for most of their budgetary resources, which are inadequate to effectively carry out the responsibilities that have been assigned to them in line with decentralisation.

6.6.1 JC 6.1 Strengthened democratic institutions and processes in the area of democracy

The criterion of strengthened democratic institutions and processes in the area of democracy was addressed through five Indicators:

- Executive power subject to parliamentary scrutiny via committees, inquiries, regular reporting requirements, etc.; (I-611)
- Legal and practical barriers to free and independent media (including internet) reduced; (I-612)
- Legal and practical barriers to establish political parties reduced; (I-613)
- Increased opportunities of participation and mobilisation of independent civil society in the political processes; (I-614)
- Legal and practical barriers to register NGOs reduced and existing level of tolerance of operations led by non-registered civil society organisations. (I-615)

Overall there is little evidence that EC-CoE cooperation through JPs significantly strengthened democratic institutions and processes. On some issues at hand, there was only limited support provided, in other cases, in the absence of programme impact monitoring and evaluation (as distinct from reporting delivery effectiveness of activities and delivery of outputs) there is no evidence so far that EC-CoE support brought about the intended impacts. Better use of evaluation might have filled this gap, provided evidence of impacts, and generated lessons learned to be applied in future work.

EC-CoE support addressing **parliamentary scrutiny of the executive power** has not been a priority of most JPs. Examples of JP activity relevant to this criterion include support provided to *Armenia* and *Azerbaijan*, mostly through capacity building of public officials in “*Ukraine and South Caucasus – Promoting the Democratic Process (2005-2008)*”. This JP was not influential enough to avert these countries from being characterised by deficits in democratic institutions and strong concentration of power with the executive branch. In *Serbia*, while progress has been made in consolidating democracy in recent years, the contribution of the two JPs targeted at strengthening parliamentary institutions was limited.

Regarding **media freedom**, JP activity and non-financial cooperation has taken place in the majority of countries under review, though not always explicitly linked to the objective of strengthened democratic institutions and processes. The main activities were training and other capacity building of media professionals and public authorities, provision of legal expertise on draft laws and other legal issues, and facilitation of public and expert discussion on media freedom topics. A significant number of relevant persons have been trained and provided with information. However, no credible account has been found as to what extent these newly acquired skills and knowledge is or even can be applied in their work. Assistance to legislative reforms in the context of media freedom has been provided extensively especially in *Armenia*, *Azerbaijan* and *Serbia*. While some progress on some issues has been noted, the main obstacle to successful implementation seems to have been the unwillingness of authorities in many countries to proceed with desirable legal reforms and provide genuine media freedom. Overall, in addition to some partial results such as the drafting of laws from the above activities, the main success of the EC-CoE support may have been in keeping media freedom on the agenda in countries where journalists face significant risks in pursuing their daily work.

There is no evidence so far on EC-CoE cooperation specifically addressing issues of **legal and practical barriers to establish political parties** in the countries reviewed.

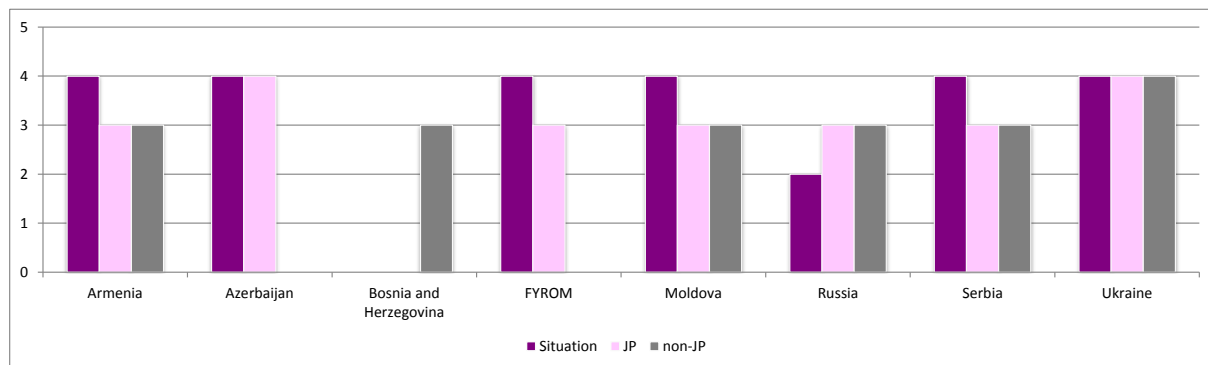
In the case of Joint EC-CoE cooperation towards more **participation and mobilisation of independent civil society in the political processes**, joint EC-CoE support includes support to the network of civil society leaders across five countries in JP “*Setting up and Developing the Civil Society Leadership Network*” (2008-2009), which aimed at contributing to building both stronger civil society leadership; to a lesser extent, it established some regional ties between country representatives in *Armenia*, *Azerbaijan*, *Georgia*, *Moldova*, and *Ukraine*. This may have contributed to increasing the opportunities of civil society participation in the political process. In most countries reviewed, however, civil society remains dependent on donor financing, thus making them vulnerable to the criticism that they represent foreign interests. They are, in many cases, active in service delivery as opposed to advocacy, monitoring or other activities key to ensuring proper functioning of democratic systems. These factors, plus a lack of political will, weaken the potential impact of types of interventions provided by EC-CoE Joint Programmes. Independent civil society representatives complain, in addition, to being systematically excluded from cooperation with all relevant parties: Government, the CoE, and the EU.

No JPs in the countries under review were specifically devoted to **legal and practical barriers to register NGOs** and tolerance of **operations by non-registered civil society organisations**. Support relating to civil society on specific issues is dealt with under other respective Indicators (e.g., human

rights generally and specific issues such as minorities, election monitoring, etc.) and includes some observations relating to NGO freedom of action.

The findings above from country case studies have been confirmed to some extent by the survey to EUDs conducted during the desk phase. When asked about the results and impact of EC-CoE cooperation on democratic institutions and processes in the country, EUDs did not give a very positive judgement, as shown in the figure below. Between 2000 and 2010, some improvements in democratic institutions and processes were identified in most of the countries (*Albania, Armenia, Azerbaijan, FYROM, Kosovo, Moldova, Serbia and Ukraine*). *Georgia* was the only country where significant improvements were reported by the EUD, while some deterioration was noted in *Russia*. At the same time only the EUDs in *Azerbaijan and Ukraine* assess the JPs as having had a high impact in strengthening democratic institutions and processes. In the case of *Azerbaijan*, this positive assessment is in strong contrast to the findings of the country case study.

Figure 20: EUD survey results: Impacts in Strengthening democratic institutions and processes



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.6.2 JC6.2 Improved electoral legislation and practice

The criterion of improved electoral legislation and practice was assessed through the use of six indicators:

- Electoral legislation corresponds to European standards, management bodies and their personnel politically independent; (I-621)
- Capacity building of electoral management bodies; trained staff in place; (I-622)
- Adequate election complaints procedures and guidelines in place; (I-623)
- Active involvement of independent NGOs in elections monitoring; (I-624)
- Capacity building of the media on the democratic electoral process; (I-625)
- International electoral observation missions give positive reports on conduct of elections. (I-623)

Overall, electoral legislation and practice has been an area of sustained attention of the EC-CoE joint programmes in the case study countries over the evaluation period.

With regard to improvements in **electoral legislation**, co-financing the work of the Venice Commission through *Democracy through Free and Fair Elections* in 2003-2006 supported the provision of legal expertise through reviews and recommendations on electoral legislation for broad number of

CoE countries, and the creation of CoE electoral legislation database. The JP *Support to Free and Fair Elections* (2008-2010) targeted the countries of the *South Caucasus* and *Moldova* and also delivered large numbers of expert opinions and further legal assistance in the context of various elections carried out in these countries, leveraging Venice Commission advisory work. In general, there is evidence that some important improvements in electoral legislation were achieved in the countries targeted. In the case of *FYROM*, for example, GRECO has lauded the 2004 Law on Financing of Political Parties for “*a commendable general emphasis on transparency and a number of strong features*”. In other cases, for example Azerbaijan, political will to implement reformed legislation has been lacking. In Armenia, independent civil society organisations are critical not only of electoral legislation and practice, but of the Venice Commission itself.

The capacities of **electoral management bodies** to implement reformed elections legislation featured in trainings and workshops in two regional JPs in countries of the *South Caucasus* and *Moldova* usually in the framework of specific pre-election attention given to countries perceived to be under risk of experiencing election irregularities. These activities have likely contributed to strengthening the capacities of the electoral administration in *Azerbaijan*, *Georgia* and *Moldova* through provision of specific expert assistance to the CECs, as well as through targeted trainings for the members of lower election commissions, and might have contributed to elections being carried out closer to international standards. However, as election observation reports show, elections in these countries are still subject to criticism on multiple accounts, demonstrating that capacity building does not necessarily result in impact when political commitment to free and fair elections is weak.

The dissemination of the international standards and international experience regarding **electoral disputes** has been a part of support to free and fair elections in *Azerbaijan*, *Georgia* and *Moldova* by the facilitation of discussion and training on international standards. Nevertheless, the issue of electoral disputes remains problematic in all these countries. Post-election violence in Armenia and Moldova speaks to the popular view of the electoral process. The support provided might have had some indirect impact in awareness raising within the electoral management bodies and judges dealing with disputes.

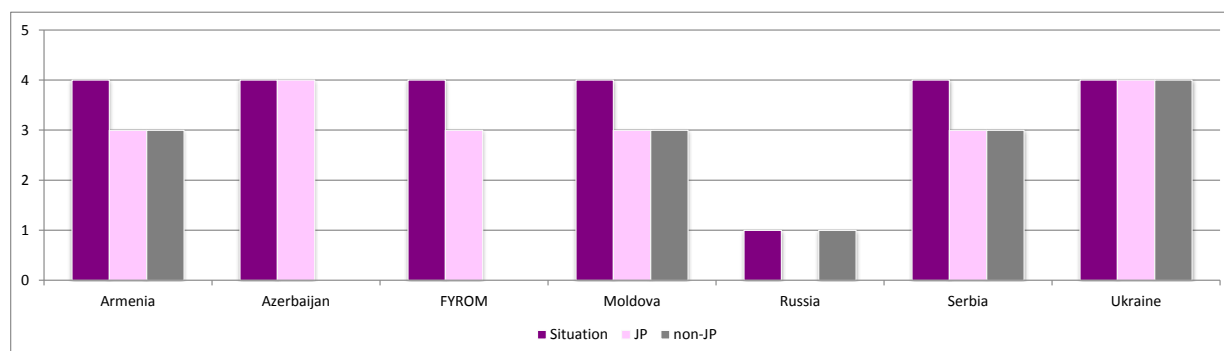
Support to **NGOs election monitoring** does not feature as a central element of JPs in the case study countries. Non-financial EC-CoE cooperation influencing the involvement of independent NGOs in elections monitoring, has been found *Georgia* and *Ukraine*. NGOs are active in elections monitoring in all countries, a substantial share of these, however, are closely associated with ruling political parties.

A number of multi-country JPs addressed the issue of **media capacity building** in the desk study countries in the period under evaluation. These activities might have had some impact in countries where the general political situation allows for initial steps towards impartiality and independence of media, such as *Georgia* or *Moldova*, even though according to independent media monitoring the situation in these countries is far from ideal, and challenges still lie ahead. In Georgia and Moldova the monitoring of media coverage was also a part of the JP, which allowed for discussion of its results with stakeholders. On the other hand, in *Armenia* and *Azerbaijan*, media are strongly controlled by authorities, and these countries receive highly critical reviews of the media coverage of the election process by independent monitors. In the latter country, harassment of and violence against journalists continue to pose serious problems. In these cases the impact of EC-CoE efforts in media professionals' capacity building was limited by the personal and professional risks faced by journalists. However, in Armenia, increased professionalism was credited with contributing to a decline in the use of defamation lawsuits against journalists.

