



Thematic Evaluation of EU Support for Rule of Law in Neighbourhood Countries and Candidates and Potential Candidates of Enlargement (2010-2017)

Final Report
Volume 3 – Annexes
April 2019

Evaluation carried out on behalf of the European Commission

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The evaluation was implemented by Particip GmbH
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The author accepts sole responsibility for this report,
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European Union. The report does not necessarily
reflect the views of the Commission.

Thematic Evaluation of EU Support for Rule of Law in Neighbourhood Countries and Candidates and Potential Candidates of Enlargement (2010-2017)

Final Report

The report consists of three volumes:

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1 Annex 1 – ToR

1.1 MANDATE AND GENERIC OBJECTIVES

Systematic and timely evaluation of its programmes, activities, instruments, legislation and non-spending activities is a priority¹ of the European Commission² in order to demonstrate accountability and to promote lesson learning to improve policy and practice.³

The results of the evaluation will be used to:

- demonstrate whether already on-going/planned IPA (I)⁴ II⁵, ENPI⁶/ENI⁷ action programmes/interventions in the area of RoL have taken on board the past lessons learnt;
- feed into the reflection on the revision of policies/programmes in view of the recent adoption of the 2030 Agenda for Sustainable Development⁸ and new/present policy framework;
- provide recommendations for the European Commission on the best way to approach and improve its support to RoL both in terms of the use of policy dialogue and financial;
- contribute to the preparation/ adjustment of action programmes, namely for IPA II and ENI assistance to the extent possible;
- contribute to the development of a monitoring and evaluation framework, including through indicators for measuring impact in capacity building in Rule of Law and related activities

1.2 EVALUATION RATIONALE AND SPECIFIC OBJECTIVES

The purpose of this evaluation is to provide an assessment and evidence on the scope and performance of the implemented and on-going EU support for Rule of Law (RoL) funded by the IPA and ENPI/ENI instruments. It aims at providing recommendations for the improvement of the programming and implementation of EU support to Rule of Law in line with the principles laid down in the Communication COM(2014) 158 final/2 "A new EU Framework to strengthen the Rule of Law"⁹. This Communication underlines that the rule of law is the backbone of any modern constitutional democracy. It is one of the main values upon which the Union is based. This is confirmed by Article 2 of the Treaty on European Union (TEU)¹⁰, as well as by the Preambles to the Treaty and to the Charter of Fundamental Rights of the EU¹¹. Article 49 TEU, stipulates that respect for the rule of law is a precondition for EU membership. The Communication and the Charter are both inspired by the European Convention on Human Rights (ECHR).

The Communication lists a number of key principles that define the core of what the rule of law is and refers to the Venice Commission¹², which detailed these principles. They include: legality, which implies a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibition of arbitrariness of the executive powers; independent and impartial courts; effective judicial review including respect for fundamental rights; and equality before the law. In essence, the rule of law is a multi-dimensional concept that ensures that all public powers act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of independent and impartial courts.

This evaluation will thus focus on projects in areas such as the judiciary, fundamental rights and democracy that aim(ed) at strengthening the rule of law.

1 EU Financial Regulation (art 27); Regulation (EC) No 1905/2000; Regulation (EC) No 1889/2006; Regulation (EC) No 1638/2006; Regulation (EC) No 1717/2006; Regulation (EC) No 215/2008.

2 SEC(2007) 213 "Responding to Strategic Needs: Reinforcing the use of evaluation"; Better regulation package

3 COM (2011) 637 "Increasing the impact of EU Development Policy: an Agenda for Change"

4 http://eacea.ec.europa.eu/tempus/documents/tempus_ipa.pdf

5 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/ipa/2014/231-2014_ipa-2-reg.pdf

6 http://collections.internetmemory.org/haeu/20160313172652/http://eeas.europa.eu/enp/pdf/pdf/oj_l310_en.pdf

7 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0027:0043:EN:PDF>

8 <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

9 http://ec.europa.eu/justice/effective-justice/files/com_2014_158_en.pdf

10 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT>

11 http://www.europarl.europa.eu/charter/pdf/text_en.pdf

12 The Venice Commission, officially named the European Commission for Democracy through Law, is the Council of Europe's advisory body on constitutional matters (see http://www.venice.coe.int/WebForms/pages/?p=01_Presentation)

1.2.1 Specific objectives

The evaluation shall:

- Assess the performance (relevance, efficiency, effectiveness, coherence, impact, sustainability and EU value added) of EU support (policy dialogue and financial assistance) to RoL in ENI countries and IPA beneficiaries under implementation and/or decided in the period 2010-2017;
- Assess the coherence, complementarity and coordination of EU interventions financed from IPA/II and ENPI/ENI with other actions financed from other EU instruments and actions carried out by Member States, regional and international donors (state and/or international organisations) for RoL in the ENI countries and IPA beneficiaries;
- Assess the Intervention logic of IPA II and ENI (2014-2020) programming/planning documents addressing RoL, in terms of their coherence with the new/present policy framework.
- Provide conclusions and recommendations both at policy and financial instrument level on how to further improve the support provided to RoL, including cross-fertilisation between IPA and ENI experiences.

1.2.2 Evaluation users and stakeholders

Given that this thematic evaluation covers one of the fundamental pillars of EU support to the candidates and potential candidates of enlargement and an important sector for the Neighbourhood countries, an on-line open public consultation (OPC¹³) in accordance with the Better regulation guidelines¹⁴ will be organised. The 12-week open public consultation is expected to take place at the beginning of the Desk phase, i.e. around mid-2018.

Targeted consultation of stakeholders represents a crucial element of the evaluation methodology and will be ensured throughout all evaluation phases.

Stakeholders for this evaluation include:

National/regional stakeholders include (non-exhaustive list):

- National IPA coordinators (NIPAC);
- National Coordinating Units in ENI countries (NCU)
- Operating Structures of participating countries and beneficiaries
- Members of the IPA and Sector monitoring committees
- TAIEX National Contact Points (NCPs)
- Law enforcement institutions
- Civil oversight institutions
- National Human Rights Institutions
- Professional bodies (bar associations)
- Civil Society Organisations, particularly those involved in implementing/monitoring EU financial assistance

International stakeholders (non-exhaustive list):

- UN
- Council of Europe
- OECD
- WB
- Regional Cooperation Council (RCC)
- Other regional/international organisations

EU stakeholders(non-exhaustive list):

- EEAS
- EU Delegations

¹³ http://ec.europa.eu/smart-regulation/guidelines/tool_50_en.htm

¹⁴ http://ec.europa.eu/smart-regulation/index_en.htm

1.3 BACKGROUND

1.3.1 Policy framework

Respect for human dignity and human rights, liberty, democracy, equality and the rule of law are the common values enshrined in Article 2 of the Treaty on European Union, on which the European Union (EU) is based. Respect for these principles is a condition for membership of the Union. These values and principles have from the outset been at the center of the enlargement process, in particular through the Copenhagen criteria. Following the fifth enlargement, 2 negotiation chapters are now dedicated to rule of law issues (23 – Judiciary and fundamental rights and 24 – Justice Freedom and Security). Their opening and closing has been subject to a strengthened benchmarking system to guide the reforms and the alignment with EU rules. In its external policies, including in the Neighbourhood region, the Union's action “shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.” (Article 21 of the Treaty on European Union).

The precise content of the principles and standards stemming from the rule of law may vary at national level, depending on each Member State's constitutional system. Nevertheless, case law of the Court of Justice of the European Union and of the European Court of Human Rights and the well-established European Standards particular including various documents drawn up by the Council of Europe and its bodies such as the Venice Commission, provide a non-exhaustive list of these principles and hence define the core meaning of the rule of law as a common value of the EU in accordance with the above mentioned Article 2 of the Treaty on European Union (TEU). Those principles include legality, which implies a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibition of arbitrariness of the executive powers; independent and impartial courts; effective judicial review including respect for fundamental rights; and equality before the law.

Both the Court of Justice and the European Court of Human Rights confirmed that these principles are not purely formal and procedural requirements. They are the vehicle for ensuring compliance with and respect for democracy and human rights. The rule of law is therefore a constitutional principle with both formal and substantive components. This means that respect for the rule of law is intrinsically linked to **respect for democracy and for fundamental rights**: there can be no democracy and respect for fundamental rights without respect for the rule of law, and vice versa. Fundamental rights are effective only if they are justiciable. Democracy is protected if the fundamental role of **the judiciary**, including constitutional courts, can ensure freedom of expression, freedom of assembly and respect of the rules governing the political and electoral process.

At times, where even some EU Member states face challenges related to the rule of law, it becomes more than ever important to ensure that these principles are at the centre of the enlargement process including through financial support. Compliance with the rule of law is not only a prerequisite for the protection of all fundamental values listed in Article 2 TEU. It is also a prerequisite for upholding all rights and obligations deriving from the Treaties and from international law. The confidence of all EU citizens and national authorities in the legal systems of all other Member States is vital for the functioning of the whole EU as “an area of freedom, security and justice without internal frontiers”. Today, a judgment in civil and commercial matters of a national court must be automatically recognised and enforced in another Member State and a European Arrest Warrant against an alleged criminal issued in one Member State must be executed as such in another Member State. Candidates and potential candidates of enlargement will have to be able to apply these principles as of day 1 of their membership of the EU. This is why the EU has a strong interest in safeguarding and strengthening the rule of law not only across the Union but also among candidates and potential candidates of enlargement.

Candidates and potential candidates of enlargement¹⁵ receive support under the **Regulation (EU) No 231/2014 establishing an Instrument for Pre-accession Assistance (IPA II)**. Assistance under this Regulation is provided in accordance with the enlargement policy framework defined by the European Council and the Council and taking due account of the **Enlargement Strategy** and the **Annual Reports**¹⁶ published by the European Commission.

The Communications accompanying the annual reports (previously called "progress reports") assess progress made and issue recommendations which are translated into policy and financial priorities. The **"Enlargement Strategy and Main Challenges 2013-2014"**¹⁷ launched the principle of "fundamentals first", strongly linking the rule of law, economic governance and public administration reform and inviting IPA beneficiaries to prioritise progress in these areas to secure a better preparation for their future accession to the EU in terms of enhancing their capacity to undertake the necessary reforms to align their political, institutional, legal, administrative and economic systems with the rules, standards, policies and practices in the Union. Subsequently, also financial assistance was geared towards supporting the implementation of the "fundamentals first" principle.

In November 2015, the European Commission set out a medium-term strategy for EU enlargement policy to cover the period of the mandate of this Commission. It was endorsed by the Council in December 2015¹⁸. The 2016 Communication¹⁹ took stock of progress in the implementation of that strategy and issued further recommendations as regards specific candidates and potential candidates of enlargement and on certain thematic issues, including as regards areas that support the rule of law.

In the Neighbourhood context²⁰, the main components of the EU interventions are underpinned by:

- The **European Neighbourhood Policy** (ENP), which was launched in 2004 on the basis of the Communication "Wider Europe" (COM(2003)104)²¹, then substantially revised in 2011 to design a response to the events of the Arab Spring ("A new response to a changing Neighbourhood" – COM(2011)303)²². The ENP was further completed by the Joint Communications "Delivering on a new European Neighbourhood Policy" adopted on 15 May 2012 (JOIN(2012)14) and "European Neighbourhood Policy: Working towards a Stronger Partnership" adopted on 20 April 2013 (JOIN(2013)4). A major novelty was the so-called 'more for more' principle, whereby additional reform efforts by partner countries were to be rewarded with additional financial and other support.
- The **ENP Review** in 2015, which led to the adoption of a Joint Communication in November 2015 (JOIN(2015)50)²³, setting out a new framework for building more effective partnerships between the EU and its neighbours, and supporting stabilisation as a top priority. The review reinforced the principle of flexibility in order to accelerate assistance and to ensure it is better adapted to rapidly evolving political circumstances and priorities.
- At country level, the **ENP action plans**²⁴ (or Association Agendas for Eastern Partner countries), which set out the partner country's agenda for political and economic reforms, with short and medium-term priorities of 3 to 5 years, as well as the **Human Rights Country Strategies**, jointly adopted by EU Delegations and endorsed by the Council since 2012²⁵;
- At programming level, under the European Neighbourhood Instrument, the **Multi-annual programming documents** 2010-2013²⁶ and 2014-2017²⁷, and the consecutive various **annual actions programmes**²⁸, both bilateral and regional.