In summary, while some progress in different aspects of election process have been noted in numerous countries over the evaluation period, the overall record is still mixed at best for most countries under review, with various irregularities and violations still being a common occurrence. The joint EC-CoE action supported the different aspects of free and fair elections especially in the countries of *South Caucasus*, *Moldova* and *Ukraine* over the evaluation period, including long-term dialogue with countries regarding their electoral legislation, targeted pre-election “packages” election monitoring and post-election reflections on the process. While it may seem that this cooperation has had only limited tangible results and impacts, it is acknowledged that democratic transition is a long-term and complex process, and changes are bound to be incremental. The value of sustained monitoring and political pressure for improvements is difficult to quantify but is generally recognised.

We can complement the assessment from case study countries with the results of the EUD survey. Figure 21 gives an overview of the results and impact of EC-CoE cooperation in Electoral legislation and practice, as perceived by the EUDs. High JP impact in this area together with some improvements in overall situation was reported by *Azerbaijan* and *Ukraine*. *Russia* notes significant deterioration in situation together with practically no attention given to this problem in EC-CoE cooperation.

Figure 21: EUD survey results: Impacts in Improved electoral legislation and practice



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.6.3 JC6.3 Improved local and regional governance and practice

The criterion of improved local and regional governance and practice has been addressed through four Indicators:

- Level of knowledge and technical familiarity with the applicable international standards set forth in the European Charter of Local Self-Government; (I-631)
- Increased use of elections to select Local Governance Bodies; (I-632)
- Level of Local Financial Autonomy/ fiscal policy; (I-633)
- Type of administrative control from the Centre towards the Local Authorities. (I-634)

The area of local governance received some support of joint EC-CoE action in desk study countries, usually as part of broader democratisation programmes, with the exception of *Serbia*, where specific JPs dedicated to local governance were implemented, and where beneficiaries were able to highlight the contribution made by these JPs for advancing local self-governance reform.

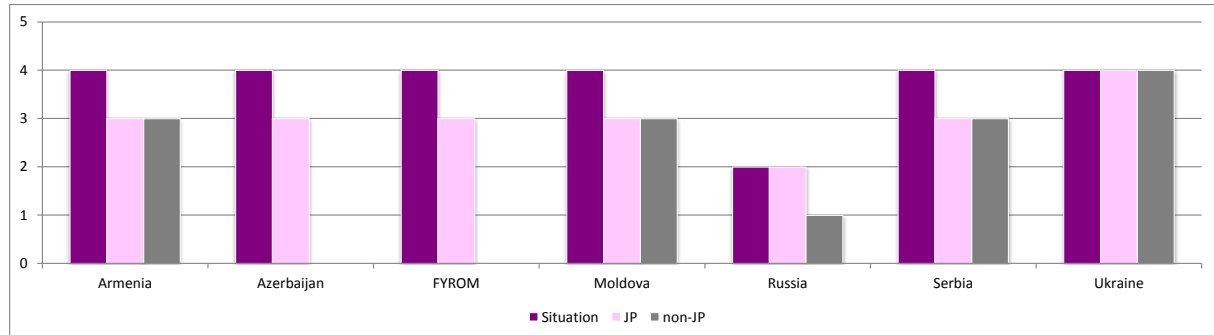
Support has been provided to legal reforms on decentralisation and local self-governance in most of the case study countries, for instance *Serbia*, *Moldova*, *Russia*, *Armenia*, and *Azerbaijan*. Overall, little evidence of impact has been found in this area of action. Assessments are either not available on the extent to which legal and technical assistance provided was reflected in final legislation, or the assessment of impacts is generally not positive, owing first and foremost to the lack of political will to implement such reforms (*Armenia*, *Azerbaijan*). *Russia* is an example of a country where, despite provision of legal expertise and the drafting and enactment of legislation, there has been significant backsliding over the evaluation period: direct elections of regional governors has been abolished, state bodies are allowed temporary takeover of some local government powers, and elected mayors of cities may be dismissed. The overall picture that emerges is that, despite progress on legislation in many countries, local authorities remain dependent on central government transfers for most of their budgetary resources, which are inadequate to effectively carry out the responsibilities that have been assigned to them in line with decentralisation.

Similarly for the different aspects of local governance covered with individual indicators, no evidence of direct contribution of the EC-CoE joint actions have been found except for *Serbia*.

Complementary to evidence from the case studies are the responses to the EUD survey. Figure 22 presents the overview of EUDs opinions on the change in the situation in their respective countries and on the impacts of EC-CoE cooperation. Most report some improvement, with the exception of

Russia, which reports some deterioration. High JP impact was noted only by the EUD *Ukraine* together with some improvements in the overall situation, while other EUDs report some extent of JP impact.

Figure 22: EUD survey results: Impacts in Improved local and regional governance and practice



Scales			
Change in situation		Impacts of JP and non-JP cooperation	
Significant improvements	5	Very high extent	5
Some improvements	4	High extent	4
No change	3	Some extent	3
Some deterioration	2	Low extent	2
Significant deterioration	1	Very low extent	1
Do not know, Not applicable, No answer	0	Do not know, Not applicable, No answer	0
Note: Countries that provided no information for impacts in both JP and non-JP cooperation under this JC are not shown			
Source: EUD survey			

6.7 EQ7: To what extent have the implementation modalities of Joint Programmes employed by the CoE been appropriate to help achieving EC objectives related to human rights, rule of law, and democracy?

As with all aid channels, the issue of project implementation is also key for this evaluation. Such issues cover the quality of project design, the quality of project cycle management (PCM), the degree of involvement of national stakeholders in consultations (often referred to as the “political will” problem), the adequacy of reporting, monitoring and evaluation procedures, and the availability of channels for incorporating lessons learned. The evaluators look at the strength of financial management procedures, the adequacy of CoE headquarters and field staff support, and at the balance between regular staff and consultants.

This EQ is assessed through five judgment criteria:

- Degree to which CoE implementation has reflected best practice of programme cycle management
- Quality of reporting, monitoring, financial management by JPs and quality of evaluation of JPs
- Appropriateness of relationship between JP management needs, CoE headquarters human resources, and field presence
- Mechanisms and processes for incorporating lessons learned and ensuring sustainability in place
- Degree to which EC political visibility has been ensured

The answer to this EQ is based on the following main sources:

- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Interviews with stakeholders
- Survey to EUDs
- Documentary review

**EQ7 on Implementation:
– Summary Answer Box**

JC 71 looked at the **quality of Project Cycle Management, which was weak in JPs**. This started with ad hoc JP project formulation, sometimes not as closely attuned to monitoring as it should have been, often on the basis of an incomplete baseline assessment. Needs for training were not rigorously established nor was sustainability carefully examined. JPs often consisted of bundles of small, unrelated, under-resourced activities, and were usually of duration too short to cope with the deep structural and political issues addressed. Weak logframes made proper evaluation (the subject of JC 72) difficult, while the evaluation function itself was under-developed at CoE Headquarters, a problem that was addressed by the reform and re-organisation undertaken at the end of the evaluation period. Over the evaluation period, the **evaluation function fell far short of the standard expected** of a competitive international development implementing agency. A strong finding from majority of sources is that JPs performed better when they were managed from CoE field offices than when they were managed from CoE Headquarters, which should explain some of the current decentralisation effort. Note, however, that representatives of CoE dealing with media did not agree with the generalisation that management from Strasbourg was problematic. Steering Committees functioned acceptably, but there was sometimes confusion over their precise role and the division of decision-making authority between SCs and the donor.

JC 72 also looked at financial management and reporting. **Financial management was weak**, with frequent delays in disbursement of funds and, in one large project, highly critical independent audit findings regarding accountability and transparency. In another flagship project, procurement delays seriously disrupted project turnover and may have damaged sustainability with lasting effect. We came to no strong conclusion on reporting, as different players reported differing degrees of satisfaction – some were highly critical while some were satisfied. For its own part the team found that far too much of the **reporting reviewed consisted of lists of activities implemented, with too little attention to results**. The CoE's summary reporting to Brussels, in the form of the annual cooperation Activity Reports and scoreboard reports, was of good quality.

JC 7.3, on the quality of support provided by CoE Headquarters, field offices, Team leaders, and support staff, takes us into matters that have already been discussed in EQs 1 and 2. All agree that **weak CoE field capacity** was a constraint over the evaluation period and the reform / re-organisation that began in the closing months of the evaluation period is in large part designed to address this. As stated above, JPs fared best when management was from a field office, not Strasbourg. The pros and (mostly, as we assess the situation) cons of increasing reliance on short-term expert consultants rather than longer-term staff are also touched upon again below. However, based on evidence reviewed, the **quality of expert support, in the form of team leaders and other consultants, was generally high**, albeit with delays in recruitment and high attrition.

JC 7.4 looked at mechanisms for incorporating lessons learned and sustainability. Having reached negative conclusions regarding the evaluation function, it is not surprising that such mechanisms were weak. One bright spot (treated under JC 7.1) was that **JPs proved to be adaptable**, shifting strategies and logframes flexibly as events unfolded. However, CoE Headquarters structure did not promote the sharing of lessons learned across DGs (a problem being addressed by the reform). Before dismissing the sustainability of JPs, however, it is necessary to recognise that the **CoE's and EC's view of impact, the concept on which sustainability is based, are very different**. As we have discussed elsewhere, the EC, and particularly DG DEVCO with its international development perspective, is concerned with near-term tangible impacts on citizens' lives, while the CoE looks more at impact at the level of legislation and governance. Poor implementation, for the CoE, is a call for further engagement including cooperation; it is not a signal of failure calling for disengagement. Many JPs, while implementation has been weak, have led to sweeping changes in legislation and institutions, bolstered by improvements in awareness and capacity. When sustainability is weak, it is more often than not the **lack of political will** that is the culprit and the CoE, as an intergovernmental organisation based on political commitments, is in a strong position to address this. The process, though, is a long-term one, and certainly does not align with the two-year project cycle that is standard for JPs. In this sense, non-financial cooperation, especially monitoring but also through standard setting and country participation in the Parliamentary Assembly, make major contributions to sustainable change. While usually smaller than JPs in scale, long-term Joint Activities, often in areas outside the kernel of human rights, democracy, and rule of law, can lead to long-term partnerships that generate sustainable progress.

6.7.1 JC 7.1 Degree to which CoE implementation has reflected best practice of programme cycle management

We assessed this JC on the basis of four Indicators: CoE competence in PCM at headquarters and in the field, the quality of logframes in project documents, the flexibility of logframes and their adaptation to meet changing circumstances, and the good use of Steering Committees.

Relating to the first two Indicators, our findings are essentially negative. The CoE has historically been an organisation oriented towards sector expertise, not project management skills, and many cooperation staff have picked up project management on the job. All the way from project formulation through evaluation, **project management has been identified as a comparative disadvantage** of CoE compared to other organisations.

Project intervention logic, specifically logframes, has been strongly criticised by past JP evaluations and EC ROM reports. Specific criticisms include **failure to distinguish between activities and results / impacts**, which combined with failure to properly design and apply Objectively Verifiable Indicators, made it difficult to compare actual to expected results. This led the team, in its synthesis of past evaluations, to write that JPs were often not really programmes, or even projects, but rather bundles of related activities. Sometimes, especially earlier in the evaluation period until about 2007, activities were not even related to each other, as limited budgets were spread across a large range of focal areas instead of being targeted on a few areas where tangible results could be achieved.

In general, evidence suggests that **project management by decentralised CoE field staff was more effective than project management from Strasbourg**. This is presumably one reason for the current decentralisation effort.

The one Indicator which was favourably assessed was the **CoE's ability to successfully adapt to changing circumstances**, despite the fact that mid-term reviews were not routinely carried out. Sometimes changes in design were necessary already at the beginning of the implementation, due to the relatively long time between project formulation and its actual start.

Experience with Steering Committees has been mixed. There has sometimes been confusion over the exact role and extent of the authority of Steering Committees, with governments sometimes under the impression that SCs had decision making authorities while donors including the EC were operating under a different impression. While virtually all JPs had a Steering Committee and Strasbourg programme officers were usually able to attend one SC meeting per year, there were delays in the formation of some SCs and others met only infrequently or were not completely representative of stakeholders.

6.7.2 JC 7.2 Quality of reporting, monitoring, financial management by JPs and quality of evaluation of JPs

It has come through clearly from all evidence sources – interviews at the CoE Headquarters, past JP evaluations, and even from the nature of the CoE reform and re-organisation – that **monitoring and evaluation were judged to be the weakest point of JPs** (Indicator I-721). At CoE Headquarters, the evaluation function was tied to programme formulation and implementation, leading the CoE in 2010 to set up a separate evaluation unit reporting directly to the Secretary General. This unit has been significantly strengthened and has embarked on a series of country programme evaluations, but it must be realised that these changes are in response to weaknesses encountered over the evaluation period. We have said, in assessing Indicator I-712, that **project logframes and the associated Objectively Verifiable Indicators were weak in ways that made effective monitoring and evaluation very difficult**. A number of JP evaluations were cited. With evaluations ad hoc and weak, there is little evidence that findings were effectively fed back into the project formulation process, an aspect of PCM which has also been found to be weak (Indicator I-722). The main response of the CoE has been to put in place a Directorate General for Programme which should take responsibility for coordinating JPs.

The failure to adhere to good evaluation practice over the evaluation period was out of step with good international development practice and was at odds with CoE's strategic desire to become a more competitive implementing agency.

Financial management (Indicator I-713), as well, **has been found to be relatively weak**. There have been issues of slow disbursement of funds leading to delay in implementation and one project subjected to an independent audit was heavily criticised for its financial reporting procedures. Another project fell (admittedly post-evaluation period) into disarray over an issue related to the procurement of premises for a school that had been designed and supported by a JP. No particular issues were raised regarding project progress reports apart from occasional delays and some reservations about the format followed. However, the evaluation team found that, for its own purposes, project reporting placed too much emphasis on enumerating activities and not enough emphasis on assessing results. The

CoE's annual *Activity report* and JP scoreboard meetings in Brussels were both effective summary approaches to reporting.

6.7.3 JC 7.3 Appropriateness of relationship between JP management needs, CoE headquarters human resources, and field presence

As the number of JPs has expanded, CoE Headquarters staff have been stretched thin, although one project visit per year appears to be the norm. As we have stated at several points, increasing reliance on consultants rather than staff has been identified as an issue. In assessing Indicator I-711, we found that EUDs were generally more satisfied with support from CoE field office than from Headquarters, and we have seen that a key goal of the on-going CoE reform and re-organisation is to shift the balance of staff and resources from Headquarters to the field. **Recruitment for the field** (Indicator I-732) **was not identified as a major problem**, apart from delays and attrition problems that are not unique to the CoE. It is clear from CoE interviews that, historically, a successful career path at the CoE was Headquarters based, and efforts to shift staff into the field are likely not to be without difficulty. Based on what could be learned of the proposed changes, it is likely that at the level of Deputy Head of Office (and certainly below) significant external recruitment will be needed. The closely related Indicator I-732 also examined the CoE's capacity in the field. Here, we identified instances in which there was confusion about the division of labour between CoE field offices and Strasbourg Headquarters. While there were success stories, the overall message that emerged was that the **stronger the country office and the more responsibility was devolved to them, the better JP implementation**. In at least one field-visit country, the EUD has stated that local management will, in the future, be regarded by them as a condition for working with the CoE. The need to strengthen the capacity of local staff to operate independently suggests less than optimal vertical coordination, and one of the rationales for putting in place the Directorate General of Cooperation is to improve **coordination between Directorates General, which was generally weak** over the evaluation period (Indicator I-734). Indicator I-735 provided another opportunity to re-affirm the concern over increasing reliance on external temporary consultants rather than staff although, it must be recognised that recruiting short-term experts is often easier than recruiting staff. Over the evaluation period, the CoE took steps in its human resources policy to reduce the number of project staff who make the transition to become permanent headquarters staff, a step that can be easily understood from the standpoint of promoting dynamism, but also makes it relatively more attractive to work as a freelance expert.

6.7.4 JC 7.4 Mechanisms and processes for incorporating lessons learned and ensuring sustainability in place

Since we have already found that evaluation was the weakest link in the PCM chain until recent reforms were initiated, it is clear that **mechanisms and processes for incorporating lessons learned were weak**. Indicator I-741 deals with provisions for ensuring sustainability, and our finding is that **project logic and approach were not based on sustainability considerations**. Projects tended to be bundles of related activities (often, as discussed elsewhere, far too many, endowed each with insufficient resources, and with no focused vision), in which the relationship between activities, outputs, and impacts was not clearly articulated. Part of this reflects the CoE's comparative disadvantage, over the evaluation period, in PCM approaches. Part of it also reflects, however, a genuine **difference in the orientation of the EC and CoE, a difference that makes for some degree of complementarity**. The EC, with its commitment to transparency, bases its performance assessment on concrete improvements in citizens' lives. DG DEVCO, grounded in development assistance and in tune with international best practice, is especially influenced by the tenets of Results-based Management. The CoE, while in no way opposed to such impacts, is more process and long-term engagement oriented. This explains, in part, the activity-based approach to JPs that is evidenced over the evaluation period. Even in what was widely acknowledged to be one of the most successful and respected areas of CoE cooperation, legislative reform, it is clear that the passage of a new law is in and of itself an impact in the CoE's eyes, even when implementation is weak.

An important part of the sustainability issue is political will on the part of the government. In synthesising the results of previous JPs, it appeared that governments' level of enthusiasm and commitment to implementing CoE reform advice was stronger in the wake of accession than in the later years of the evaluation period. The hypothesis suggested is simply that, with the passage of time, governments became more attuned to the fact that failure to meet commitments is likely to give rise to criticism and some level of discomfort, but that the CoE's willingness to inflict real, as opposed to moral, sanctions is limited save in the most egregious cases (e.g., Belarus). There are exceptions such as MONEYVAL, but the sanction there is imposed by international financial markets, not the CoE itself. The clearest expression of the sustainability issue was given by the CoE Headquarters official who remarked "*MSS get out of cooperation what they wish to put into it.*"

The **short duration of JPs** – typically two years – is another **negative factor for sustainability**, especially when the issues dealt with are as structurally entrenched and as politically controversial as those within the CoE's remit. The short duration is, presumably, related to the relatively small amount of money involved. The move to fewer, larger projects that is part of the CoE reform will help with this, but even large JPs are small when compared to other donor interventions. Broad cooperation, including monitoring and the work of the Parliamentary Assembly, involves long-term, peer-to-peer relationships and may be more successful in the sustainability dimension than one-off JPs.

Sustainability planning was especially weak where training was involved. As discussed at a number of points, training appears to have been seen as something of a universal solvent, to be administered whether its necessity, or the chances of its giving rise to sustainable impacts, had been established or even questioned. This may have particularly affected the sustainability of regional JPs, which concentrate heavily on training.

Indicator I-742 asked to what extent there was sharing of JP lessons learnt and results among CoE Directorate Generals and among EU DGs. No evidence that there was such sharing was found.

Information on Indicator I-743, handover of results to local stakeholders, was mixed between countries. In some cases, problems were encountered, in others, not.

6.7.5 JC 7.5 Degree to which EC political visibility has been ensured

EC visibility in CoE JPs is in some senses an intractable problem. The similarity between the two organisations, the confusion between the Council of Europe and the Council of the European Union, and the similarity of the organisations' logos defy efforts to solve the problem. These **structural problems** are much more important than issues of whose logo comes first, the order of speakers at JP events, etc., which are trivial in comparison. In responding to the survey, EUDs often expressed dissatisfaction with CoE visibility strategy. One EUD pointed out a problem that presumably was encountered elsewhere, as well, namely that the JP was merged, in beneficiaries' eyes, with the rest of the CoE's engagement with the country.

Despite these problems, half of EUDs felt that final beneficiaries and beneficiary country government officials were **aware of the EU's involvement to at least some extent** – and that visibility among these stakeholders was higher than among EU MSs and other donors. Moreover, there was a strong feeling among EUDs that the **visibility situation had improved** between the early part of the evaluation period and the end.

Evidence from field missions was mixed, but EU visibility did not emerge as a burning issue at any EUD. Size of country might be a factor – some problems of visibility were identified in *Turkey* and *Serbia*, but not in *Armenia* or *Moldova*.

The evidence seen so far does not permit a strong conclusion, except that visibility is an issue that will never go away and requires constant attention. Guidelines related to obvious procedures such as putting the EU logo on the project office door were no doubt followed in JPs as everywhere else. The actual impact of such guidelines on visibility is to be doubted, but there is some evidence from the EUD survey that beneficiaries were aware of the role of the EC. Nonetheless, EUDs generally identified EC visibility as a weak point of JPs.

6.8 EQ8: To what extent has the cooperation with the CoE, in particular via the channelling of funds, helped to enhance complementarity and synergies between the EC and the CoE?

The complementary and synergistic roles of the EU, the CoE, and Governments need to be clearly articulated, and the strengths and weaknesses of past performance need to be distributed, insofar as possible, among the participants in this partnership or grounded in the nature of the partnership. The coordination or non-coordination of EU and CoE country strategies and priorities is one aspect treated by this question.

This EQ is assessed through five judgment criteria:

- Degree to which CoE country strategies were aligned and coordinated with the EC country strategies
- Degree to which cooperation between EC and CoE has facilitated complementarity of JPs with EC other external assistance programmes
- Degree to which joint EC-CoE cooperation activities are aligned with government, EU and CoE priorities
- Degree to which EU-CoE cooperation has enhanced synergies between the organisations
- CoE value added

The answer to this EQ is based on the following main sources:

- Interviews at EC and CoE HQ
- Interviews at EUDs and CoE field offices
- Interviews with stakeholders
- Survey to EUDs
- Documentary review

**EQ8 on Complementarity and Synergies:
– Summary Answer Box**

We assessed this EQ on the basis of five JCs: alignment and coordination of CoE country strategies with EU country strategies, whether JPs were coordinated with other EU-supported external assistance programmes, the degree of alignment of JPs with government, CoE, and EU priorities; the degree to which synergies between the EU and CoE were exploited, and the extent of CoE value added.

Regarding the first, the availability of only a handful of CoE country strategy documents, limited to Ukraine and Armenia makes a formal assessment impossible. In general, though, the **CoE priority areas identified coincided with EU priorities**, not surprising in view of the fact that country strategies, with one exception, were essentially lists of projects seeking support, and such support comes largely from the EU. Moreover, the EU heavily relies on CoE monitoring materials when elaborating its own country strategies. It can be noted that one of the responsibilities of the new Directorate General for Programming will be producing country strategy papers on a regular basis; however, progress apparently still needs to be made on arriving at a common format. In general, evidence from Strasbourg and Brussels interviews suggests that the main strategic priorities of the EC and CoE at country level are relatively well aligned. Occasional exceptions were found, e.g. **concerns that projects were overly driven by EU priorities or the opposite**; that under EC funding the CoE was implementing according to its own priorities, not those of the EU. The mechanisms for the CoE and EC to coordinate strategy are for the most part informal. Consultations between the organisations at country level are common. It is possible that, in most cases, a tighter coordination process would not greatly change cooperation programmes.

A number of EUD survey responses painted a positive picture of **coordination between different EC programmes including JPs** (JC 8.2). Field mission evidence was mixed. In *Moldova*, a flagship JP on democracy support was coordinated with sector budget support to the Ministry of Justice. In *Armenia*, there was no attempt to coordinate the JP Access to Justice with the provision of EU advisors in a number of institutions concerned with justice. The JC focuses on projects for which the EUD is responsible, and therefore does not deal with regional JPs. It appears that, generally, where JP have been formulated in Strasbourg-Brussels and managed from Strasbourg, there is a notable lack of coordination with EC-financed country-level activities. This is less the case where there is an in-country CoE manager responsible for the national component of the regional programme.