15 IPA II beneficiaries –Albania, Bosnia and Herzegovina, Montenegro, Kosovo*, the Republic of North Macedonia, Serbia and Turkey. The Icelandic government has decided to put the EU accession negotiations on hold. In this context, the European Commission, in agreement with the Icelandic government, has suspended preparatory work on IPA for the period 2014-2020. As a consequence Iceland will not be covered by this evaluation.

16 https://ec.europa.eu/neighbourhood-enlargement/instruments/overview_en

17 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf

18 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_strategy_paper_en.pdf

19 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_strategy_paper_en.pdf

20 ENI partner countries – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Palestine*, Syria, Tunisia and Ukraine.

21 http://eeas.europa.eu/archives/docs/enp/pdf/com03_104_en.pdf

22 https://ec.europa.eu/research/isdp/pdf/policy/com_2011_303.pdf

23 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighborhood/pdf/key-documents/151118_joint-communication_review-of-the-enp_en.pdf

24 https://eeas.europa.eu/headquarters/headquarters-homepage/8398/enp-action-plans_en

25 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

26 http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/enp/documents/financing-the-enp/index_en.htm

27 https://eeas.europa.eu/headquarters/headquarters-homepage/8410/financing-enp_en

28 https://ec.europa.eu/neighbourhood-enlargement/neighborhood/countries_en

- At implementation level, the Commission Staff Working Document "Tool-Box: a Rights-Based Approach, encompassing all Human Rights for EU development cooperation" (SWD 152/2014²⁹) and its related Conclusions adopted by the Council on 19 May 2014³⁰, as well as the various EU Guidelines on human rights issues.

1.3.2 Objectives, current status and challenges of RoL in ENI-IPA context

Based on case-law from the European Court in Luxembourg as well as the European Court of Human Rights in Strasbourg and confirmed by the Venice Commission, the respect of the Rule of law is conditional upon the respect of the principles of

- legality, which implies a transparent, accountable, democratic and pluralistic process for enacting laws;
- legal certainty;
- prohibition of arbitrariness of the executive powers;
- independent, efficient and professional courts;
- effective judicial review including respect for fundamental rights;
- and equality before the law.

The **accession process** today is more rigorous and comprehensive than in the past, reflecting the evolution of EU policies as well as lessons learned from previous enlargements. The Copenhagen criteria – which each candidate and potential candidate of enlargement aspiring to join the Union needs to respect - continue to reflecting **the core values** on which the EU is founded: democracy, the rule of law, respect for fundamental rights. Learning lessons from previous enlargements, the rule of law has been put at the heart of the enlargement process. However, also the **ENP**, since its inception, strongly promotes a functioning democracy, respect for human rights and the rule of law were affirmed as fundamental pillars of the EU partnership with its neighbours. After 2011, the ENP reaffirmed the rule of law as a key priority, following a new approach based on mutual accountability and a shared commitment to the universal values of human rights, democracy and the rule of law. This "more for more" principle conditioned increased EU support to its neighbours on their progress in building and consolidating democracy and the rule of law. The concept of deep and sustainable democracy retained in the ENP included:

- free and fair elections;
- freedom of association, expression and assembly and a free press and media;
- the rule of law administered by an independent, efficient and professional judiciary and right to a fair trial;
- fighting against corruption;
- security and law enforcement sector reform (including the police) and the establishment of democratic control over armed and security forces.

The 2015 ENP Review reaffirmed good governance, democracy, rule of law and human rights as key priorities of the EU and essential requirements to achieve long-term stability in the Neighbourhood region.

As a result, ENPI/ENI multi-annual programming documents have usually dedicated 20-25% of the country allocations to support in the area of Rule of Law, Human Rights and Democracy. In this area, ENI funds were primarily focused on supporting reform process towards the consolidation of deep and sustainable democracy, the application and enforcement of the rule of law and the protection and enforcement of human rights. Democracy support is also dedicated to reinforce civil society participation in decision making processes, to promote integration of Human Rights issues in national educational systems and increase capacities in democratic citizenship and human rights education, and to promote democratic capacities of young people.

1.3.3 Description of the initiative

The EU support for RoL in IPA/ENI beneficiaries is provided through political and policy dialogue and financial assistance.

29 http://www.eidhr.eu/files/dmfile/SWD_2014_152_F1_STAFF_WORKING_PAPER_EN_V5_P1_768467.pdf

30 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142687.pdf

- EU policy dialogue

At international level, in close cooperation with the Council of Europe and the OSCE (ODIHR).

In its cooperation with **enlargement beneficiaries** the Commission is engaged in policy dialogues:

- at bilateral level, as part of the Stabilisation and Association process and where relevant, the accession negotiations.
- as part of the programming process of IPA assistance, setting specific objectives and priorities for support in: Multi-Annual Indicative Financial Frameworks (MIFFs) and Multi-Annual Indicative Planning documents (MIPDs) (for IPA I); Annual and/or multi-annual (action) programmes;
- Specifically for the 2014-2020 programming period – in the framework also of sector reform programmes and for budgetary support.

In its cooperation with **EU Neighbourhood countries** the Commission is engaged in policy dialogue:

- at bilateral level, through the agreement of ENP Action Plans or Association Agendas, in line with Association Agreements or other agreements between the EU and partner countries;
- at regional level in the framework of Eastern Partnership³¹;
- as part of the programming process of ENPI/ENI assistance, setting specific objectives and priorities for support in Country Strategy Papers, Single Support Frameworks – SSF(Multi-annual Indicative Programmes), Annual Action programmes; and more specifically, in the case of budget support programmes;

- EU financial assistance

During 2007-2013, IPA assistance under the Component I (Transition Assistance and Institution Building) has provided opportunities for supporting actions aiming at strengthening of democratic institutions, as well as the rule of law, including its enforcement, at promoting and protecting human rights and fundamental freedoms and enhancing the respect for minority rights, at promoting gender equality and non-discrimination and reforming the public administration. IPA II (2014-2020) targets reforms within the framework of pre-defined sectors. These sectors cover areas closely linked to the enlargement strategy, such as democracy and governance, rule of law or growth and competitiveness. This sector approach promotes structural reform that will help transform a given sector and bring it up to EU standards. It allows a move towards a more targeted assistance, ensuring efficiency, sustainability and focus on results. The bulk of the assistance is channeled through the Action Documents for IPA II Beneficiaries, which are the main vehicles for addressing beneficiary-specific needs in priority sectors as identified in the indicative Strategy Papers. Multi-Country Action Programmes aim at enhancing regional cooperation (in particular in the Western Balkans) and at adding value to the Action Documents through other multi-beneficiary actions.

The vast majority of ENPI/ENI funding is used for bilateral cooperation, tailor-made to each Neighbourhood partner country. A key element in this context have been in the past the bilateral ENP Action Plans (AP), similar documents (e.g. Association Agendas) and successor documents (Partnership priorities), which are mutually agreed between the EU and each partner country. In addition to bilateral cooperation, ENI funding also supports regional, Neighbourhood-wide³² and Cross Border Cooperation (CBC)³³ programmes.

The rule of law is also supported through **other EU instruments** under projects that support democracy and human rights at country-specific, multi-country / regional, or with a global coverage. These instruments are: the Instrument Contributing to Peace and Stability³⁴, the European Instrument for Democracy and Human Rights³⁵ and thematic programmes of the Development Co-operation Instrument³⁶.

EU RoL assistance has been implemented through a variety of modalities, i.a.:

³¹ Platform 1 - "Democracy, good governance and stability"

³² https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/neighbourhood-wide_en

³³ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/cross-border-cooperation_en

³⁴ http://ec.europa.eu/dgs/fpi/what-we-do/instrument_contributing_to_stability_and_peace_en.htm

³⁵ <http://www.eidhr.eu/>

³⁶ http://ec.europa.eu/europeaid/how/finance/dci_en.htm_en

- twinning³⁷, twinning light, TAIEX³⁸ and SIGMA³⁹;
- technical assistance and capacity building
- grant schemes;
- budget support.

1.4 EVALUATION SCOPE

1.4.1 Legal scope

This evaluation is in line with the "evaluation first principle", requiring a comprehensive evaluation on the performance of policy, instruments, and programmes in the context of planning new interventions.

1.4.2 Geographical and Temporal scope

Geographical coverage

The evaluation should cover:

- IPA II⁴⁰ beneficiaries –Albania, Bosnia and Herzegovina, Montenegro, Kosovo*, the Republic of North Macedonia, Serbia and Turkey;
- ENI partner countries – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Palestine*, Syria, Tunisia and Ukraine.

Temporal coverage

The evaluation will focus on assessing the performance of EU interventions to support RoL in ENI countries and IPA beneficiaries under implementation and/or decided in the period 2010- 2017.

1.4.3 Thematic scope

Based on the description of the Rule of law provided in the Commission's Communication entitled "A new EU Framework to strengthen the Rule of Law"⁴¹, the Enlargement Strategy and the "fundamentals first principle", the relevant objectives pertaining to deep and sustainable democracy, including Rule of law, laid out in various ENP communications, as well as on the work done by the Venice Commission the evaluation will focus on assistance provided to core state institutions: the executive, the legislative, the judiciary and where relevant independent public institutions as well as civil society organisations that work at the service of ensuring the respect of the rule of law:

- **State institutions and oversight bodies:** parliament/legislature; government/the executive, including ministries of Interior, Justice, Labour and Social Affairs, Health etc..., financial management bodies, local authorities
- **Justice institutions:** justice ministries; prisons; the judiciary incl. the Constitutional Court, high Courts as well as ordinary courts and tribunals, the enforcement of court decisions by bailiffs and enforcement agents;
- **Human rights institutions :** Anti-discrimination Commissioners, Ombudsmen/services, national and regional human rights institutions, Minority Councils, data protection Commissioners
- **Civil society:** including the media, academia and NGOs.

Thematic coverage

The evaluation shall assess EU support to the rule of law in the following areas

The judiciary

- Independence and impartiality

37 Technical Assistance and Information Exchange instrument of the European Commission, http://ec.europa.eu/enlargement/tenders/taix/index_en.htm

38 Technical Assistance and Information Exchange instrument of the European Commission, http://ec.europa.eu/enlargement/tenders/taix/index_en.htm

39 Support for Improvement in Governance and Management, <http://www.sigmaweb.org/>

40 The Icelandic government has decided to put the EU accession negotiations on hold. In this context, the European Commission, in agreement with the Icelandic government, has suspended preparatory work on IPA for the period 2014-2020. As a consequence Iceland will not be covered by this evaluation.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

*This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

41 http://ec.europa.eu/justice/effective-justice/files/com_2014_158_en.pdf

- Accountability
- Professionalism and competence
- Quality of Justice
- Efficiency

Fundamental/Human rights

- the right to a fair trial and access to justice
- Prevention of torture and ill treatment (the prison system)
- Freedom of thought, conscience and religion
- Freedom of expression and media
- Freedom of association and assembly

Democracy:

- The conduct of elections
- The functioning of parliaments
- Capacity building of political parties

The evaluation will assess to what extent the EU support to these institutions/bodies leads to strengthening of the rule of law in the respective countries and beneficiaries and in particular whether the principles of legality (supremacy of the law), legal certainty, prohibition of arbitrariness, access to Justice before independent and impartial courts, the respect for human rights and the principle of non-discrimination and equality before the law are applied in practice⁴².