JC 8.3 on JPs is very close to JC 8.1 on strategies, in part because CoE country strategies over the evaluation period typically consisted of bundles of activities decided on in consultation with government and, to lesser extent, international actors. There is no fundamental divergence between CoE and the EU in policy goals and priorities, and most reports from the field suggest that there is **adequate informal coordination and consultation** between the two organisations. It is not clear that more formal mechanisms would result in a distinct change in the situation. There have been instances of donor (EC-) driven interventions, and the CoE reform process is meant, in part, to strengthen the CoE's role in avoiding this but, that said, the CoE is highly dependent on the EU to fund its cooperation activities. The frequently cited **constraint of lack of political will** suggests that governments are frequently willing to engage in projects whose activities, even when welcome and of high quality, do not support deeply-held and realistic government goals and aspirations. The weakness of impact evaluation over the evaluation period has made it difficult for either the EC or CoE to hold governments to account for projects which delivered activities (mostly training) but little tangible impact. Throughout, there was striking absence of a meaningful definition of "training," "capacity building," and "institution building", and precisely what these were expected to accomplish and how they might be measured. The need for an objective assessment at the formulation stage of the purpose and likely impact of training was often evident, as was the gap between the post-training questionnaires often cited as evaluative evidence and impact evaluation as defined by development good practice. **Better PCM from beginning to end might have identified, for example, complementary actions** required to increase impact or reduce risks.

JC 8.4 stands apart from the others in that it focuses on non-financial cooperation in the form of joint standard setting and monitoring and the role of EU-CoE cooperation in strengthening the *acquis* in countries benefitting from joint cooperation. There has been only **limited joint standard setting** and

**EQ8 on Complementarity and Synergies:
– Summary Answer Box**

this has not always been successful. **Mutually-reinforcing standard setting has been more effective** as, for example, when an EU Directive stricter than a CoE standard gives rise to a CoE Optional Protocol available to states who wish to meet the higher standard. The EU participates as an observer in all CoE standard setting, and there has been **some participation in CoE monitoring**. The proposed participation of the EU in the GRECO mechanism has long been under discussion. The obvious answer to the question posed regarding the *acquis* would be “Yes,” because the *acquis* and CoE standards largely overlap and joint cooperation activities all have as their fundamental goal improving compliance with CoE standards, were it not for the mixed picture presented regarding impact in EQs 3, 4, 5, and 6. Overall, the impression is one of progress across a broad front, but that most countries still fall short of European standards in most areas. The reasons include lack of political commitment, lack of resources, and the difficulties of shifting institutional and political culture. Even in disappointing cases, however, it is clear that the two organisations have accomplished more working together than they would have accomplished working apart.

Adding value is closely related to exploiting comparative advantage, which in the CoE's case would mean stressing its role as a **centre of expertise as well as its relations of trust with member states**, and de-emphasising cooperation activities, which poor implementation has weakened. In fact, the CoE's current strategy is not to exploit its comparative advantage so much as to shift it through its reform process. Comparative advantage is not a static concept, and this is a valid strategy – but one presenting many challenges. One of these is that the CoE is **competing for expertise** in a large marketplace. The CoE's monitoring role, and the involvement of many experts in CoE activities apart from monitoring, may give it an edge. The special relationship with its member states is an undoubted source of value added, but this can be weakened when the CoE is reluctant or unable to hold member states meaningfully to account. This returns to the issue of differing conceptions of impact in Strasbourg and Brussels, the one institution thinking in terms of long-term engagement and process and the other in terms of tangible, verifiable near-term impacts. The EU is often said to be a teleological organisation, but the CoE is more teleological yet. The ability to judge value added and apply lessons learned to increase it has been hampered by the absence of impact evaluation that would conform to good international development practice. The blame for this does not rest entirely with the CoE (which is trying to address it through its reform); it also rests to some extent with the EU, which has continued to finance JPs despite consistent ROM reports citing the weakness of PCM and the lack of meaningful evaluation.

To summarise, **there have been successes in achieving complementarities and synergies** between the two organisations. At the highest political level, improved dialogue in recent years has contributed substantially. Some of this still needs to trickle down to lower levels of the organisation. At the field level, coordination and communication have typically been adequate, but informal. Since CoE and EU priorities are broadly the same, it is not clear that more formal mechanisms would have changed results substantially. What would have led to greater success would have been better PCM, and in particular better use independent impact evaluation as called for by best international development practice. We have discussed at many points the CoE's attempt to address these problems through reform.

6.8.1 JC 8.1 Degree to which CoE country strategies were aligned and coordinated with the EC country strategies

We approached this JC on the basis of three Indicators: identification of similar strategic priorities in CoE and EC strategy documents (Indicator I-811), identification of common needs and application to cooperation (Indicator I-812), and CoE contribution to high-level EU strategy setting (Indicator I-113),

A rigorous comparison of strategic country priorities between the CoE and EU in the areas of human rights, rule of law and democracy was not possible because of the **unavailability of country strategy documents on the CoE side for most countries**. In *Ukraine* and *Armenia*, for which the CoE Action Plans were available to the evaluation team, priorities in the key areas were aligned with the EU priorities for the countries, in fact, most of the funding for CoE cooperation in this area came from the EU. In general, Strasbourg and Brussels interviews suggest that the **main strategic priorities of the EC and CoE at country level are relatively well aligned**. Exceptions to alignment of priorities may occur in instances where, as reported, JP formulation is done quickly and on the basis of availability of funds. In Ukraine, there appears to have been relatively good communication between the EU Delegation and the CoE as the CoE was elaborating their Action Plan, whereas in *Armenia*, the Action Plan (essentially a list of projects that the CoE wishes to fund) was far advanced before the EU Delegation saw it.

How aggressively the CoE pursues its priorities with government is an issue that we discuss under JC 8.5, where some evidence is advanced that EUDs feel the CoE is proceeding at their own pace rather than that expected of the EC.

The lack of CoE strategy documents also makes it difficult to analyse Indicator I-812. In some countries, there **appear to be mechanisms for the CoE and EC to coordinate strategy, but these are for the most part informal**. Concerns raising donor (EU)-driven programmes have been raised. However, as discussed under I-222 and I-812, the EU makes extensive use of the outputs of CoE monitoring bodies as well as reports such as those from PACE, the Commissioner for Human Rights, and the Venice Commission, in its analysis of country needs, and consultations between the organisations at country level are common (e.g., in *Moldova*). It is possible that, in most cases, a tighter coordination process would not greatly change cooperation programmes.

6.8.2 JC 8.2 Degree to which cooperation between EC and CoE has facilitated complementarity of JPs with EC other external assistance programmes

JP project documents often refer to other programmes and projects in the area, and there is evidence of adequate **communication and coordination among donors in the field**, but this is a different issue than complementarity between different EC programmes. Several EUD survey responses paint a positive picture of coordination between different EC programmes. This would concern only programmes for which the EUD is responsible so, for example, does not tell us much about coordination of the multi-country **regional EC-CoE JPs** that have played such an important role. Since they were formulated in Brussels and Strasbourg and managed from Strasbourg, it is not surprising that there was little coordination either with country-level EU-CoE Joint Programmes or with other EC-funded external assistance programmes. The presence of a CoE project manager responsible for the country-component of a regional JP was helpful. In *Armenia*, the field mission found that there was perhaps complementarity between EU-CoE JPs and other EU interventions, but this was serendipitous, not planned, with one focused on training and the other on policy advice. In *Moldova*, the Support for democracy JP was able to interact well with EC sector budget support to the Ministry of Justice.

6.8.3 JC 8.3 Degree to which joint EC-CoE cooperation activities are aligned with government, EU and CoE priorities

There is **no fundamental divergence between CoE and the EU in policy goals and priorities**, and most reports from the field suggest that there is **adequate coordination and consultation between the two organisations**. The in-country situation and beneficiary needs are generally taken account of in project formulation (I-831). That said, there are sometimes issues of donor (EC-) driven cooperation, but this is true in all international cooperation, not just EC-CoE Joint Programmes. Beneficiary governments everywhere are overly accommodating of the offer of assistance when it is available. We have also cited evidence that JP design is sometimes hasty and ad hoc.

As our analysis of EQs 3, 4, 5, and 6 makes clear, there have frequently been problems of **lack of government commitment** to the needed reforms promoted by JPs, raising the issue of how critically government priorities – as evidenced by past actions, not words – were assessed.

In reviewing EQs 3, 4, 5, and 6, one is struck by the sheer **volume of training delivered**, and by the fact that many assessments continue to call for yet more training. Is all of this really responding to needs, especially given often weak political commitment? A single blanket answer to this question would be reckless and distorting, but at least it deserves to be asked on a case-by-case basis. Precisely what does the CoE mean by “institution strengthening” and “capacity building,” of which a similarly enormous amount has been delivered? Is there a definition on paper that could be used to assess JP results? If so, the evaluation team has not seen it.

Based mostly on EQs 3, 4, 5, the intellectual basis for JPs reviewed is reminiscent of 1980s-1990s public sector managerialism, in which simply training government officials to act more in line with standards and good practice should tangibly improve the situation. In many cases, that is true (and some JP results confirm it). But in many cases, we have remarked that training delivered was unlikely to be effectively applied in the political and institutional context. It may be replied that, even in these cases, there is undoubted awareness-raising that is laying the foundation for future progress. But this, too, is a claim that can, and should be, objectively planned for at project formulation and assessed by evaluation.

To summarise, JPs examined virtually always justified their existence one way or another, whether by a general statement of relevance or a detailed situation analysis. **Usually, relevance was clear because projects arose from long CoE-country engagement and dialogue, including monitoring and ECtHR decisions**. The fact that most countries considered still fall short of European standards and CoE commitments on a range of issues helped to ensure relevance. However, observed **short-**

comings in the implementation of reforms in many cases, suggesting that actual government priorities for JP activities do not always correspond to the actual reform needed, leave the impression that risk assessment was not a strong point of project design.

6.8.4 JC 8.4 Degree to which EU-CoE cooperation has enhanced synergies between the organisations

These issues have essentially been dealt with in other EQs. We looked at coordination in standard setting (Indicator I-841), coordination in normative activities such as monitoring (Indicator I-842), and strengthening the *acquis* in countries benefitting in joint cooperation.

There has been only a **limited amount of joint standard setting** and, as evidenced by the example of cross-border television, this has not always been successful. However, there has been **success in mutually reinforcing standard setting**; for example, the EU may set a stricter standard than the CoE through a Directive, which then serves as the basis for a CoE Optional protocol for those non-EU MSs who wish to adopt the stricter standard. The EU participates as an observer in all CoE standard setting. EU participation in CoE monitoring has been limited (e.g., Legal Services represents the EC in the Venice Commission and work has long been underway to pave the way for the EU to join GRECO).

The **EU *acquis* and CoE standards overlap and all joint cooperation activities are designed to improve compliance with CoE standards**, so the third Indicator can really only be addressed by taking into account all the impact questions (EQs 3,4 5, and 6). There we have identified areas of considerable progress and of very little progress. Overall, the impression is one of progress across a broad front, but that most countries still fall short of European standards in most areas. The reasons include lack of political commitment, lack of resources, and the difficulties of shifting institutional and political culture (as an example of the latter, we cited the persistence of the “deviance control” mentality in law enforcement). Particularly in accession countries, but to some extent in ENP countries, as well, **the role of the CoE as arbiter of compliance**, of gatekeeper to the EU, has **created synergies between the two organisations**. However, perhaps more interesting than “synergies” (a term that is difficult to define) is the simple question of whether the two organisations have worked well enough together that they have been able to achieve results that could not have been achieved working apart. Here, the answer is assuredly “Yes,” and we presented evidence above that, **due to improved high-level political relations are now considerably better** than they were before (say, mid-way through the evaluation period). What is now **needed is to translate improved high-level political relations into better relations at the mid- and lower levels**, something the CoE is attempting to do by increasing its field capacity.

6.8.5 JC 8.5 CoE value added

The definition of value added is sometimes vague. Here we will take it as simply meaning that, by cooperating with the CoE, the EU was able to obtain results superior to those that could have been obtained cooperating through any other partner. This we discuss in terms of exploiting the CoE's comparative advantage (Indicator I-851) and achieving impacts that would not otherwise have been possible (Indicator I-852).

In EQs 1 and 2, we found that the **CoE's comparative advantage consists of two pillars: its ability to mobilise expertise related to the sectors in which it specialises and its long-term engagement with its MSs**. Under EQs 1 and 2, we mentioned the often-heard refrain in CoE headquarters interviews: “We are not just another implementing agency; we are a major international organisation with a unique intellectual and moral heritage, as well as an unparalleled relationship of trust with our MSs.”