Criminal justice will not be covered by this evaluation as it is covered by the on-going evaluation of Support for Security Sector Reform in Neighbourhood countries and candidates and potential candidates of enlargement 2010-2017. Overlap between the two evaluations should be avoided. The findings of the recent Thematic evaluation on IPA support to the fight against corruption, published in 2015, and other evaluations listed in Annex 1 should also be used as to avoid duplication. Evaluation to Human Rights is limited to the areas listed above as a wider evaluation of ENI/IPA support to Human Rights is foreseen to be launched in 2019.

1.5 INDICATIVE EVALUATION QUESTIONS AND CRITERIA

In line with the Better Regulation guidelines on evaluations introduced by the Commission in 2015 and with DG NEAR Guidelines on linking planning/programming, monitoring and evaluation⁴³, the main evaluation criteria are: relevance, efficiency, effectiveness, impact, sustainability, coherence and EU added value.

During the inception phase, a mapping of areas of EU interventions (policy dialogue and financial assistance) in the field of RoL in the period 2010- 2017 in ENI countries and IPA beneficiaries will be prepared by the external evaluators as part of this assignment. The EU support for RoL provided to all above-mentioned countries and beneficiaries shall be subject of analysis by the external evaluators during the desk phase. However, a limited number of countries/beneficiaries and interventions (case studies) will be subject to a more in-depth analysis during the field phase. Up to maximum 12 cases will be subject to this in depth analysis, of these 8 will be visited during the field phase, indicatively 4 IPA beneficiaries, 2 ENI-South and 2 ENI-East countries. The selection of the case studies will be made by the Inter-service Steering Group (ISG) on the basis of a proposal to be made by the evaluators. This proposal will be based on a relevant and representative sample of interventions, to be established using criteria that the evaluators will have to define and present during the inception phase.

Indicative evaluation questions to be further developed at the inception stage are:

Relevance:

- 1. To what extent has the policy and programming dialogue carried out in bilateral and regional contexts been in line with the objectives set in the EU policy framework on RoL and wider goals of EU's external cooperation?**
 - To what extent have the (original) objectives, defined in the programming/planning documents, proven to correspond to the needs and capacities of the ENI countries and IPA

⁴² Detailed questions that assist in assessing the respect of these principles can be found in the annex 1 "Checklist for evaluating the state of the rule of law in single states" of the Venice Commission paper on the Rule of Law : [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)003rev-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)003rev-e)

⁴³ http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2016/20160831-dg-near-guidelines-on-linking-planning-programming-vol-1-v0.4.pdf

beneficiaries in the area of RoL and the EU policy framework on RoL ? To what extent have the EU interventions proved to be relevant to those needs?

- To what extent has the EU engagement been based on analysis of the "RoL sector" and needs assessment in the ENI countries and IPA beneficiaries?
- To what extent has RoL been integrated in strategic policy documents and Country/beneficiary specific reports, Action plans and programming tools?

Effectiveness:

2. To what extent have the objectives defined in the programming/planning documents been achieved?

- To what extent do the outputs and results of EU interventions correspond and contribute to the achievement of the objectives?
- To what extent has IPA II/ENI assistance in support of RoL been designed based on the lessons learned from the past and on-going experience of IPA I/ENPI ?
- What have been the (quantitative and qualitative) effects of the EU interventions?
- To what extent can these changes/effects be credited to the EU interventions?
- To what extent has the civil society been successfully involved in the policy dialogue for the programming, implementation/monitoring of EU interventions in the RoL field?

Efficiency:

3. To what extent has the EU ensured adequate and timely RoL expertise and support through its programmes and missions in the ENI countries and IPA beneficiaries? To what extent has the EU support to RoL in ENI countries and IPA beneficiaries been flexible to adapt to emerging needs?

- What factors influenced the efficiency with which the achievements observed were attained?
- To what extent has the choice of aid modality been the most appropriate? Could the use of other type of financing or mechanisms have provided better cost-effectiveness ? Has the increased use of sector approach and sector budget support influenced the attainment of results ?
- To what extent were the monitoring systems setup to function at regular intervals and be capable of collecting data and detecting problems? To what extent were the indicators appropriately designed to measure the progress in relation to the baseline situation and the effectiveness of the targets implementing the priorities? To what extent were the targets set realistic?
- To what extent are the costs involved justified, given the changes/effects which have been achieved?

Impact:

4. To what extent the EU support (policy dialogue and financial assistance) has contributed to enhancement of Rule of Law in the ENI countries and IPA beneficiaries, also in respect of human rights and democratic principles, good governance principles of transparency and openness, participation and inclusivity, and accountability;?

- To what extent did the judiciary of the beneficiaries concerned improve in terms of independence, efficiency and quality?
- To what extent are ENI countries and IPA beneficiaries converging towards relevant international standards of rule of law and, in the fields of human/fundamental rights and freedoms?
- To what extent are the outputs and immediate results translated into the desired/expected impacts? Are impacts sufficiently identified /quantified? Were there any unexpected impacts (both positive and negative)?
- To what extent do the observed effects contribute to the achievement of the RoL policy framework overall objectives?
- How fairly are the observed changes/effects distributed across the different stakeholders, genders and social groups? Are gender aspects sufficiently addressed in the interventions ?

Sustainability:

5. To what extent the EU support to RoL is based on nationally owned processes?

- To what extent are the ENI countries and IPA beneficiaries demonstrating ownership of and political will for the reform process during and after the EU intervention? How is this affecting the attainment of the objectives ?
- How much have the RoL reforms in Neighbourhood countries and in candidates and potential candidates of enlargement continued to be implemented after the end of the EU support? And how it could be attributed to the EU support (policy dialogue and financial assistance)?

- To what extent are the outcomes of the EU interventions likely to continue producing effects after the end of EU funding?

Coherence, Complementarity, Coordination:

6. To what extent are the different EN(P)/IPA I(I) RoL programmes coherent/complementary/overlapping with one another and with related actions funded by EU or by other donors ?

- To what extent do RoL support create/use linkages between national and regional EN(P)/IPA I(I)/multi-country programmes ?
- To what extent is the EU engagement following a proper sequencing of political dialogue, cooperation activities/instruments ?
- To what extent is EU support for RoL complementary and coordinated with actions by MS ?
- To what extent are the interventions of EU and Member States coordinated with those of international/regional organisations and donors to maximise their joint effects in the ENI countries and in candidates and potential candidates of enlargement?
- To what extent does the approach to RoL take into account inter-linkages with related actions in such sectors as Public Administration Reform (PAR), Public Finance Management (PFM), good governance, including democratic principles, human rights, institutional capacity building and security sector reform (SSR)?
- To what extent has the EU assistance enhanced the visibility of EU ?

EU added value:

7. What is the additional value resulting from the EU support for RoL compared to what could be achieved by the Member States in the region and/or by the ENI or IPA partner themselves at national and/or regional levels?

1.6 RESPONSIBILITY FOR THE MANAGEMENT OF THE EVALUATION

DG NEAR A4 Unit is responsible for managing and supervising the evaluation.

The progress of the evaluation will be followed closely by an **Inter-service Steering Group (ISG)** consisting of representatives of DG NEAR, DG JUST, the Secretariat General and EEAS.

The ISG will have the following responsibilities:

- **Guiding the planning and implementation of the evaluation** to comply with quality standards during preparation of the evaluation roadmap, Terms of reference and the inception, desk, field, and synthesis phases.
- **Providing input and information** to the evaluation manager (NEAR A4) and evaluation team. Mobilise the institutional, thematic, and methodological knowledge available in the various DGs of the Commission that are interested in the evaluation.
- **Ensuring quality control** on the different draft deliverables. The evaluation manager (NEAR A4) consolidates the ISG comments to be sent to the evaluation team and endorses the deliverables.
- **Ensuring a proper follow-up** action plan after completion of the evaluation.

To avoid duplication and consolidate communications between meetings, the evaluation team shall communicate with the ISG members via the evaluation manager.

In particular, the ISG will perform a Quality Assessment of the final evaluation report in accordance with the grid presented in Annex 3 of these Terms of Reference (ToRs). The Quality Assessment by the ISG judges the external contractor's final report and its overall process. It is the final "sign off" by the ISG of the contractor's work and includes a judgement on whether key aspects of the work conducted meet the required standards and provides any related comments. Once this process is completed, DG NEAR Unit A4 will decide on the endorsement of the report for distribution to stakeholders and later presentation by the evaluator.

Quality control by the evaluator

The evaluator should ensure an internal quality control during the different phases of the evaluation. The quality control should ensure that the draft reports comply with the ToRs requirements and meet adequate quality standards before sending them to stakeholders for comments. The quality control should ensure consistency and coherence between findings, conclusions and recommendations. It

should also ensure that findings reported are duly substantiated and that conclusions are supported by the relevant judgement criteria.

1.7 PROCESS AND DELIVERABLES

The methodology should be based on DG NEAR's guidelines⁴⁴, the European Commission's Better Regulation guidelines⁴⁵, the concept of the theory-based impact evaluations on EVALSED⁴⁶ and, if appropriate, on other methods to measure the impact and the effects of projects.

The basic approach to the assignment consists of four main phases, each one ending with the approval of a specific deliverable in the form of a report.

As mentioned above, the ISG will support the evaluation manager in assessing the quality of the draft deliverables in order to achieve their finalisation. The reports will be finalised in light of feedback received from the ISG and other stakeholders as relevant. Each phase will start following the approval of the previous phase report.

The contractor will prepare draft minutes for each ISG meeting.

The four phases can be synthesized as follows:

1.7.1 Inception phase

Clarifying the scope of the evaluation is the first aim of this phase. Thus, the inception phase starts with a kick-off meeting, which has the purpose to reach a shared understanding between the evaluation manager, evaluation team and ISG members on the scope of the assignment.

Further to a first desk review of the policy and institutional framework of EU support to Rule of Law in ENI countries and IPA beneficiaries, and identification of the main commitments and objectives to be achieved by both parties, the evaluation team will interact with the ISG members and other relevant stakeholders to refine the evaluation methodology (reconstruction of the intervention logic and based on the latter, define/finalise the evaluation questions and related judgement criteria and indicators, with identification of data collection tools and sources). During this phase the evaluators should carry out the mapping and analysis of EU support to RoL, define the criteria for the establishment of the countries and beneficiaries (maximum up to 12) and project sample for in-depth analysis for the desk phase and identify which of these eight (maximum) would be visited during the field phase and present the methodological proposal for the following phases (data collection tools and analysis).

The limitations faced or to be faced during the evaluation exercise will need to be discussed and mitigation measures defined. Finally, the detailed work plan for the overall evaluation process will also be discussed and agreed during this phase. If necessary, the Inception Report will also include proposed changes to the composition of the evaluation team.

The Inception Report shall not exceed 40 pages. Additional material may be placed in annexes, as necessary. A Consultation strategy, in accordance with the Better Regulation guidelines, should be developed and annexed to the Inception reports.

1.7.2 Desk phase

During this phase, deskwork takes place in order to collect and analyse data, and elaborate preliminary answers to the evaluation questions and hypotheses that can guide the subsequent fieldwork. Information gaps for a sound answer to the evaluation questions will also be identified. A brief presentation of data collection and analyses done during this phase, challenges and limitations potentially faced will also be discussed. Changes to the evaluation questions (including judgment criteria and indicators) can also be proposed during this phase, if deemed necessary (but not later on). On the same line, discussing potential amendments to the selection of projects and/or case studies (if relevant) identified during the inception phase can be envisaged. The extent of these potential amendments must nevertheless be of a reasonable nature.

⁴⁴ http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2016/20160812-dg-near-guidelines-on-linking-planning-programming-vol-1-v0.3.pdf

⁴⁵ http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm

⁴⁶ http://ec.europa.eu/regional_policy/en/information/publications/evaluations-guidance-documents/2013/evalsed-the-resource-for-the-evaluation-of-socio-economic-development-evaluation-guide

The web-based Open Public consultation should be launched at an early stage of the desk phase. To do this, a five page background document (maximum 15 000 characters without spaces) explaining the DG NEAR approach and activities in Rule of Law to introduce the OPC to the public and 5-7 questions, should be prepared in line with the Better Regulation. The 12-week open public consultation is expected to take place at the beginning of the Desk phase, i.e. around 2nd quarter of 2018. The questionnaire will be available as required by the Better Regulation in English, French and German. However, replies can be made in any of the 24 official EU languages. The questionnaire can be accessed via the Commission's central [public consultations page](#) and via DG NEAR website. The main objective of the OPC will be to gather inputs/views from the wider public which can enrich the desk and field work. The contractor should prepare the background document and questions in English, these will be discussed and approved by the ISG. The Commission will then translate the document and questions into French and German. Contributions to the OPC are expected to be received mainly in English and French. Contributions received in any other languages will be translated by the European Commission into English. No translation into English will be provided for responses received in French, Spanish, German, Italian or Polish.

Following the Open Public Consultation, a summary of the contributions received will be prepared by the evaluation team⁴⁷. This summary shall not exceed 20 pages. The summary should include a concise summary of contributions received, a statistical analysis of the contributions received, the evaluation team's response to each question, the evaluation team's conclusions for each section, and identification of the evidence/contributions which will be fed into the evaluation. This OPC summary shall be discussed by the ISG after the field phase.

The methodology for the field phase, including the expected deliverables and the field phase organisation, will also be detailed in this phase. Finally, remaining work for the synthesis phase will also be mentioned, including a proposal for the final structure of the Final report and the Executive summary. If needed, an update of the work plan will be presented.

The Desk Report shall not exceed 50 pages. Additional material may be placed in annexes, as necessary.

1.7.3 Field phase

Field activities help in validating/rejecting preliminary answers to the evaluation questions and bring additional information and direct evidence. This phase will involve discussions with different stakeholders involved in policy dialogue and the programming and implementation of EU support to RoL in ENI countries and IPA beneficiaries. Eight field visits to indicatively 4 IPA beneficiaries, 2 ENI-South and 2 ENI-East countries will be carried out during this phase.

Assessing whether there is a need for further research and interviews to prepare the synthesis report, and in particular the overall assessment, the conclusion and recommendation chapter, is part of this phase as well. Notes covering each field visit will be prepared and shared with the evaluation manager and the ISG members. **A debriefing meeting will take place in Brussels to discuss the preliminary findings and the OPC summary.**

1.7.4 Synthesis and reporting phase

This phase entails the analysis of the data collected during the desk and field phases to finalise the answers to the evaluation questions and prepare the synthesis report that includes the overall assessment, conclusions and recommendations of the evaluation. The final report should deliver the elements covered by these ToRs and must be written in such a way that readers who are not working in this area, can easily understand. The contracting authority will publish the Final Report, the Executive Summaries and the annexes on the DG NEAR website.

The Final Report shall not exceed 70 pages. Additional material may be placed in annexes, as necessary. The annexes must include an updated Consultation strategy and the final OPC summary. The evaluation team must provide, whenever requested and in any case at the end of the evaluation, the list of all persons interviewed, documents reviewed, data collected and databases built. The

⁴⁷ The evaluation team should note the data protection rules in the Better Regulation Guidelines (p.81)

results of the evaluation will be presented in the framework of a dissemination event organized in Brussels in the presence of national and international stakeholders.

The final report (excluding annexes) and executive summary will be translated by the contractor into French.

In addition, the contractor shall provide an Abstract in English of no more than 200 words.

The table below summarises these phases:

Phases	Activities	Deliverables (& meetings)
INCEPTION: STRUCTURING	<ul style="list-style-type: none"> Data collection & definition of analysis methods Background analysis Interviews with stakeholders Reconstruction of the intervention logic of EU support to RoL Mapping of the RoL interventions and analysis Report and minutes writing (& quality control) 	<ul style="list-style-type: none"> ✓ Inception Report incl.: <ul style="list-style-type: none"> ✓ Final <i>intended/planned</i> /reconstructed Intervention Logic ✓ Evaluation Questions (EQs), with judgment criteria & indicators ✓ Data analysis and collection methods ✓ Proposed criteria for sampling of maximum 12 beneficiaries for in-depth analysis, of which 8 (maximum) for field visits ✓ Work plan ✓ Consultation Strategy ✓ Inventory of relevant interventions (database) ✓ Power point presentation ✓ Meeting(s) with ISG in Brussels ✓ Draft Minutes of the ISG meeting
DESK: DATA COLLECTION & ANALYSIS	<ul style="list-style-type: none"> Document in-depth analysis (focused on the EQs) Interviews with stakeholders Identification of information gaps and of hypotheses to be tested in the field phase Methodological design (specific to Field visit) Report writing (& quality control) (OPC background document and Desk report, ISG minutes) 	<ul style="list-style-type: none"> ✓ Background document for the OPC and questions ✓ Desk report, incl.: <ul style="list-style-type: none"> ✓ Background and key methodological elements ✓ Preliminary answers to the evaluation questions ✓ Methodology for the In-depth case studies ✓ Field visit methodology ✓ Remaining work for the synthesis phase ✓ Update work plan, if needed ✓ Power point presentation ✓ Meeting(s) with ISG in Brussels at least one to discuss the draft OPC document early in the desk phase and one at the end to discuss the draft Desk report ✓ Draft Minutes of the ISG meetings
FIELD	<ul style="list-style-type: none"> Data collection and analysis Notes writing on field phase findings Analysis of the received OPC inputs and writing of the OPC summary Writing of the minutes of the ISG meeting 	<ul style="list-style-type: none"> ✓ Field Visit Notes per field visit and power point presentation ✓ OPC summary ✓ Debriefing with ISG in Brussels of the missions and the OPC results ✓ Draft Minutes of the ISG meeting
SYNTHESIS	<ul style="list-style-type: none"> Expressing findings (focus on the EQs) Overall assessment, Conclusions and Recommendations Final report writing (& quality control) 	<ul style="list-style-type: none"> ✓ Final report (in English and French), incl.: <ul style="list-style-type: none"> ✓ Synthesis of methodological steps of the evaluation exercise, including limitations, if any ✓ Background analysis ✓ Findings by evaluation question

		✓ Overall assessment, conclusions and recommendations
		✓ Matrix of EQs, judgement criteria, indicators & analysis
		✓ Final OPC summary
		✓ Updated consultation strategy
		☑ Executive summary: English and French
		☑ Abstract
		☑ Power point presentation
		☑ Meeting(s) with ISG in Brussels
		☑ Draft Minutes of ISG meeting
DISSEMINATION AND FOLLOW UP (by the EC)	▪ Action plan writing	☑ Dissemination event in Brussels
	▪ Others to be defined if relevant	☑ Follow up Action plan

All reports will be written in English and submitted to DG NEAR evaluation manager according to the timetable in annex 2. The reports must be written in Times New Roman minimum 12 or Arial 11, single spacing. The Inception, Desk and draft Final reports, OPC background document and OPC Summary will be delivered only electronically. The electronic versions of all documents need to be delivered in both editable (Word) and non-editable format (PDF).

The Final report in both English and French will also be delivered in hard copies. The Executive Summary (up to 5 pages) in both English and French will be delivered both electronically and in hard. The Executive Summary will be available both integrated into the Final Report, and as a separate stand-alone document. The offer will be based on 50 hard copies (30 in English, 10 in French) of the Final Main Report (without annexes). A non-editable version on a USB stick shall be added to each printed Final Main Report including all the annexes. The Abstract of no more than 200 words in English will be delivered in electronic format.

The kick-off meeting is expected to be attended at least by all senior experts, and the following ISG meetings at least by the team leader and one other member of the evaluation team.

1.8 THE EVALUATION TEAM

The evaluation team may be composed by the following categories of experts: a) senior, b) medium, c) junior and d) project manager.

Qualifications and skills:

- Education at least Master Degree level (preferably in law, social sciences, public administration and research) or alternatively relevant professional experience of minimum 12 years for the senior experts
- Education at least Master Degree level (preferably in law, public administration, social sciences and research) or alternatively relevant professional experience of minimum 5 years for the junior/medium experts and project manager.

Professional experience:

- a) **Senior expert:** at least 10 years in evaluation and monitoring of programmes/policies, of which at least 5 years on evaluation of programmes/instruments/policies in sectors like rule of law, judiciary, public administration reform;
- b) **Medium expert:** at least 5 years in planning/implementation and/or evaluation and monitoring of programmes/policies in the following sectors: rule of law, judiciary, public administration reform;
- c) **Junior:** at least 3 years in planning/implementation and/or evaluation and monitoring of programmes/policies in the following sectors: rule of law, judiciary, public administration reform;
- d) **Project manager** shall have at least 3 years of expertise in similar positions.

The evaluation team will have to be able to satisfy the highest quality standards. The evaluation team as such is expected to possess expertise in:

- Working knowledge of evaluation methods and techniques and, preferably, of complex policy and strategy evaluations in the field of external relations and development cooperation.
- In particular the team needs to demonstrate experience in analytical methods, which can evaluate change and contribution. This includes Quantitative and qualitative data collection and analysis
- Knowledge and expertise in sectors like: rule of law, judiciary, fundamental rights, democracy, public administration reform (more specifically in relation to the areas described under chapter 4.3 "Thematic scope" of these TOR);
- Working experience in relation to implementation, monitoring and evaluation of interventions financed in the framework of EU neighbourhood policy and pre-accession assistance in sectors like: rule of law, judiciary, public administration reform;
- Working knowledge of the EU Neighbourhood and Enlargement policies and their implementation modalities, including experience in Budget Support;
- Knowledge of the EU institutional framework;
- The team leader should have proven knowledge and expertise in Rule of Law and excellent communication, team co-ordination, presentation and proven report writing and editing skills in English. (S)he should have the experience of carrying out at least two complex evaluations as the team leader;
- The evaluation team should have excellent command of English and French– both spoken and written.
- Knowledge of Russian/Arabic language would be an advantage

It is expected that the Team leader will be an expert of category Senior. As a minimum 3 senior experts should be involved, including the team leader.

The offer should clearly state the category of each team member and which tasks the proposed team members are supposed to take responsibility for and how their qualifications relate to the tasks. The team coordination and members' complementarity should be clearly described. A breakdown of working days per expert must be provided.

The team members must be independent from the programmes/projects evaluated. Should a conflict of interest be identified in the course of the evaluation, it should be immediately reported to the Evaluation manager for further analysis and appropriate measures.

The team will have excellent writing and editing skills. The Contractor remains fully responsible for the quality of the deliverables. Any report, which does not meet the required quality standards, will be rejected.

During the evaluation of offers the Contracting Authority reserves the right to interview by phone one or several members of the evaluation teams proposed.

The Contractor must make available appropriate logistical support for the evaluation team, including travel and accommodation arrangements for each mission, secretarial support, appropriate software and communication means. The evaluation team will need to have the standard equipment such as individual laptops, computer, mobile phones, etc. No additional cost for these items may be included in the offer.

Performance will be assessed by the Contracting Authority throughout the evaluation exercise (and if needed adjustments will be requested, in agreement with the contractor) based on the following criteria:

- Quality of the analysis
- Relations with the Client
- Clear and precise writing
- Methodological skills
- Communication skills and interview capacity

- Flexibility and availability
- Respect of deadlines.

If experts do not deliver the level of quality required, the Contractor will provide, at no additional cost for the Contracting Authority, immediate replacement and/or additional support to meet the appropriate standards.

By signing the Statement of exclusivity and availability, the expert commits to present his/her CV for a given assignment only with one Contractor, to work exclusively for the given assignment during the days charged to the related Specific contract, to remain available to start and perform the assignment.

1.9 TIMING

The project implementation is due to start mid-January 2018. The expected duration is of (14) months.