Yet, it is precisely as an implementing organisation that the CoE has financed, and is hoping to increasingly finance, its engagement with MSs. We also found evidence that the **CoE's comparative disadvantage is as an implementing agency**, where it was perceived over the evaluation period to be old-fashioned and slow. Corroboration of this was found in the JP evaluations reviewed and synthesised by the evaluation team, in which PCM was characterised as weak, from project formulation through evaluation. The latter was especially weak, often due to failure to define effective objectively verifiable indicators of progress, making it impossible to judge project results. Project final reports often simply list activities and outputs (number of persons trained, etc.) rather than results and impacts that would be more in line with good practice PCM. We recognise that important steps have been taken, towards the end of the evaluation period, at the CoE to address these problems, though the scale and reach of programme activities require significant resources to be allocated. A strong point (stronger in some areas than others) is that cooperation can be based on the CoEs unparalleled expertise and authority in monitoring.

Field missions generally confirmed the assessment of the CoE's strengths and weaknesses (not quite the same thing as comparative advantage / disadvantage, but close enough) as assessed in the Desk report. Yet the ability to make strong statements is weakened by the absence of regular impact evaluations to date.

While there are steps in place to address implementation issues, the **uniqueness of the CoE must be understood in light of the fact that it is, in effect, competing with other implementing agencies for the same pool of expertise**. Again, the CoE's monitoring role gives it an edge, because often the experts mobilised will have been part of the monitoring effort or will otherwise have been engaged in CoE non-cooperation activities. Finally, in reviewing Indicator I-852, we come up against the ambiguity of the **CoE's long-term engagement with its MSs**. As recognised by EU Delegations, this gives the CoE **unique authority on the one hand, but it may make it more deferential to governments** than other implementing partners (e.g., NGOs) would be. This ambiguity needs to be considered project by project, sector by sector, and country by country; it would be reckless to make a single sweeping judgment. The **determining factor will often be the political will** of government to conform with its international commitments. We have found countries and areas (media freedom in *Azerbaijan* and conditions of detention in *Armenia* come to mind) where this will was more often than not, weak. In other areas, such as money laundering, it appeared to be much stronger. The main difference here is that the sanction for failing to conform in the first cases mentioned may be no more than constant criticism from the CoE, and that countries realised shortly after accession that the penalties for failure to live up to commitments is unpleasant, but not necessarily fatal. In the area of money laundering, the sanction is applied by international financial markets. It is swift, merciless, and cannot be avoided.

In closing, we also, above, drew attention to the fact that the **EC and CoE have differing interpretations of impact**. The EC is concerned with tangible improvements in citizens' lives, as well as concrete progress on accession issues. For the CoE, impact is more process- than outcome oriented, and may consist of continuing and deepening the long-term engagement with the governments who are its principal interlocutors.

More generally, the lack of regular, independent impact evaluation in JPs has weakened the CoE's ability to exploit its comparative advantage. It has also, by making it more difficult for the CoE to credibly assert its unique qualities, made it more difficult for CoE to compete as an implementing agency. The current institutional reform aims to address these issues.

6.9 Overall assessment of the EC-CoE cooperation

The cooperation between the EC and CoE is one of the manifestations of the long and evolving relationship between the EU and the CoE, which is currently governed by the Memorandum of Understanding of 2007. From this global perspective, the **relevance** of EC-CoE cooperation is undisputable, and reflects the commitments made by the two organisations for joint promotion and protection of European values. At country level, in geographical and thematic areas covered by this evaluation (essentially democracy, human rights, and rule of law), the relevance of the EC-CoE cooperation activities has been greatest where these activities are based on CoE bodies' standard-setting and monitoring. CoE's unique position with the governments, who are its members, has increased the potential for the EC-CoE joint programmes to address government priorities; however, lack of political will in many cases hindered achieving the objectives of the programmes. This suggests that actual government priorities do not necessarily correspond to those expressed. Also emerging from the evaluation is that, while joint programmes have frequently concentrated on training, the need for, relevance of, and expected impact of training needed to be more closely analysed at the project formulation stage.

Generally weak project cycle management during the evaluation period could not but affect the overall **efficiency** of the EC-CoE joint programmes. Formulation of JPs was frequently hasty, without adequate needs and risk analyses, and logframes often failed to link activities to outputs to impacts. Management was universally judged as better when carried out from field offices as opposed to Strasbourg Headquarters. Monitoring over the evaluation period consisted almost exclusively of accounting for activities implemented, while there was little done to design and follow indicators of results, which in turn made assessing impact and cost-effectiveness difficult. The CoE reform, which started at the end of the evaluation period, aims at addressing these issues. It has already strengthened CoE field presence, created a directorate for programing, and put in place an independent evaluation unit.

Effectiveness was also affected by weak project management practices throughout the evaluation period. The logical frameworks of JPs were not well developed, projects often consisted of many loosely related activities, without expected results being well articulated and indicators of such results missing or inadequate. Such design then did not allow for meaningful monitoring of results, and mid-term reviews or ex-post independent evaluations were seldom carried out. However, it is clear that the

understanding of results differs between the two institutions. While the EC, like the CoE, has a long-term engagement with partner countries in areas such as democracy and human rights, it is also trying to achieve relatively quick tangible positive impacts in its cooperation activities in order to support its long-term engagement. The CoE, on the other hand, is more a process-oriented organisation, seeking continuous active engagement of its member governments, guiding them on their way through democratisation and reforms which by their nature take decades to complete. These two perspectives are in a way complementary, and working with the CoE enables the EC to take part in the longer term democratisation processes.

Assessing the **impacts** of the EC-CoE cooperation in human rights, rule of law and democracy has proven difficult. This is not only because of the different perspectives on impacts between the two institutions and the lack of a systematic approach to evaluation of joint projects as discussed above, but also because the changes required in the areas of cooperation are massive and require long-term sustained efforts to achieve. The record is mixed. In some countries where governments continued to fall far short of their international obligations, there were nonetheless pockets of success identified. Other countries achieved substantial progress despite serious problems remaining. In some areas in some countries, there was regression, despite assistance provided. The key factor identified for achieving and sustaining impacts is the political will of the national government, which is frequently missing, despite declarations and commitments made by joining the CoE.

The **sustainability** of the joint programmes is supported by the long-term engagement of the CoE with its member states, from which the programmes arise, and which also continues after they finish. Again, this view of sustainability is more relevant for the CoE understanding of results, rather than the EC one. One of the positive findings of this evaluation was the fact that JPs proved to be adaptable and managed to change with changing context to remain relevant. This is also a strong point for their sustainability. On the other hand, there was little done in terms of promoting institutional environment, which would encourage lessons learning and sharing across the organisation's areas of involvement. This aspect of sustainability has also been addressed in the recent CoE reforms.

The high level strategic and policy dialog between the two organisations improved substantially toward the end of the evaluation period. There was little formal **coordination** in strategy setting between the two organisations at country level, but the fact that the EC was relying on CoE monitoring reports in strategy setting and country progress monitoring ensured that the organisations' strategies were not at odds. The communication between EUDs and CoE country offices was generally adequate, but opportunities for coordination between different JPs at country level were not actively pursued, possibly missing opportunities for creating **complementarity** and **synergies** that would bring more added value to the interventions.

In summary, EC-CoE cooperation covers inherently difficult and politically contested areas in which, nonetheless, States have made unequivocal commitments by joining the CoE. The CoE's role in standard setting and monitoring gives it a unique comparative advantage, as does its role as an inter-governmental organisation. It has not been particularly effective, however, as an implementing agency. In an increasingly competitive international environment, CoE is actively attempting to address this weakness through re-organisation and reform. Given the willingness to adapt and its institutional depth, the CoE is a highly attractive cooperation partner for the EC.

7 Conclusions and recommendations

The conclusions presented in this section are derived from the answers to the eight Evaluation Questions (EQs), as presented in Section 6 of this report. The conclusions are presented in four groups to facilitate drawing lessons learned from the evaluation for the purposes of future planning and implementation of the cooperation between the EC and the CoE.

7.1 Conclusions

7.1.1 Cluster 1: Strategic and political

7.1.1.1 Political and strategic relations between the EU and CoE experienced a marked improvement over the evaluation period

Conclusion 1: The evaluation has found that the political and strategic dialogue and coordination between the two institutions have improved substantially during the latter years of the evaluation period.

This conclusion is based mainly on the answers to EQs 1 and 2

Both in Brussels and Strasbourg, there was unanimity that political and strategic relations between the two institutions are now better than they were in the past (EQs 1 and 2). The Lisbon Treaty gave the EU additional competence in areas that had traditionally been the purview of the CoE, creating new opportunities to enhance further the values-based partnership between the CoE and the EU. The new Secretary General of the CoE, elected in 2009, therefore placed the strengthening of the partnership with the EU at the heart of the reform process of the Organisation. This has led to a new quality in relations between the CoE and the EU, characterised by high-level political coordination between the two institutions which had never existed in the past within the evaluation period. That situation has now changed. **The 2007 Memorandum of Understanding served as a solid basis for cooperation over the last years of the evaluation period.** The exchange of ambassadors and, frequent high-level meetings, which have contributed significantly to the improved high-level communication between the two institutions; the scoreboard mechanism, and other innovations were credited with having accomplished a major improvement in the strategic relationship. While some confusion and miscommunication were noted, **the overall Headquarters mood concerning closer CoE-EU cooperation sense was positive** by the end of the evaluation period and in the months following.

7.1.1.2 Inside the EC there appear to exist differing perspectives on the role of the CoE as a partner

Conclusion 2: While high-level relations between EC and CoE continued to improve, the views of the CoE as cooperation partner within the EC itself have been differing between DG DEVCO (formerly EuropeAid) on one side and the DG RELEX, now EEAS, on the other. To use the current terminology, DG DEVCO is seeking an effective implementation partner, while the EEAS considers the overall cooperation framework with the CoE, including policy dialogue, standard setting and monitoring in furtherance of European values.

This conclusion is based on all the EQ answers

The combination, over the last years of the evaluation period and continuing into the post-evaluation period, of good political and strategic alignment (Conclusion 1) with generally weak project implementation (Conclusion 5) and differing EU / CoE institutional perspectives on how "impact" is defined (Conclusion 7) has led to a need for improved coordination and communication between the European External Action Service (which sees the CoE primarily as a political and strategic partner) and DG DEVCO (which sees it primarily as an implementing partner) with the potential synergies between the two not maximised. **There is some risk that one actor will be promoting the CoE as a partner, while another will be looking for alternative partners.** Complicating matters is the ambitious CoE reform (Conclusion 3), details of which have not yet been broadly understood in Brussels.

7.1.1.3 The large-scale institutional reform of the CoE has been addressing many of the implementation weaknesses identified in this evaluation

Conclusion 3: The on-going CoE reform contains ambitious steps to address the implementation weaknesses identified in this evaluation, and none of our conclusions can be read without taking it into account.

This conclusion is based on all the EQ answers

Realising the need to improve implementation, **in the closing months of the evaluation period, the CoE embarked on major institutional reforms** (EQ 1 and Annex 6). The main features of this reform are the strengthening of field presence with decentralisation of project management, increased coordination of cooperation at Headquarters level, and strengthening of the monitoring and evaluation function, as well as country strategy-setting. The goal is to address head-on the implementation weaknesses identified below in Conclusion 5. Subject to appropriate planning and resourcing, the new organisational scheme, especially the new Programme directorate, can help the CoE to move forward. According to some EU Delegations in countries where the CoE Office has been strengthened, there has already been a marked improvement in project implementation. In both Brussels and Strasbourg, officials interviewed identified the reform as a major shift in CoE institutional emphasis from its traditional role as a predominantly treaty monitoring body promoting cooperation between states to a new one as a project implementing agency. Some reacted with enthusiasm, some with concern. This is an overdue shift in approach given the CoE's increasing emphasis on project implementation as a source of funding. The imperative of seeking to account for impact of projects (even where it is a challenge to do so) has been accepted in development assistance for decades. Simply decentralising will not be a panacea if CoE field staff do not address the PCM problems identified in Conclusion 5 below, especially, if the evaluation function is not strengthened. Moreover, in order for the CoE to be a fully effective cooperation partner, CoE Country Offices need sufficient capacity to be able to rise above day-to-day management of JPs; to widely engage on issues, to network, to make alliances, to attend major fora, etc. beyond micro day-to-day management of JPs.

7.1.2 Cluster 2: Comparative advantages and disadvantages of the CoE as a cooperation partner

7.1.2.1 The CoE's comparative advantage is widely recognised to rest in its expertise, its legal and moral authority, and its unique combination of roles; standard setting, monitoring, and promoting cooperation

Conclusion 4: The CoE's main comparative advantage identified by the evaluation is the fact that the cooperation with its Member States is based on CoE's own standard setting in the key areas of cooperation (human rights, rule of law, democracy), and the follow-up monitoring of the compliance with these standards. Strengthening the ties between monitoring findings and cooperation could strengthen the exploitation of this comparative advantage.

This conclusion is based on the answers EQs 1, 2, and 8

The CoE's advantages as an aid channel are multiple. It is recognised as a **repository of expertise** in the areas of democracy, rule of law, and human rights (EQ 1, EQ 2), as well as specialised expertise in related sub-areas (minority rights, media freedom, conditions of detention, etc.). In large part through its work on standard-setting and monitoring, it has access to an established pool of experienced technical experts (EQ 2), although this is not a unique advantage because other agencies can recruit the same experts. Because of its status as an international organisation, and because its Member States have made commitments to respect the ECHR and other instruments and abide by judgments of the ECtHR, the CoE wields considerable **moral and legal authority** (EQ 1). Its **geographical scope** extends to countries of particular interest to the EU because of their accession ambitions, or their European Neighbourhood status, although this was not found to be a particularly strong factor promoting cooperation with the EC (EQ 2). The CoE's cycle of standard-setting, peer monitoring and cooperation to address weaknesses identified is a powerful tool for promoting democratic development and provides a sound reason for EC cooperation with the CoE. However, the link between monitoring reports, ECtHR judgments, etc., and JP project priorities or approaches could be strengthened. To put this conclusion in perspective, as a result of the last Scoreboard meeting, the CoE has been requested to prepare a document assessing and explaining its added value and comparative advantage. This document should be the starting point of a process which could possibly lead to the adoption of a more strategic approach (strategic partnership agreement) to EU-CoE cooperation (through JPs in particular).

7.1.2.2 The CoE's comparative disadvantage is widely recognised to be its weakness as an implementing agency

Conclusion 5: The evaluation has found strong evidence of weaknesses relating to the implementation of the EC-CoE joint programmes. These weaknesses were systemic rather than occasional, and have only recently started to be addressed through the institutional reforms of the CoE (see Conclusion 2). The strengthening of CoE's field presence has already led to improvements in project management.

This conclusion is based on the answers to EQs 1, 2, and especially 7

All evidence – HQ interviews in Brussels and Strasbourg, EU Delegation and CoE Country Office interviews in field visit countries, (most) project counterpart interviews, the synthesis of past evaluations in Annex 2, and the EUD survey – points to **implementation being weak**. (EQs 1, 2, and especially 7) This weakness is in part explained by a relatively feeble field presence. At a deeper level, however, it is a function of a lack of reflection on the part of the CoE secretariat, until the latter years of the evaluation period, on its role as a provider of (development) assistance, resulting in (i) an ad hoc approach to programming and project design, (ii) insufficient institutional capacity to deliver projects according to PCM best practices (see below), and (iii) lack of an institutionally expressed wish to learn from its experience as an aid deliverer. Despite carrying significant weight, the CoE secretariat was outside of debates and reality on best practices principles of aid delivery (aid effectiveness, results based management, gender/human rights-based approaches to development, etc.) and is only now attempting to catch up. Contributing to this, in the three-part cycle just described, the CoE secretariat's institutional culture traditionally assigned greater prestige to standard setting and monitoring than to cooperation (EQ 2). While project managers received some training, particularly in the earlier part of the evaluation period, they were often left to acquire project management skills on the job. Weak implementation (relative to other implementing agencies) ran throughout the project cycle: project formulation (JPs were often loose, widely spread bundles of related activities rather than logically structured and focused interventions based on verified need), inferior project execution (historically managed from Strasbourg with insufficient on-the-ground management capacity), and weak monitoring and evaluation (rarely independently done) with little incorporation of lessons learned. Both effectiveness and efficiency were adversely affected. However, not all the blame should lie with the CoE. The EC financed poorly designed Joint Programmes, did not act upon consistent ROM reports criticising project design, and most important, did not insist on independent evaluation. This cannot but have contributed to a self-image internalised, within the CoE Secretariat, of CoE as privileged implementer with little need to account for results so long as engagement with the states concerned was maintained.

7.1.2.3 The CoE's ability to enforce moral and legal authority has been limited in partner countries

Conclusion 6: The CoE's ability to take full advantage of its position as a moral and legal authority has been limited by its lack of tools for enforcement in most areas. Failure to meet commitments by its Member States is usually responded to with continued engagement and not direct sanctions.

This conclusion is based on the answers EQs 1, 2, 3, 4, 5, 6 and 8

The moral and legal authority of the CoE is still a very significant factor. In some settings, it was explicitly reported by beneficiaries that other implementing agencies would not have been able to secure engagement by State institutions. Yet, **the essence of the CoE's approach in difficult situations is to continue engagement even when there is lack of political will to change**, as evidenced by failure to implement ECtHR judgments, continuing corruption and human rights abuses, and failure to respect democratic principles (EQs 3-6). However, as we establish in EQs 3-6, even in countries where there have been significant failures to make progress, there have often been pockets of success. The institutions of the CoE which were recognised everywhere to exert unique moral authority were the Office of the Commissioner for Human Rights and the European Court of Human Rights. Other institutions universally recognised as authoritative were MONEYVAL, GRECO and the Venice Commission. In case of MONEYVAL, adverse compliance reports carry with them sanctions imposed by international financial markets. There is no equivalent independent sanction in most other cases of failure to meet commitments in human rights, rule of law, and democracy. We discuss elsewhere the issue of incentives / penalties and who, the EU or the CoE, should wield them.

7.1.3 Cluster 3: Country-level impacts

7.1.3.1 Impacts of EC-CoE cooperation at country level are mixed and difficult to assess.

Conclusion 7: While the evaluation could identify pockets of success and failure regarding human rights, rule of law and democracy, assessing impacts of EU-CoE cooperation has proven a difficult task. This is in part because the CoE and EU have differing institutional constructions of “impact” and in part because the changes demanded are massive and the time frame short. Political will to change or its absence are the key factors. Trends in compliance with European standards in human rights, rule of law, and democracy in case study countries over the evaluation period, while difficult to ascertain in an objectively verifiable way, were mixed.

This conclusion is based on the answers to EQs 3, 4, 5, 6, 7 and 8

The assessment of impact of EU-CoE cooperation is difficult. **The picture presented in answering EQs 3-6, on human rights, rule of law, and democracy, is a mixed one.** In some countries, even where there has been little progress overall, pockets of success have been identified (e.g., freedom of expression in Armenia, money laundering in Azerbaijan, or the right of appeal in Russia). In other countries, even though serious problems remain, progress across a broad front over the evaluation period can be identified (e.g., Serbia and Turkey). And in some areas in some countries, there has been regression (e.g., media freedom and democratic elections in Russia) or no progress whatsoever despite an apparently favourable political environment (e.g., corruption in Moldova). Several points have been everywhere clear:

- **Impact is always dependent on political will**, frequently absent. Although fiscal resources are often also a function of political will, lack of money is another frequent constraint to progress. Most countries in which the EU and CoE cooperate remain far short of European standards, and the evaluation saw little evidence of systematic political risk-assessment in project formulation (EQ 8). Even when there was no evidence of strong political will on the part of the state, JPs went ahead. The EC and the CoE share equally the blame for this.
- As noted above, with its long-term orientation and emphasis on state relations, **the CoE is more a process- and engagement-oriented institution, than a results-oriented one.** Nowhere could this be made clearer than in Joint Programme progress and final reports, which typically consisted of a recitation of activities and outputs rather than an assessment of their impacts (EQ 7). This is to be read in conjunction with Conclusion 3 on institutional re-orientation.
- Most Joint Programmes were 2 years in length. **It is unrealistic to expect sweeping political, institutional and cultural change over a short time period.** Even when JPs were renewed so that their overall life was longer, the scale of the changes sought after and the gap in most cooperation partner countries between the actual situation and full compliance with European standards should be kept in mind.
- Nowhere was there evidence that cooperation actually made things worse. The principle of *nolo nocere* was respected.

More generally, the EC and the CoE have different conceptions of impact (EQ 2). “Law passed” or “training implemented” or “expertise provided” are impacts in the CoE’s institutional culture. They are not in the EC’s institutional culture, which tends towards “conditions of detention improved,” “perceived level of corruption reduced,” or “number of independent media outlets increased,” Etc. This is particularly true in DG DEVCO, based in Development Assistance Committee (DAC) good practice (see also Conclusion 2). **This difference of approach has resulted in a certain amount of misunderstanding and frustration in both Brussels and Strasbourg.**

7.1.3.2 There is need to provide a stronger foundation for the evident presupposition that capacity building, in particular training, and awareness raising are key to institutional development and change

Conclusion 8: The main approach to institution strengthening was training, and awareness raising. There was little evidence of a strategic approach to needs-assessment and estimation of likely impacts. There is need for an improved evidence-based rationale for the CoE-favoured approach to cooperation.

This conclusion is based on the answers to EQs 3, 4, 5, 6, 7 and 8

Related to the conclusion above concerning impact, CoE cooperation has been very heavily focused on training (including study visits), other capacity building, and awareness raising. **Evidence gathered has, for the most part, suggested that training and other capacity building were of high quality and greatly appreciated by beneficiaries.** It was striking, though, that **almost never was the need**

for training, or the impact of past training, or the likely impact of proposed training, explicitly discussed (EQ 8; cf. EQs 3-6). There was also little consideration of what “institution building” really means. To take one example concerning training, it might be argued that training advocates in ECtHR jurisprudence is likely to have little impact in settings where judges and prosecutors are not politically independent, resulting in virtually all arrests leading to prosecution and virtually all prosecutions leading to conviction. However, a counter-argument might be made that, judges and prosecutors when confronted with lawyers' arguments based on ECtHR jurisprudence in the courtroom will be encouraged to strengthen their own capacities. Arguments and counter-arguments such as these, testing the need for and utility of training were not in evidence over the evaluation period. Similar issues arise with regard to presumptions around the likelihood or otherwise of raised awareness resulting in changes to practices and procedures. There is need to provide a stronger foundation for the evident presupposition that capacity building, such as training and awareness raising are the keys to institutional development and change.

7.1.3.3 There was a notable lack of NGO involvement in EU-CoE activities

Conclusion 9: While the CoE was able to secure engagement with governments on issues and in areas where others would not have been acceptable to government, the lack of NGO involvement probably had overall negative effects on relevance and impact

This conclusion is based on the answers to EQs 3, 4, 5, and 6

While efforts were made, **NGOs were still under-represented in EU-CoE cooperation activities** – not surprising given that the CoE's members are, indeed, governments and that many governments instinctively do not wish to engage with independent civil society. In some, albeit not all, settings, NGOs feel systematically excluded from the CoE's activities, including the formulation and implementation of JPs. This lag in the acknowledgement that NGOs are legitimate actors whose voice deserves to be heard, including in programme activities where State institutions are the logical partners, is out of line with good development practice. It has given rise to some degree of resentment, fuelled in part by the fact that NGOs and the CoE are increasingly competing for the same limited stock of resources. The general lack of NGO involvement in JPs over the evaluation period had negative consequences for relevance, perhaps also for impact and sustainability, in that the CoE likely avoided a more confrontational approach than would have been in evidence had there been greater NGO involvement. The EC is generally moving away from “direct award,” in which the CoE could be directly selected because of its unique expertise, to competitive calls for tender. This has advantages and disadvantages. Competition bodes well for efficiency (witness the CoE's reform measures discussed above), but at the same time the institutional authority of the CoE needs to be kept in mind, as well as the transaction costs for all parties associated with competitive bidding. Government may regard the CoE as a trusted and preferred partner – in some this will be a good reason for direct award to CoE, in some cases it will be an equally good reason for going the competitive bids route.