As part of the technical offer, the framework contractor must adhere to the timetable in Annex 2, and provide their proposed, more detailed schedule within that timetable in terms of "week 1" etc. The contracting authority underlines that the contractor must ensure that the evaluation team is available to meet the demands of this schedule.

1.10 OFFER FOR THE ASSIGNMENT

1.10.1 Technical offer:

The total length of the technical offer (excluding annexes) may not exceed 20 pages; a CV may not exceed 4 pages. References and data relevant to the assignment must be highlighted in bold (font minimum Times New Roman 12 or Arial 11).

The methodology submitted shall not contain wording such as, "if time/budget allows," "if the data are available" etc.

Should it appear during the process of the evaluation that an activity envisaged in the methodology is impossible or inappropriate to be carried out for any reasons in the interest of the assignment; the change to the methodology as well as its financial impact must be agreed by the Evaluation Manager.

The offer is expected to demonstrate:

- The team's understanding of the ToR in their own words (i.e. their understanding of what is to be evaluated, and their understanding of the subject areas as relevant for this ToR)⁴⁸.
- The relevance of the team composition and skills for the work to be undertaken.
- How the team proposes to undertake the evaluation: the evaluation design and challenges, data collection tools and methods of analysis, how the tasks will be organized.
- The level of quality control (content/proof reading/copy editing), which will apply, at which points in the process and who will undertake them.

1.10.2 Financial offer:

It is important to note that the present assignment will be funded from two financial sources – IPA and ENI. Due to this, two separate Requests for services have to be launched, involving the same companies. Nevertheless, at the end of the tendering process, only one contract will be issued, covering both sources. Please note that this separation between IPA and ENI sources of funding should be respected in all financial and contractual reporting.

Thus, the contractor should submit one technical offer, covering both IPA and ENI. As for the financial offer, the contractor is requested to prepare a global financial offer, divided between IPA and ENI, clearly indicating what is funded by ENI and IPA sources.

Separate invoices should be issued for the costs incurred under ENI and IPA budget sources.

⁴⁸ Should the offer contain quotations, these sections must be clearly identified and sources indicated

The financial offer will be itemised to allow the verification of the fees compliance with the Framework contract terms.

The per diems will be based on the EU per diem in force when the Requests for Services are launched. The EU per diem is the maximum not to be exceeded.

Offers shall be submitted within the deadline exclusively to this functional mailbox:

NEAR-A4@ec.europa.eu

1.11 TECHNICAL OFFERS SELECTION CRITERIA

The selection criteria and their respective weights are:

	Maximum
TOTAL SCORE FOR ORGANISATION AND METHODOLOGY	
Understanding of ToR	15
Organization of tasks (including division of tasks, timing, quality control mechanisms)	10
Evaluation approach, working method, analysis	15
Sub Total	40
EXPERTS/ EXPERTISE	
Team Leader	20
Other senior experts	25
Other (medium/junior) experts	10
Project manager	05
Sub Total	60
Overall total score	100

1.12 ANNEXES

The contracting authority reserves the right to modify the annexes during the FWC implementation.

ANNEXES

ANNEX 1: INDICATIVE DOCUMENTATION TO BE CONSULTED FOR THE PURPOSE OF THE EVALUATION BY THE SELECTED CONTRACTOR

Indicate a list of relevant documents which can be consulted by the contractor.

Some relevant EC evaluations have taken place at national, regional and strategic level. They, together with the relevant performance audits of the European Court of Auditors, will be taken into account in the carrying out of the current evaluation.

ENPI/ENI, IPA I/II actions have been subject to result oriented monitoring (ROM). The ROM reports as well as internal monitoring reports will be used by the evaluators during the Inception and Desk phases and to prepare the field missions as one among many inputs

Hereunder non-comprehensive list of available evaluations/audit reports:

Thematic evaluations⁴⁹:

- External evaluation of IPA II (2014 - mid-2017), published in July 2017
- External Evaluation of ENI (2014 – mid-2017), published in July 2017
- External Evaluation of EIDHR (2014 – mid-2017), published in June 2017
- Third interim evaluation of IPA assistance, published in 2015
- Thematic Evaluation on IPA Support to Roma Communities, published in 2015
- Thematic evaluation on IPA support to the fight against corruption, published in 2015
- Evaluation of TAEX Instrument, published in 2015
- Synthesis of Budget Support Evaluations (2010-2014), published in 2014
- Mapping of Sector Strategies (IPA) published in 2014
- Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans, published in 2013
- Evaluation of the European Union's Support to two European Neighbourhood Policy Regions (East and South) (2004-2010), published in 2013
- Thematic Evaluation of European Commission Support to Justice and Security System Reform, European Commission, November 2011⁵⁰

Country evaluations⁵¹:

- Evaluation of the EU cooperation with Azerbaijan, to published end-2017
- Strategic evaluation of the EU cooperation with Georgia (2007-2013), published in 2015
- Evaluation of the European Union's Cooperation with the Hashemite Kingdom of Jordan (2007-2013) - Country Level Evaluation, published in 2015
- Joint strategic evaluation of budget support operations in Morocco (2005-2012), published in 2014
- Strategic evaluation of the EU cooperation with the occupied Palestinian Territory and support to the Palestinian people (2008-2013), published in 2014
- Strategic evaluation of EU cooperation with Ukraine (2002-2009), published in 2010

Audit reports of the European Court of Auditors⁵²:

- Special report no 21/2016-EU pre-accession assistance for strengthening administrative capacity in the Western Balkans: A meta audit;
- Special report no.20/2016- Strengthening administrative capacity in Montenegro
- Special report no. 13/2016 - EU assistance for strengthening public administration in Moldova
- Special report no.11/2016 - Strengthening administrative capacity in the former Yugoslav Republic of Macedonia: limited progress in a difficult context
- Special report no 19/2014 – EU Pre-accession Assistance to Serbia
- Special report no 4/2013 – EU cooperation with Egypt in the Field of Governance
- Special reports 2009/12- The effectiveness of Commission's projects in the area of Justice and Home Affairs for Western Balkans;
- Special Reports 2009/16 The European Commission's management of pre-accession for Turkey
- Special Reports 2012/18 – European Union's assistance to Kosovo related to the rule of law

ANNEX 2: TIMING

Column 3 (Dates) of the table below is to be filled by the contractors and submitted as part of their technical offer

<i>Evaluation Phases</i>	<i>Notes and Reports</i>	<i>Dates</i>	<i>Meetings</i>
Inception			
		Mid-January 2018	Briefing session in Brussels
	- Inception Report - Inventory of interventions (data base)	three weeks after briefing session	ISG Meeting (Draft Inception report)

49 https://ec.europa.eu/europeaid/node/80199_en; http://ec.europa.eu/enlargement/news_corner/key-documents/index_en.htm

50 http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/reports/2011/1295_vol1_en.pdf

51 https://ec.europa.eu/europeaid/node/80199_en; http://ec.europa.eu/enlargement/news_corner/key-documents/index_en.htm

52 <http://www.eca.europa.eu/en/Pages/AuditReportsOpinions.aspx?ty=Special%20report&tab=tab4>

	- Consultation Strategy - Power point presentation		
Desk			
	- Background document for OPC and questions	March 2018	ISG Meeting (OPC background document)
	- Desk Report	End April 2018	ISG meeting (Draft Desk report)
Validation			
	Field Visits (Field visit annexes for the Final report)	Mid-May-July 2018	
	- Presentation of Findings (Power point presentation) - OPC Summary	Early September 2018	ISG Meeting
Synthesis			
	Draft Final Report, including updated Consultation Strategy and Final OPC Summary, Executive summary and Abstract Power Point Presentation of Draft Final Report	October 2018	ISG Meeting
	Submission Final Report	November 2018	
	Submission printed version	Early December 2018	
		December 2018 /January 2019	Dissemination seminar

ANNEX 3: Overall structure of the final report

The overall layout of the **Final report** is:

- A summary (1);
- Context of the evaluation and methodology;
- Evaluation questions and their answers (findings);
- Conclusions (2); and
- Recommendations (3).

Length: the final main report may not exceed 70 pages excluding annexes. Each annex must be referenced in the main text. Additional information regarding the context, the activities and the comprehensive aspects of the methodology, including the analysis, must be put in the annexes.

The evaluation matrix must be included in the annexes. It must summarise the important responses at indicator/ judgement criteria level. Each response must be clearly linked to the supporting evidence. The matrix must also include an assessment of the quality of evidence for each significant finding. The table below presents an example of how the quality of evidence may be ranked. This is purely indicative. The contractor should present a specific approach for assessing the quality of evidence.

Ranking of Evidence	Explanation of ranking of quality of evidence
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<i>Strong</i>	The finding is consistently supported by a range of evidence sources, including documentary sources, quantitative analysis and qualitative evidence (i.e. there is very good triangulation); or the evidence sources, while not comprehensive, are of high quality and reliable to draw a conclusion (e.g. strong quantitative evidence with adequate sample sizes and no major data quality or reliability issues; or a wide range of reliable qualitative sources, across which there is good triangulation).
<i>More than satisfactory</i>	There are at least two different sources of evidence with good triangulation, but the coverage of the evidence is not complete.
<i>Indicative but not conclusive</i>	There is only one evidence source of good quality, and no triangulation with their sources of evidence.
<i>Weak</i>	There is no triangulation and / or evidence is limited to a single source.

(1) A summary (maximum 5 pages)

The summary of the evaluation report may not exceed 5 pages (3.000 words). It should be structured as follows:

- a) 1 paragraph explaining the objectives and the challenges of the evaluation;
- b) 1 paragraph explaining the context in which the evaluation takes place;
- c) 1 paragraph referring to the methodology followed, spelling out the main tools used (data on the number of projects visited, number of interviews completed, number of questionnaires sent, number of focus groups conducted, etc.);
- d) The general conclusions related to sectorial and transversal issues on one hand, and the overarching conclusion(s) (for example on poverty reduction) on the other hand;
- e) A limited number of main conclusions should be listed and classified in order of importance; and
- f) A limited number of main recommendations should be listed according to their importance and priority. The recommendations have to be linked to the main conclusions.

The chapters on conclusions and recommendations should be drafted taking the following issues into consideration:

(2) Conclusions

- The conclusions have to be assembled by homogeneous "clusters" (groups). It is not required to set out the conclusions according to the evaluation criteria.
- The general conclusions related to sectorial and transversal issues and the overarching conclusion(s) (for example on poverty reduction).
- Specific conclusions on each financial instrument indicated in the ToR section "3.1.1. Legal scope". These conclusions will focus on effectiveness, efficiency, added value, complementarity and synergies with other financial instruments.
- The chapter on conclusions must enable to identify lessons learnt, both positive and negative.

(3) Recommendations

- Recommendations should be substantiated by the conclusions.
- Recommendations have to be grouped in clusters (groups) and presented in order of importance and priority within these clusters.
- Recommendations have to be realistic and operational.
- The possible conditions of implementation (who? when? how?) have to be specified and key steps/action points should be detailed when possible.

Annexes (non-exhaustive)

- National background;
- Methodological approach;
- Evaluation matrix;
- Monograph, case studies;
- List of documents consulted;
- Consultation strategy (final)
- Summary of the Open Public Consultation
- List of institutions and persons met;
- People interviewed;
- Results of the focus group, expert panel etc.;
- Slide presentations in the country/regional seminar and the seminar minutes;
- All data bases constructed for the purpose of the evaluation.

EDITING

The Final report must:

- be consistent, concise and clear;
 - be well balanced between argumentation, tables and graphs;
 - be free of linguistic errors;
 - include a table of contents indicating the page number of all the chapters listed therein, a list of annexes (whose page numbering shall continue from that in the report) and a complete list in alphabetical order of any abbreviations in the text;
 - Contain a summary of maximum 5 pages (or summaries in several linguistic versions when required).
 - Be typed in single spacing and printed double sided, in A4 format.
- The presentation must be well spaced (the use of graphs, tables and small paragraphs is strongly recommended). The graphs must be clear (shades of grey produce better contrasts on a black and white printout).
- The contractor is responsible for the quality of translations and their conformity with the original text.