7.1.4 Cluster 4: Coordination

7.1.4.1 Over the evaluation period, there was little evidence of formal country-level strategic coordination, but EU and CoE country strategies and priorities appear to have been broadly in harmony

Conclusion 10: Even though there was no formal cooperation in priority setting at country level between the two institutions, there is no evidence of inconsistencies. The EU relied on CoE monitoring reports findings in preparing its country strategies, and financed most of CoE's country level activities based on these priorities.

This conclusion is based on the answers to EQs 2 and 8

The EU relies heavily on CoE monitoring reports in preparing its European Neighbourhood reports and other relevant materials (EQs 2 and 8). The EC and CoE jointly participate in human rights dialogue and **strategic communication between CoE country offices and EU Delegations is generally adequate**. While there is no evidence that there was coordinated strategy setting or prioritisation over the evaluation period, neither was there evidence of stark or obvious inconsistencies or divergence (EQ 8). Some problems of donor-driven projects were noted, as was the tendency of some governments to accept projects offered even when the level of real interest is limited. The somewhat haphazard process of Joint Programme formulation led to instances where better communication at the field level might have resulted in improved alignment of programmatic priorities

7.1.4.2 EU Delegations were, in general, inadequately staffed in the technical areas relevant to cooperation with the CoE

Conclusion 11: There was in general a shortage of capacity at the EUDs covering the key areas of EC-CoE cooperation.

This conclusion is based on the answers to EQs 1 and 8

Not only weak CoE field presence, but also **under-staffing of EU Delegations, was a structural problem** over the evaluation period (EQs 1 and 8). Persons responsible for democracy, human rights, and rule of law were typically juggling a wider portfolio and did not necessarily have expertise in the political areas covered by CoE-EU cooperation. EU Delegation staff were generally satisfied with the state of communication with the CoE, however, some EU Delegation staff perceived communications between CoE headquarters and field to be poor, resulting in management delays, ambiguities / uncertainties, and poor execution.

7.1.4.3 There was little coordination between instruments or different levels of JPs

Conclusion 12: The opportunities for coordination between JPs and other EC programmes in the country, or between different JPs were not actively pursued. While no evidence of inefficiency has been found, it is likely that creating complementarity and synergies could have brought more value added to the programmes.

This conclusion is based on the answer to EQ 8

Over the evaluation period, EUDs made no serious effort to coordinate EU-CoE JPs and related interventions, including (mostly NGO) projects financed through instruments such as the EIDHR and, more recently, the Investing in People and Non-state Actors / Local Government budget lines (EQ 8). No explicit evidence of overlap or inefficiency were found, but **it is likely that opportunities for complementarity and synergies were missed**. Lack of coordination would also have meant that opportunities for bringing NGOs together with the CoE were missed. A particular coordination problem was encountered with regional Joint Programmes, which were for the most part conceived and managed in Brussels and Strasbourg. The result appears to be a loss of efficiency and impact. An area of concern identified was the lack of communication between CoE (in the context of JP implementation) and other relevant actors such as OSCE, UN, INGOs, and twinning projects that also receive EU financing. This carries with it the risk that governments may be able to “partner shop,” double-fund activities, etc.

7.1.4.4 There does not appear to be a central inventory of all EC-financed joint activities with CoE in other than the key areas of cooperation

Conclusion 13: While most cooperation occurs in the core areas of human rights, rule of law, and democracy, there are many scattered EU-CoE activities involving many DGs and no central inventory, raising issues of efficiency and coordination.

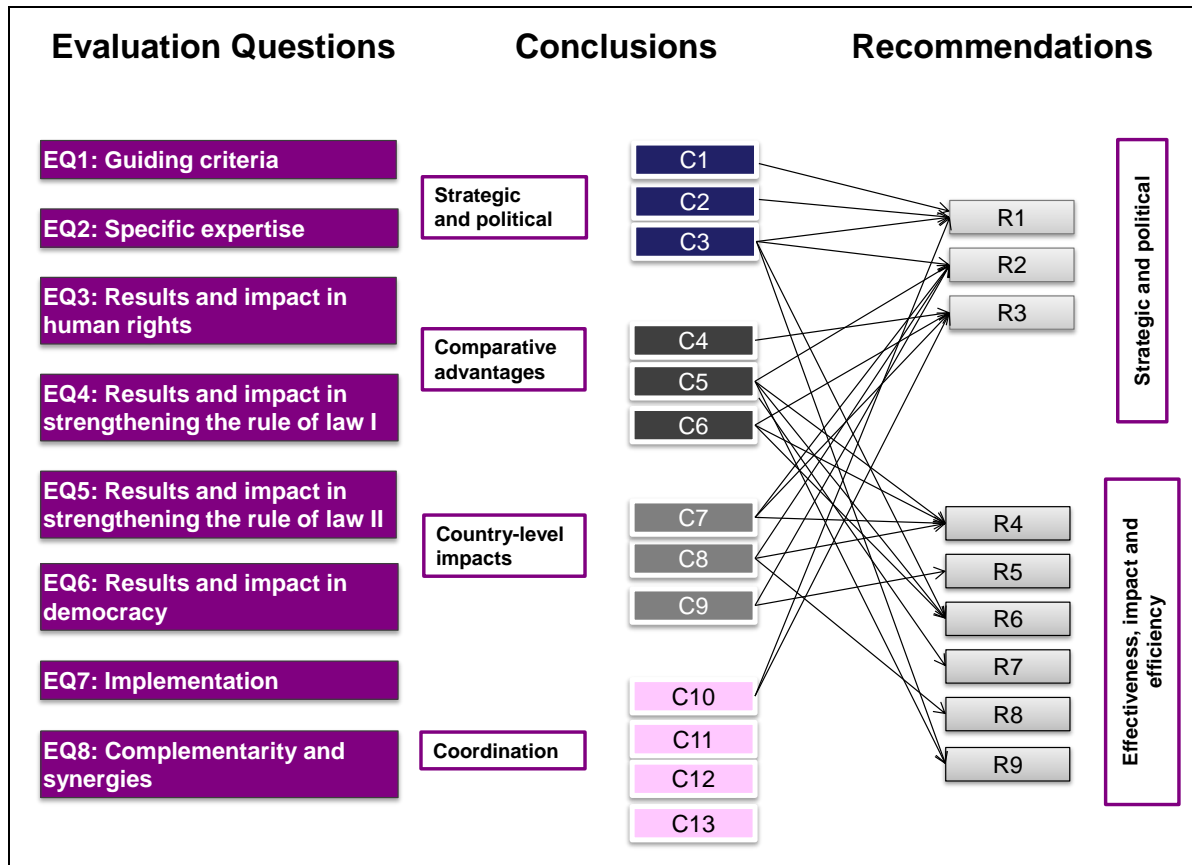
This conclusion is based on the answers to EQs 1, 2, and 8

This evaluation has focused on cooperation in the form of large country- or regional-level Joint Programmes (in addition to non-JP cooperation, as called for in the Terms of Reference). **However, there is a much broader galaxy of relatively smaller, scattered CoE-EU cooperation activities which occur outside DG DEVCO and ELARG**. Many of these are joint activities (as opposed to projects), small activities that go on for years and involve areas of expertise which, to the outside observer, appear peripheral to the CoE (e.g. youth, sport, and culture; biodiversity, architectural restoration, medical counterfeiting). Yet interviews revealed that these areas are not viewed as peripheral within the CoE itself and that many of the relationships formed between sectoral DGs and the CoE are highly valued in Brussels. The small size and scattered nature of these forms of cooperation may raise concerns for efficiency and coordination, however, and there is no central inventory or list of activities.

7.2 Recommendations

The linkages between EQs (findings), conclusions and recommendation are illustrated in the following figure.

Figure 23: *Linkage between findings, conclusions and recommendations*



The table below provides an overview of the level of priority in terms of importance of the recommendations and the urgency (agenda) of their realisation. This information is also provided schematically in the following figure.

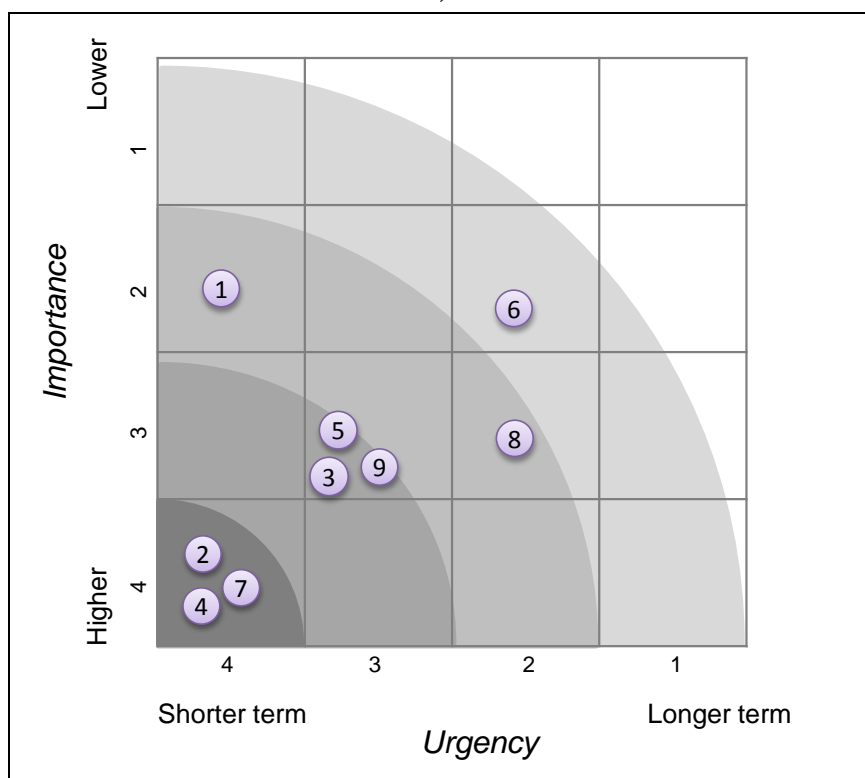
Table 11: *Prioritisation of recommendations*

	<i>Issue</i>	<i>Importance*</i>	<i>Urgency*</i>
1.	Revision of the Memorandum of Understanding	2	4
2.	International best practice in delivery	4	4
3.	Strategic joint priority setting at country level	3	3
4.	Project cycle management	4	4
5.	Civil society involvement	3	3
6.	Funding stability and predictability	2	2
7.	Lessons learning and sharing	4	4
8.	Foundation for capacity building activities	3	2
9.	Capacities for management	3	3

* 1 = low, 4 = high

The following figure depicts this assessment graphically.

Figure 24: *Prioritisation of recommendations, schematic overview*



Addressing these priorities requires interventions by different actors. Therefore, each recommendation includes suggestions for operational steps for putting it into practice and identifies implementation responsibilities.

7.2.1 Strategic and political

7.2.1.1 Recommendation 1: Extensive changes in the MoU are not necessary. A more specific partnership agreement for cooperation through JPs, with explicit reference to comparative advantage and value added could be considered in addition.

Based on conclusions 1, 2, 3, and 10	Main implementation responsibility: <ul style="list-style-type: none"> • EEAS • EUD Strasbourg • DG DEVCO, ELARG • CoE DER • CoE CM
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There is no need for a sweeping revision of the 2007 Memorandum of Understanding. This position has already been expressed by both institutions at the recent Senior Officials Meeting⁸⁴. The substantial improvement of co-operation and coordination of actions between the two Organisations has been successfully achieved on the basis of the existing Memorandum of Understanding. The latter could continue to remain in the foreseeable future a sound basis to guide and structure this co-operation. Nevertheless, its implementation should continue to be regularly reviewed in order to identify any possible need for a revision or update in the future.

However, on the political front, the need for better coordination of country-level strategies should be taken into account. On the cooperation front, **better coordination between DG DEVCO and the EEAS should be used to achieve a unified approach to closer partnership with the CoE.** Moreover, reports from the field on the operation of the MoU could help to inform the regular evaluation process.