ANNEX 4: Quality Assessment Grid

Concerning these criteria, the evaluation report is:	Unacceptable	Poor	Good	Very good	Excellent
1. Meeting needs: Does the evaluation adequately address the information needs of the commissioning body and fit the terms of reference?					
2. Relevant scope: Is the rationale of the policy examined and its set of outputs, results and outcomes/impacts examined fully, including both intended and unexpected policy interactions and consequences?					
3. Defensible design: Is the evaluation design appropriate and adequate to ensure that the full set of findings, along with methodological limitations, is made					

accessible for answering the main evaluation questions?					
4. Reliable data: To what extent are the primary and secondary data selected adequate? Are they sufficiently reliable for their intended use?					
5. Sound data analysis: Is quantitative information appropriately and systematically analysed according to the state of the art so that evaluation questions are answered in a valid way?					
6. Credible findings: Do findings follow logically from, and are they justified by, the data analysis and interpretations based on carefully described assumptions and rationale?					
7. Validity of the conclusions: Does the report provide clear conclusions? Are conclusions based on credible results?					
8. Usefulness of the recommendations: Are recommendations fair, unbiased by personnel or shareholders' views, and sufficiently detailed to be operationally applicable?					
9. Clearly reported: Does the report clearly describe the policy being evaluated, including its context and purpose, together with the procedures and findings of the evaluation, so that information provided can easily be understood?					
Taking into account the contextual constraints on the evaluation, the overall quality rating of the report is considered.					

ANNEX 5: Evaluation criteria and key methodological issues

(1) Definitions of the **five OECD-DAC evaluation criteria** can be found at the following address:

<http://www.oecd.org/dac/evaluationofdevelopmentprogrammes/daccriteriaforevaluatingdevelopmentassistance.htm>

(2) **Relevance:** the extent to which an intervention's objectives are pertinent to needs, problems and issues to be addressed.⁵³

(3) **"Coherence"** is used in two different contexts: as an evaluation criterion and as part of the 3Cs (key issues).

1. i. The definitions of coherence as evaluation criteria:

Coherence⁵⁴: the extent to which the intervention logic is not contradictory/the intervention does not contradict other intervention with similar objectives

ii. *Provisions regarding the 3Cs (key issues):*

Development cooperation is a shared competence between the European Community and the Member States. The EU competence on development cooperation was established in law by the

⁵³ Evaluating EU activity - Glossary p.101 (Relevance, p. 108):

http://ec.europa.eu/dgs/secretariat_general/evaluation/docs/eval_activities_en.pdf.

While, according to the DAC Glossary the **relevance** is the extent to which the objectives of a development intervention are consistent with beneficiaries' requirements, country needs, global priorities and partners' and donors' policies. The terms '**relevance and coherence**' as European Union's evaluation criteria cover the DAC definition of 'relevance'.

⁵⁴ Evaluating EU activity - Glossary p.101 (Coherence: p.102):

http://ec.europa.eu/dgs/secretariat_general/evaluation/docs/eval_activities_en.pdf

adoption of the Maastricht Treaty in 1992. To guide its practical implementation the Maastricht Treaty established three specific requirements: *coordination, complementarity and coherence* – the “three Cs”. These commitments are reaffirmed in the “European Consensus for Development”⁵⁵. The legal provisions with regard to the 3Cs remain largely unchanged in the Lisbon Treaty. They offer basic definitions of the various concepts involved as can be seen in the box below.

Lisbon Treaty

Art. 208 (ex Art. 177 TEC)

1. "Union policy in the field of development cooperation shall be conducted within the framework of the principles and objectives of the Union's external action. The Union's development cooperation policy and that of the Member States complement and reinforce each other.

Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries."

Art. 210 (ex Art. 180 TEC)

1. "In order to promote the complementarity and efficiency of their action, the Union shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organisations and during international conferences.
2. They may undertake joint action. Member States shall contribute if necessary to the implementation of Community aid programmes.

2. The Commission may take any useful initiative to promote the coordination referred to in paragraph 1."

Coordination: In EC policy documents the distinction is made between three levels of coordination: (i) policy coordination; (ii) operational coordination and (iii) coordination in international forums.

Complementarity: The obligation to ensure complementarity is a logical outcome of the fact that development cooperation is a shared competence between the EC and the Member States. Over time, the concept was linked to a better distribution of roles between the Commission and the Member States on the base of their respective comparative advantages. This interpretation is also the basis for the Code of Conduct on Complementarity (2007) emphasizing the need for a „division of labour“ (DOL) between the various European actors in delivering aid.

Coherence: One such typology distinguishes between (i) coherence/incoherence of European development policy itself; (ii) coherence/incoherence with the partner country's/region's policies; and (iii) coherence/incoherence between development co-operation policies and policies in other fields⁵⁶.

- (4) **Value added of the European Union's interventions:** The criterion is closely related to the principle of subsidiarity and relates to the fact that an activity/operation financed/implemented through the Commission should generate a particular benefit.

There are practical elements that illustrate possible aspects of the criterion:

- 1) The European Union has a particular capacity, for example experience in regional integration, above that of EU Member States.
- 2) The European Union has a particular mandate within the framework of the '3Cs' and can draw Member States to a greater joint effort.

⁵⁵ (2006/C 46/01)

⁵⁶ In recent years, the concept of „policy coherence for development“ (PCD) has gained momentum, in the European Consensus (2005) PCD was defined as “ensuring that the EU takes account of the objectives of development cooperation in all policies that it implements which are likely to affect developing countries, and that these policies support development objectives.” (par. 9).

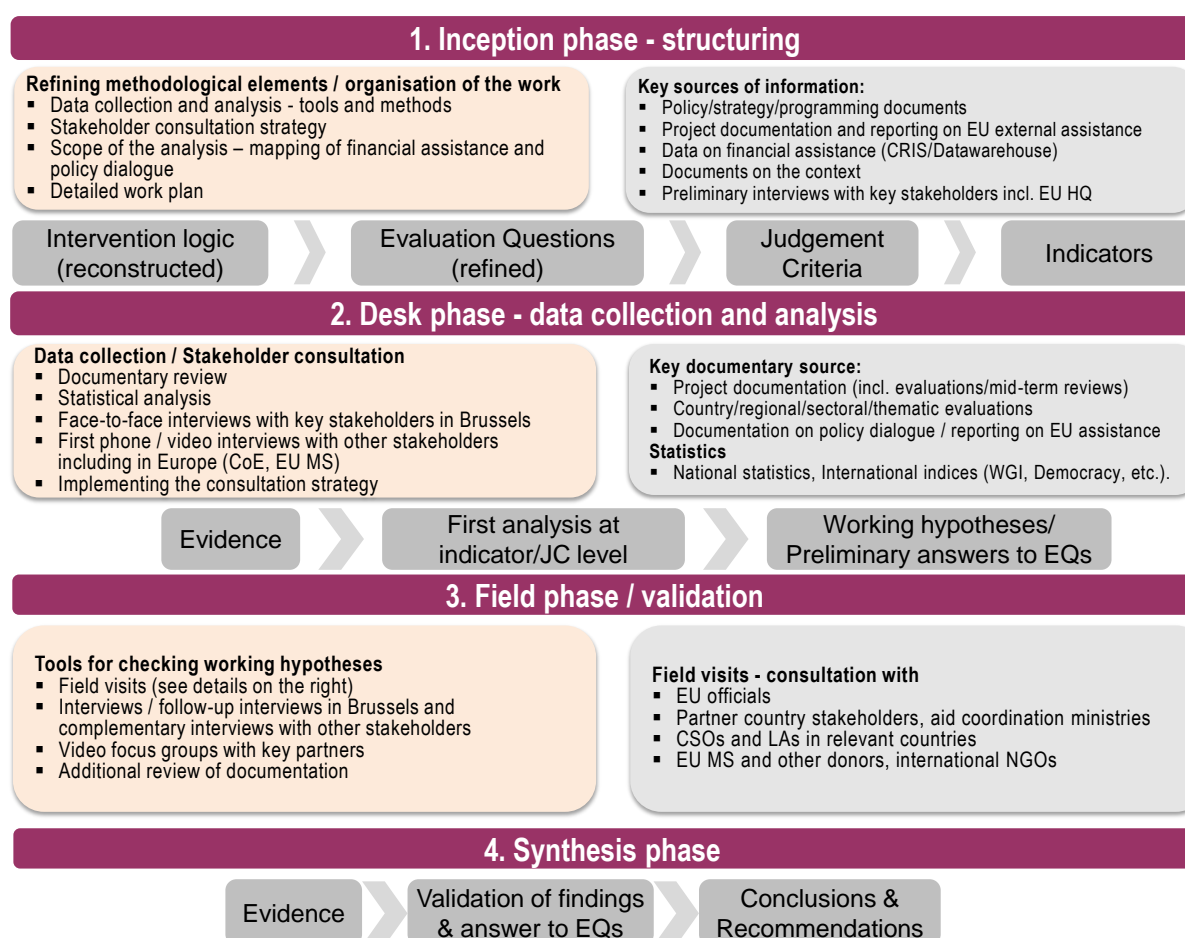
3) The European Union's cooperation is guided by a common political agenda embracing all EU Member States.

2 Annex 2 – Details on the Methodology

2.1 Methodological approach

The methodology applied for this evaluation is based on the methodological guidelines on linking planning/programming, monitoring and evaluation developed by the DG Neighbourhood and Enlargement Negotiation (NEAR). The evaluation was conducted in four main phases (Inception, Desk, Field and Synthesis as presented by Figure 1) between January 2018 and February 2019.

Figure 1 Overview of different evaluation phases and key methodological elements



Source: *Particip*.

2.2 Intervention logic

In EU policy, no specific, defined intervention logic or theory of change for ENI or IPA support to RoL exists. Moreover, although RoL principles have been developed in EU Member States, an official uniform definition at the EU level has not yet been developed.

The evaluation team therefore reconstructed the intervention logic on the basis of EU policy documents relative to RoL, the ENI/IPA regulations, and the various strategic documents and reports prepared during the relevant period. This intervention logic, which is presented in the main volume of the evaluation, shows the evaluation team's understanding of how EU support to RoL in the beneficiary countries leads – starting with activities supported at beneficiary and regional levels – to anticipated outputs, outcomes and, ultimately, progress towards objectives in the form of impacts. Elements included in the intervention logic are described in Table 1.

Table 1 *Intervention logic - Description of the different elements*

Level	Description
Broader Strategic Frameworks	The European Financing Instruments' (EFIs) (IPA I/IPA II and ENI/ENPI) objectives relative to RoL are directly linked to the provisions of the Treaty on European Union. As discussed in presenting the EU policy framework, the overall objective of external support to RoL in the candidate countries and potential candidates and in the European Neighbourhood is to promote European values and standards regarding RoL. In this way, economic stability, justice systems, democracy and human rights will be reinforced and the stability of the EU and surrounding countries strengthened. These objectives are taken up in EU policy documents.
Inputs	<p>The Intervention Logic presented in the main report identifies the primary areas of EU financial support to RoL in ENI and IPA instruments, at the bilateral as well as regional level. It also includes inputs financed by other External Financing Instruments, including the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument contributing to Stability and Peace – IcSP (formerly the Instrument for Stability – IFS). It covers not only financial support (TA, capacity building, sector programmes, etc.), but also treats, the policy dialogue for the programming and implementation of financial support –(usually operational or technical in nature), and the high-level political dialogue. Regional policy and political dialogue is also included.</p> <p>In addition, the Evaluators have included cooperation with EU MS, EU institutions other than DG NEAR (e.g. DG JUST), and other relevant partners (CoE, OSCE, etc.), and more general areas of support relative to civil society, human rights and democratisation.</p>
RoL areas of interventions	<p>As indicated, RoL cannot be neatly and conveniently divided into discrete pillars or “areas”, since it is in reality a collection of concepts and principles that are supported in an interdependent manner across multiple institutions. That said, the Evaluators have, for the purposes of clarity and based on the evaluation’s ToR, separated the themes applicable to EU rule of law intervention generally as follows:</p> <ul style="list-style-type: none"> • Judiciary/ Justice including independence and impartiality, accountability, professionalism and competence, quality of justice and efficiency; • Human Rights and Fundamental Freedoms within each of the key projects including fair trial rights, access to justice, prevention of torture and ill treatment (prison system), freedom of thought, conscience, religion and expression (including free press & media), association and assembly; • Democracy including conduct of elections, functioning of parliaments and capacity building of political parties. <p>Issues which were looked at transversally or in a cross-cutting manner for their contribution to RoL included:</p> <ul style="list-style-type: none"> • Anti-Corruption, where directly relevant to RoL (excluding security/ law enforcement); • Civil Society; • Human Rights and Fundamental Freedoms, for example within broad human rights programmes (including under other instruments, to assess coherence, complementarity, etc.).
Outputs	The outputs identified have been sourced from some of the larger Actions supported under the ENI and IPA, and hence have been considerably developed during all phases of the evaluation, where the Evaluators explored in detail in the case-study notes the specific Actions, activities and approaches implemented.
Intermediate and longer term Outcomes	The elements contained in these levels of the intervention logic were sourced and interpreted from the provisions of existing policy and strategy documents and the case study analyses conducted, taking into account the proviso outlined above, namely that this logical chain is not developed explicitly in the EU policy framework, but is rather implicit and reconstructed.
Impacts	These elements are based on the overriding provisions of the ENP and enlargement policies, ENI/ENPI, and IPA I and II, and of the Treaty on European Union.

This reconstructed intervention logic provided a framework for the evaluation through:

- Contributing to the formulation of the Evaluation Questions; and
- Guiding the evaluation team’s analysis in the Desk, Field and Synthesis phases.

The following sub-chapters present the full analysis at the basis of the reconstructed intervention logic.

2.2.1 Overall Policy Framework relative to Rule of Law

EU policy relative to RoL in IPA and ENI regions is outlined in detail in the next sub-sections. The intervention logic of RoL actions in third countries is anchored in the establishing documents of the European Union, and specifically the Preamble, Article 2 and Article 21 of the Treaty on European Union.

In order to analyse the logical basis of support to RoL in the beneficiary/partner countries, the following key policy documents that describe the objectives, scope, and political framework have been taken into account:

- The European Neighbourhood Policy⁵⁷;
- COM (2014) 158 A new EU Framework to strengthen the Rule of Law;
- COM (2011) 303 A New Response to a Changing Neighbourhood (as revised 2013 and 2015);
- COM (2013) 700 Enlargement Strategy and challenges;
- COM (2015) 611 Enlargement Strategy;
- COM (2016) 715 Enlargement Policy;
- EU Strategy for the Western Balkans⁵⁸.

These are complemented by other policy documents relative to rule of law and human rights having a general application, including in the regions under consideration, for example the EU Action Plan on Human Rights and Democracy⁵⁹, the Staff Working Document establishing a Tool-box on the Rights-Based Approach⁶⁰, and the New European Consensus on Development⁶¹.

The key Instruments providing EU support to RoL in the beneficiaries/ partner countries under consideration include:

- Council Regulation (EC) No 1805/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA I);
- Regulation (EU) no 231/2014 of the European Parliament and the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II);
- Regulation (EC) No 1638/2006 of the European Parliament and the Council of 24 October 2006 laying down general provisions establishing a European Partnership and Neighbourhood Instrument (ENPI);
- Regulation (EU) no 232/2014 of the European Parliament and the Council of 11 March 2014 establishing a European Neighbourhood Instrument (ENI).

These are also complemented by Instruments having a global application, such as the European Instrument for Democracy and Human Rights (EIDHR⁶²), and their related programming documents.

2.2.2 Policy framework relative to RoL in IPA beneficiaries

Under IPA I, a key underpinning of assistance for candidate countries and potential candidates was to continue to support efforts to strengthen RoL, and democratic institutions as well as respect of human rights and fundamental freedoms in particular⁶³. Assistance to candidate countries (at the time Croatia,

⁵⁷ COM (2004) 373 “European Neighbourhood Policy Strategy Paper”: [http://www.europarl.europa.eu/meetdocs/2004_2009/documents/com/com_com\(2004\)0373_/com_com\(2004\)0373_en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/com/com_com(2004)0373_/com_com(2004)0373_en.pdf).

⁵⁸ COM (2018) 65 final “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”: https://eeas.europa.eu/headquarters/headquarters-homepage/39711/credible-enlargement-perspective-and-enhanced-eu-engagement-western-balkans_en.

⁵⁹ Council of the European Union (2015) “EU Action Plan on Human Rights and Democracy”: https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf.

⁶⁰ SWD (2014) 152 final “Tool Box - A rights-based approach, encompassing all human rights for EU development cooperation”: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209489%202014%20INIT>.

⁶¹ EU (2017) “The New European Consensus on Development - Our World, our Dignity, our Future”: https://ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-final-20170626_en.pdf

⁶² EU (2006): Regulation (EC) No 1889/2006 of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide.

⁶³ Council Regulation (EC) No. 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession (IPA), Preamble, Article 2 and Article 21: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02006R1085-20120301&qid=1397475599751&from=FR>.

Turkey, and the Republic of North Macedonia focused on the adoption and implementation of the *acquis communautaire*, whereas assistance for potential candidates (then Albania, Bosnia and Herzegovina, Montenegro, and Serbia including Kosovo) focused on progressive alignment of the *acquis*.

The overall objective of IPA II was to support eligible beneficiaries (Albania, Bosnia and Herzegovina, Iceland, Kosovo, Montenegro, Serbia, Turkey, and the Republic of North Macedonia) to adopt and implement political, institutional, legal, administrative, social, and economic reforms necessary to comply with European values and progressively align with the EU's rules, standards, and practices, with a view to membership⁶⁴. Specific objectives included strengthening of democracy and its institutions, including an independent and efficient judiciary, and the RoL, including its implementation; and promotion of human rights and fundamental freedoms⁶⁵.

Thematic priorities for assistance related to RoL and fundamental freedoms included establishing and promoting the proper functioning of institutions necessary in order to secure the RoL. Interventions identified concerned establishing independent, accountable and efficient judicial systems. In addition, a wide range of interventions related to human rights and fundamental freedoms, the fight against organised crime and corruption, migration management, and other areas of concern were outlined.

In identifying main enlargement challenges (such as improving good governance, the rule of law, speeding up economic reform and improving capacity to adopt and implement the *acquis*) at the beginning of the period under consideration by the current Evaluation, the EU noted significant progress, such as the successful accession of Croatia, but also challenges, including improving RoL in all beneficiaries (p. 2)⁶⁶. Under strengthening the rule of law, the Commission highlighted judicial reform and the fight against organised crime and corruption (p. 7).

The need to prioritise RoL early in the accession process has been emphasised, particularly as experiences with new EU MS have accumulated since the 2010 enlargement and RoL issues within the EU have emerged. Noting that most accession countries needed to demonstrate substantial progress, the EU undertook (p. 20) to strengthen its dialogue regarding RoL and fighting organised crime and corruption.

In addition, the "new approach" to accession negotiations outlined in the 2012 Enlargement Strategy⁶⁷ emphasised that "*the rule of law is firmly anchored at the heart of the accession process, laying the foundation also for future negotiations*", by tackling Chapters 23 and 24 early in the negotiation process and closing them last; enhancing monitoring of commitments; introducing an innovative phased approach by setting opening, interim and closing benchmarks; and allowing the possibility of using safeguards in the event that RoL reforms, and hence progress in Chapters 23 and 24, stall or backslide.

In its 2015 Communication⁶⁸, the Commission noted that the situation had changed little: all accession countries still faced "*major challenges*" with respect to RoL and "*judicial systems are not sufficiently independent, [and] serious efforts are needed to tackle organised crime and corruption*" (p. 2). The Commission also reaffirmed its focus on "*fundamentals first*" in the accession process, including RoL,

⁶⁴ Regulation (EU) No. 231/2014 of the European Parliament and of the Council of March 11, 2014 establishing an Instrument for Pre-accession assistance (IPA II), Preamble, Article 1, Article 2, Article 3, Annexe II: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/ipa/2014/231-2014_ipa-2-reg.pdf.

⁶⁵ Regulation (EU) No. 231/2014 of the European Parliament and of the Council of March 11, 2014 establishing an Instrument for Pre-accession assistance (IPA II), Article 2.

⁶⁶ COM (2010) 660 "Communication from the Commission to the European Parliament and the Council "Enlargement Strategy and Main Challenges 2010-2011": https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2010/package/strategy_paper_2010_en.pdf.

⁶⁷ COM (2012) 600 Communication from the Commission to the European Parliament and the Council "Enlargement Strategy and Main Challenges 2012-2013": https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2012/package/strategy_paper_2012_en.pdf.

⁶⁸ COM (2015) 611 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "EU Enlargement Strategy": https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf.

noting that while progress was being made in legislative reform and establishing administrative structures, implementation was often lacking.

In the 2016 *Communication on Enlargement Policy* (COM(2016)715), the Commission emphasised that, given the complex nature of necessary reforms and persistent structural shortcomings, long-term processes were necessary, particularly in the area of rule of law; it affirmed yet again its commitment to the principle of “*fundamentals first*.”

Falling outside the evaluation temporal scope but still nevertheless of importance is COM(2018)65: *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*⁶⁹, which identifies RoL, fundamental rights, and good governance as the most pressing issue in the Western Balkans and the benchmark against which countries will be judged (pp. 4 and 8), characterising these as “*well-established membership criteria*” (p. 18).

2.2.3 Policy framework relative to RoL in the ENI Region

The basis for support in the ENI region is to be found in the European Neighbourhood Policy⁷⁰, which built, in turn, on analytical work and strategic analysis dating back to 2003⁷¹. From its roots, the political economy context of the ENP was marked by the need to deepen relations with a widening European Neighbourhood in a manner distinct from possibilities for accession under Article 49 of the Treaty on European Union. By promoting stability, security and prosperity and well-being for all concerned, it recognised that Europe’s future is closely tied to that of its neighbours to the East and South.

In 2006, in recognition of the need to further develop external relations with its Eastern and Southern neighbours, the EU established the European Neighbourhood and Partnership Instrument (ENPI)⁷². It called for a privileged relationship between the EU and its neighbours based on common values including democracy, human rights, and the rule of law⁷³. Contractual relations with the Neighbourhood South for external support fell under the Euro-Mediterranean Partnership established with the Barcelona Declaration of 1995⁷⁴. For the Neighbourhood East, these were based on the set of Partnership and Cooperation Agreements and Association Agreements in place.

Article 2 of the 2006 ENPI Regulation established, among the areas of cooperation, promoting political dialogue and reform; promoting legislative and regulatory approximations towards higher standards; promoting the RoL and good governance; promoting and protecting human rights and fundamental freedoms; and supporting democratisation⁷⁵. Guided by Action Plans and periodic reviews, the ENPI foresaw bilateral and multi-country programmes as well as cross-border cooperation between EU MSs

⁶⁹ COM (2018) 65 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “EU Enlargement Strategy”: https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf.

⁷⁰ COM (2004) 373 Communication from the Commission “European Neighbourhood Strategy Paper”: [http://www.europarl.europa.eu/meetdocs/2004_2009/documents/com/com_com\(2004\)0373_/com_com\(2004\)0373_en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/com/com_com(2004)0373_/com_com(2004)0373_en.pdf).

⁷¹ COM (2003) 104 final “Wider Europe – Neighbourhood: A new Framework for relations with our Eastern and Southern Neighbours”: http://eeas.europa.eu/archives/docs/enp/pdf/pdf/com03_104_en.pdf; COM (2003) 393 final, “Paving the Way for a New Neighbourhood Instrument”: http://ec.europa.eu/regional_policy/sources/docoffic/official/communic/wider/wider_en.pdf.