In addition, a more specific agreement, especially for the cooperation through Joint Programmes, could be considered, to acknowledge CoE's strengths, and outline specific priorities for cooperation.

⁸⁴ Held on 28th June 2012

Moreover, reports from the field on the operation of the MoU could help to inform the revision process. This recommendation should be read in conjunction with recommendation 6, which proposes some predictable funding, on the part of the EC. It requires, in addition, better understanding in Brussels of the nature of the current CoE reform.

Feasible first steps:

- A survey of country level CoE Offices and EUDs as to the functioning on the ground of the MoU, what works well, what needs revision, etc.
- A joint EEAS-CoE seminar on the reform should be organised for relevant staff, including selected EUD staff.
- Involve selected Delegations in upcoming Scoreboard meetings

7.2.1.2 Recommendation 2: Encourage the CoE to adopt institution-wide approach to delivering assistance in line with international best practice

Based on Conclusions 3, 5, 7, 8, and 9	Main implementation responsibility: <ul style="list-style-type: none"> • DG DEVCO, ELARG
<p>The EC should encourage CoE to create institution-wide policies and operational level guidelines that are binding for everybody in the CoE and contracted by the organisation on EC-financed programme and project implementation issues. These would lay down basic understandings of key issues such as participatory project design, the rationale for monitoring and evaluation, the meaning of “capacity building,” NGO participation, mainstreaming gender and human rights based approaches, etc. The implementation weaknesses identified highlight the need to change the currently pervasive attitude within CoE towards the delivery of assistance. It is no longer justifiable that the CoE be out of line with internationally recognised development best practice (outlined e.g. in the outcomes of the High Level Forum on Aid Effectiveness in Paris, Accra, and Busan; and of other fora on best practices in specific areas). This means adopting standards and best practices that have been part of the international development for several decades.</p>	

Feasible first step:

- The Evaluation Unit in DG DEVCO has already commenced a fruitful cooperation with the evaluation group at CoE Headquarters. This could serve as the basis for a broader effort to transpose development assistance best practice guidelines promulgated by the EC to the CoE for application in designing and implementing JPs. The suitable counterpart for DEVCO in this area at the CoE could be the newly established Directorate for programming.

7.2.1.3 Recommendation 3: Strengthen strategic joint priority setting at country level

Based on Conclusions 4, 6, 7, and 10	Main implementation responsibility: <ul style="list-style-type: none"> • EEAS • DG DEVCO, ELARG • CoE Headquarters • CoE Country Offices • EUDs
<p>Strategic coordination and joint prioritisation at the country level should be strengthened. This needs to span both political and cooperation aspects. The upcoming new programming round would form an excellent entry point. On the political front, dialogue with Government should be coordinated and a united front should be presented. Some basic understanding of the incentive structure and how it will be implemented should be agreed upon between the CoE and EU with the goal being that CoE and the EU, transmit a coherent message to Government regarding adherence to European values and standards. JP formulation should be firmly grounded in country strategies, thereby maximising relevance and reducing the problem of donor-driven assistance. A frank and realistic assessment of political will, with the consideration of alternative areas of cooperation where this is judged to be weak, is called for. EU support should require and enhance greater communication and coordination between JPs and other EU funded assistance (as well as between EU-funded assistance and other donor interventions). In particular coordination would be enhanced by prioritising JPs as contributing to beneficiary states developing sectoral approaches, which would also be in line with aid effectiveness principles.</p>	

Feasible first steps:

- The CoE to be consulted in the context of the new round of programming documents.

- DG DEVCO to encourage CoE to adopt a standard format for its new Country Action Plans, complete with sections putting proposed projects in broader context, and allowing for timely consultations with the EUD (and other donors) regarding priorities, likely funding, etc.

7.2.2 Enhancing effectiveness, impact and efficiency of cooperation

7.2.2.1 Recommendation 4: Insist on and support stronger project cycle management in EC co-financed programmes

Based on Conclusions 5, 6, 7, and 8	Main implementation responsibility: <ul style="list-style-type: none"> • DG DEVCO, ELARG • CoE Headquarters • CoE Country Offices • EUDs
<p>There is huge room for enhancing the effectiveness and impact of Joint Programmes in order to achieve more tangible and sustainable results. The EC should insist on and support stronger project cycle management. The EC should require that programme log frames clearly and accurately distinguish activities, outputs and impact, with appropriate plans and resources allocated for participatory monitoring and evaluation (including independent external impact evaluation) and interim evaluation where JP duration or other factors justifies the cost. Explicit planning and adequate resourcing of credible project monitoring and evaluation should be a precondition for funding support and partnership. JPs should also seek to build local capacity in this regard within implementing partners for independent programme monitoring and evaluation. This recommendation should be read in conjunction with Recommendation 3, because a key aspect of improving JP performance is linking JPs more closely to shared country priorities at the formulation stage. Overall, in an increasingly competitive environment, the CoE's claim to special status needs to be subjected to a reasonable legitimacy test.</p>	

Feasible first steps:

- DG DEVCO to promulgate guidelines for JP proposals.
- CoE Headquarters to promulgate guidelines for ensuring monitoring and evaluation of JPs.

7.2.2.2 Recommendation 5: Promote relevance, impact and sustainability of joint programmes by ensuring the participation of civil society

Based on Conclusion 9	Main implementation responsibility: <ul style="list-style-type: none"> • DG DEVCO, ELARG • CoE Headquarters
<p>Programme interventions should continue to be grounded on partner States' CoE and other treaty obligations focusing on State institutions as the primary duty-bearer. At the same time, interventions should ensure that civil society participates as of right in reform processes and that the legitimacy of civil society advocacy and monitoring is reinforced for greater relevance, impact and sustainability of reform efforts.</p> <p>The EU could also benefit from this advice. Independent civil society organisations have been revealed to feel systematically excluded from the processes and mechanisms of political reform. This is, to some extent, a systemic issue which arises from the governance structures of both EoE and EU. However, it is also a tactical issue which calls for both institutions to constructively re-examine their relations with civil society in countries benefitting from cooperation.</p>	

Feasible first steps:

- DG DEVCO guidelines on involvement of civil society to be shared with the CoE and an approach developed to increase civil society involvement while continuing to focus on state institutions

7.2.2.3 Recommendation 6: Ensure stability, predictability and reasonable flexibility of the funding for the EC-CoE joint programmes

Based on Conclusions 3, 5, and 6	Main implementation responsibility: <ul style="list-style-type: none"> • EEAS • DG DEVCO, ELARG • CoE Headquarters • EUD Strasbourg • CoE Liaison Office Brussels
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The move away from direct award to competitive bids is inevitable. However, when deciding on modalities, the EC should keep in mind the State as the primary duty-bearer as well as partnership preferences of Governments, the likely transaction costs and delays associated with the competitive process and the comparative advantages and disadvantages of the CoE as described above. Government preference for CoE as a partner may be a point in favour of or against selecting the CoE as an implementing agency, depending on the circumstances. In general, **the historical weaknesses of the CoE as a programme implementing agency need to be weighed against comparative advantages. At the same time, there is a strong case for a substantial, predictable envelope of funding provided it does not signal that programme activity is an end in itself.** Some predictable longer term funding agreements can enhance impact especially in areas where reform requires longer term efforts as well as facilitating projects being situated more in the context of wider sector reform. It should also facilitate planning for impact and impact evaluation and reduce administrative burden on implementing partners. It would give the CoE space to reform while, at the same time, avail of its unique status and address problems such as those pointed out in Conclusion 6. The CoE has, through its reform process, taken a major initiative. This should be matched (and here this recommendation can be read conjointly with Recommendation 1) by a gesture of confidence on the part of the EU. The CoE facility and, more recently, the South Facility, are small steps in the right direction.

At the same time, this evaluation has identified a number of issues that need to be addressed to improve the quality of cooperation, The move to a more predictable financing should occur in the context of adopting a clearer strategic and focused approach (overall and at country level). In this context, predictable funding will go hand in hand with a clearly identified comparative advantage of the CoE. Improved PCM should also be a part of the implementation of flexible instruments.

Moving towards a sectoral and facility-based approach, in the context of agreed views on comparative advantage and areas for cooperation, would also promote a more impact-oriented approach.

Feasible first steps:

- In near term, provision to be made for some leeway by CoE to reassign allocated funds (on basis of agreed criteria and steps) to a different issue or institutional partner. This would be especially useful where the required political will flags or fails to materialise.

7.2.2.4 Recommendation 7: Ensure the creation of mechanisms for lessons learning and sharing across all EC-CoE jointly funded activities

Based on Conclusion 5	Main implementation responsibility: <ul style="list-style-type: none"> • DG DEVCO, ELARG • EUDs • CoE DIO • CoE Country Offices
Based on improved PCM, especially stronger logframes and better monitoring the EC should support (and require necessary input from CoE) steps to ensure that JP cooperation activities are mapped, updated as focus changes, outputs are generated, lessons are learned, etc. One element of this could be ensuring that regional JPs are linked to country-specific JPs (including sharing lessons learned, outputs and where appropriate information such as the identities of individuals trained as trainers). Another could be ensuring that lessons learned (evaluation results, etc.) from JPs in one country are brought to the attention of JP managers and EUDs in other relevant jurisdictions. A third aspect could be supporting key domestic implementing partners, such as relevant ministries, in taking responsibility for coordination to avoid duplication and maximise synergies.	

Feasible first steps:

- DG DEVCO to create an inventory of ongoing regional programmes and joint activities and disseminate regularly to EUDs and CoE Country Offices.
- CoE to create a monitoring and evaluation database.
- JP managers to give national partners responsibility for maintaining project websites, writing project profiles, reporting on activities and plans to donor coordination meetings, etc. where feasible

7.2.2.5 Recommendation 8: Strengthen foundation for capacity building activities and establish their links to results

Based on Conclusion 8	Main implementation responsibility: <ul style="list-style-type: none"> • DG DEVCO, ELARG • CoE Headquarters, • CoE project staff
<p>The EC should insist that JP proposals involving training, other capacity building, and awareness raising (virtually all of them) are based upon a baseline assessment that establishes clear need for the activities proposed (workshops, study visits, placements, etc.), the main constraints and risks and clear logic for how the specific proposed activities are expected to improve compliance with European standards and other obligations of the countries concerned. Awareness raising and Training of Trainers, in particular, need review for clarity of the concept (methodological requirements as well as substantive knowledge). Training, awareness raising, and other capacity building should continue to be primary focus of support where properly planned participatory needs assessment confirms that these are key needs. Where, however, needs assessment identifies lack of accountability or other root causes as key problems impeding progress then project activities and objectives should prioritise this. The principle, for example that <i>human rights activity is a means to an end, as opposed to an end in itself</i>, should be a clear unwavering premise of EC funding support and of CoE project partnership.</p>	

Feasible first steps:

- CoE to implement a pilot exercise linked to a current JP (perhaps applying something like Kirkpatrick Training Evaluation model) to document lessons learned, recommendations and plan for steps to be taken for future projects.
- EC to insist that capacity building JPs establish links with permanent training institutions where feasible and that project documents take account of possibilities for follow-up support of those trained.
- EC to insist that, where there are efficiencies, training of trainers in a particular area take advantage of a combined approach involving other donors and implementing agencies active in the area.
- Databases to be developed to track trainers trained and communication with other actors that might utilise trainers, planned follow-up support for those trained etc.

7.2.2.6 Recommendation 9: Take into account internal capacities of the CoE for managing projects when assessing proposals for financing

Based on Conclusions 3 and 5	Main implementation responsibility: <ul style="list-style-type: none"> • DG DEVCO, ELARG • CoE
<p>When considering funding of a JP, the EC should take into account the capacity of CoE field staff to manage the project. CoE field staff capacity should include capacity (both substantive and human resources) to track developments generally in the sectors and issues being addressed by JPs as well as day-to-day administrative JP management. In general, management input from Strasbourg should focus on targeted added value but is not a substitute for day-to-day management in the field.</p>	

Feasible first steps:

- Project proposals to include consideration of the necessary critical level of CoE core field staff whose positions are not short term or dependent upon project funding.