⁷² Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood Partnership Instrument: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISUM:r17101&from=EN>.

⁷³ Ibid. Preamble (4): “The privileged relationship between the EU and its neighbours should build on commitments to common values, including [...] the rule of law”; Article 1 (3): “The EU is founded on the values of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law”.

⁷⁴ Euro-Mediterranean Conference (1995) “Barcelona declaration”: https://ec.europa.eu/research/iscp/pdf/policy/barcelona_declaration.pdf.

⁷⁵ Article 2 (2): “Community assistance shall be used to support measures within the following areas of cooperation: (d) promoting the rule of law and good governance, [...] and the impartiality and effectiveness of the judiciary, and supporting the fight against corruption and fraud”.

and partner countries sharing a border. The Euro-Mediterranean Partnership⁷⁶ and 2011 Eastern Partnership⁷⁷ provided platforms for policy and political dialogue.

Dramatic shifts in the policy context, most notably the Arab Spring which began in Tunisia in December 2010 and rapidly spread across the Arab world, demanded an urgent reconsideration of the ENP, which by 2011 encompassed Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, the Republic of Moldova, Morocco, Palestine, Syria, Tunisia, and Ukraine⁷⁸. Calling on its shared commitment to supporting human rights, democracy and the RoL, the EU undertook to:

- Provide greater support and build “deep democracy”, specifically referring to the need for impartial and independent justice;
- Support inclusive economic development;
- Strengthen the Eastern Partnership and the Southern Mediterranean Partnership;
- Provide mechanisms and instruments to deliver these objectives.

The revised policy⁷⁹ stressed political association and economic integration, mobility, closer sector cooperation strategies, and stronger partnership with civil society. In furtherance of the latter, the Neighbourhood Civil Society Facility⁸⁰ was established.

The EU’s engagement with RoL in the Neighbourhood appears to have taken some time to commence. The Regional Strategy Papers⁸¹ do not address core RoL concerns directly, with reference made for example not to specific aspects, but to better governance, civil society, and promotion of EU expertise through the Technical Assistance and Information Exchange instrument (TAIEX) and Support for Improvement in Governance and Management (SIGMA)⁸². However, this was relative to regional and inter-regional strategy only, and bilateral strategic and programming agreements engage these issues more directly.

Financial resources were increased and COM (2011) 303 “A new response to a changing Neighbourhood”⁸³ introduced the concept of “more for more”: partners making progress on building and consolidating democracy and respect for the human rights and the rule of law would receive greater support, not only in financial terms, but in areas such as access to European markets and facilitation of mobility. It called also for “mutual accountability,” that is, partnership with societies, and more careful tailoring of support to individual country needs (sometimes referred to as “differentiation”).

An in-depth analysis in 2013 of twelve Country Progress Reports allowed the EU to assess the performance of the revised ENP, and contributed in a significant manner to the overall policy framework⁸⁴. While progress across the Neighbourhood was considered “uneven,” the Communication emphasised that reform is possible where political will is present and society is actively engaged in the

⁷⁶ Partnership for Democracy and Shared Prosperity with the Southern Mediterranean (2005): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0200:FIN:en:PDF>.

⁷⁷ The Eastern Partnership: <http://www.euneighbours.eu/en/policy/eastern-partnership>.

⁷⁸ COM (2011) 303 Final, Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “A new response to a changing Neighbourhood.”

⁷⁹ Com (2016) 715 final “2016 Communication on EU Enlargement Policy”: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20161109_strategy_paper_en.pdf.

⁸⁰ C(2011) 6471 “Neighbourhood Civil Society Facility 2011”: https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-neighbourhood-spe-commission-decision-20110920_en.pdf.

⁸¹ ENPI Eastern Regional Strategy Paper 2007-2013 and Regional Indicative Programme 2007-2010; ENPI Regional Strategy Paper for the Euro-Mediterranean Partnership 2007-2013 and Regional Indicative Programme 2007-2010 (revised by the Regional Indicative Programme 2011-2013, and reaffirming the RSP 2007-2013 and ENPI Inter-Regional Strategy Programme 2007-2013); COM (2011) 303 “A new response to a changing Neighbourhood”.

⁸² EU (2018) TWINNING and SIGMA: https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/neighbourhood-wide/twinning-taiex-and-sigma_en.

⁸³ COM (2011) 303 “A new response to a changing Neighbourhood”: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0303:FIN:en:PDF>.

⁸⁴ JOIN(2013) 4 final, Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “European Neighbourhood Policy: Working towards a stronger partnership” JOIN(2013) 4 final, Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “European Neighbourhood Policy: Working towards a stronger partnership”.

process (p. 3). In the area of RoL (§ 24, p. 7) it noted significant shortcomings in judicial independence, as well as a number of specific problem areas – high conviction rates, excessive use of administrative detention, unsatisfactory equality of arms, and poor prison conditions including torture and ill-treatment.

In addition to re-affirming the principles of “more for more” and “mutual accountability”, the 2014-2020 European Neighbourhood Instrument⁸⁵ requires increased emphasis on the impact of EU external support, and coherence and complementarity between EU external support instruments, including better coordination with EU MS through joint programming where possible. Article 2 outlined the specific objectives of EU support, which prioritised promoting human rights and fundamental freedoms and the RoL, establishing deep democracy, promoting good governance, and developing civil society. In addition, indicators to measure progress in these areas were identified in general terms, to be pre-defined, clear, transparent, and, where appropriate, country-specific and measurable⁸⁶. Article 4 elaborated differentiation according to country needs, and conditionality on progress towards jointly agreed objectives. Similar to the ENPI regulation, external support was to be implemented under bilateral, regional, and cross-border programmes⁸⁷.

Regional East Strategy Papers⁸⁸ identify RoL and democracy as “critical priorities”, with political will and the participation of civil society being essential to achieving progress. Deep and sustainable democracy and respect for human rights is “*still to be achieved*” (p.4), in large part due to persistent poor governance and corruption. It reaffirms that “*these values and principles [human rights, democracy and RoL] are in fact the only non-negotiable issues underpinning our Eastern Partnership*” (p.9). The essential role of cooperation with the Council of Europe in these areas is specifically highlighted.

In the Regional South Strategy Paper (2014-2020) and associated Multiannual Indicative Programme (2014-2017), progress in free and fair elections in some countries was noted, but it equally stated (p.2) “*embedding deep and sustainable democracy in the future will rely upon robust democratic institutions, in particular a fair, accessible, and efficient justice system*”. The Paper recognises that this will take time and local, country-specific responses (p. 10). The possibility of extending EU support for Council of Europe interventions is again highlighted (p.13).

⁸⁵ Regulation (EU) No 232/2014 establishing a European Neighbourhood Instrument: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0027:0043:EN:PDF>.

⁸⁶ Preamble (3): *Under the ENP, the Union offers European Neighbourhood countries a privileged relationship, building upon a mutual commitment to, and promotion of, the values of democracy and human rights, the rule of law, good governance [...]*; Article 1 General objective and scope (1): *This Regulation establishes a European Neighbourhood Instrument (ENI) with a view to advancing further towards an area of shared prosperity and good neighbourliness [...] by developing a special relationship founded on cooperation, peace and security, mutual account ability and a shared commitment to the universal values of democracy, the rule of law and respect for human rights in accordance with the TEU*; Article 1 (4): *The Union promotes, develops and consolidates the values of liberty, democracy, the universality and indivisibility of, and respect for, human rights and fundamental freedoms, and the principles of equality and the rule of law, on which it is founded, through dialogue and cooperation with third countries and in compliance with principles of international law*; Article 2 (2): *Union support under this Regulation shall target in particular: a) promoting human rights and fundamental freedoms, the rule of law, principles of equality and the fight against discrimination in all its forms, establishing deep and sustain able democracy, promoting good governance, fighting corruption, strengthening institutional capacity at all levels and developing a thriving civil society including social partners.*

⁸⁷ See also: Annex II Priorities for Union Support (1): *Union support at bilateral level shall, as appropriate, address, inter alia, the following priorities: [...] human rights, good governance and the rule of law, including reform of justice, of the public administration and of the security sector*; Annexe II Priorities for Union Support (2): *Union support at multi-country level shall, as appropriate, address, inter alia, the following priorities: [...] human rights, good governance and the rule of law. However, progress in setting up functioning and independent judicial systems remains slow, with most countries continuing to face problems of efficiency and a lack of sufficient independence and accountability. In recent years, all countries have strengthened their frameworks for tackling corruption and organised crime. New institutions [...] have been established and substantial efforts were deployed to foster specialisation, [...]. Despite these efforts, several countries in the region continue to show clear symptoms and various degrees of state capture. Efforts therefore need to focus [...] on establishing a convincing and sustained track record in these fields based on efficient, effective and unbiased investigations, prosecutions and court rulings in cases at all levels. [...].*

⁸⁸ Regional East Strategy Paper (2014-2020) and Multiannual Indicative Programme (2014-2017): http://eeas.europa.eu/archives/docs/enp/pdf/financing-the-enp/regional-east-strategy-paper-2014-2020-and-multiannual-indicative-programme-2014-2017-en_.pdf.

With regard to the Eastern Partnership (EaP) region, the pivotal role of improved governance, rule of law and justice reform has been enshrined in the “EaP 20 Deliverables for 2020 – focusing on key priorities and tangible results⁸⁹” that were endorsed at the EU-EaP Summit of 24 November 2017. Deliverables 9 and 10 explicitly encompass rule of law and justice reform, with this critical role also being reflected in relevant programming documents. The 2015 review of the ENP observed (p.2) that the EU’s own stability is predicated on democracy, human rights, and the RoL, and that stabilisation in these areas would thus be one of the ENP’s priority when moving forward⁹⁰; however, it also recognised that not all partners aspired to EU rules and standards, and promised renewed emphasis on differentiation as a consequence.

This was supported by commitment to a more flexible approach based on less rigid progress reporting tied to goals agreed on in relevant high-level meetings with partners (p. 5), although reporting would still contain elements regarding fundamental freedoms, human rights, and RoL as called for under the ENI Regulation. This opened up the possibility of support to partners wishing to address a limited number of priorities, and called for an enhanced role of the Council and EU MS in identifying priorities and means of implementation. The 2015 review of the ENP also committed the EU to continuing support to good governance, democracy, RoL, and human rights (p. 5), and pledged to support mutually agreed reforms in partner countries and undertake to support civil society. Gender issues were given enhanced importance, as were the security and migration dimensions.

Supplementing these strategic documents, the 2017 joint report on the implementation of the ENP review⁹¹ emphasised stabilisation and resilience to be pursued by upholding the EU’s commitment to “*democracy, rule of law and respect for human rights, and good governance with effective and accountable public administrations and participation of civil society*” (p.3). Discussions on partnership priorities and revised Association Agendas and political dialogue promoting respect of international human rights commitments were stressed (p. 11), as were gender equality and integration of minorities through the strengthening of the Civil Society in the South neighbourhood and the application of the EU Gender Action Plan 2016-2020⁹².

2.2.4 EU support to Rule of Law

In its co-operation with third countries the EU provides many **forms of support** to the rule of law, including the following:

- Promoting and protecting human rights and fundamental freedoms, including inter alia through support to human rights defenders, human rights priorities established under various policy documents and instruments (such as the EIDHR), support to democracy, and support to key actors (such as National Human Rights Institutions);
- Establishing an independent, accountable and efficient justice system;
- Strengthening the institutional and administrative capacity of justice institutions, often as part of structural reforms;
- Promoting good governance and accountability through fighting corruption, illegality and abuse of power by authorities;
- Modernising the criminal justice system, through enhanced respect of defendants ‘and victims’ rights; improved prison conditions and treatment; effective reforms resulting in liberalisation of sanctions; and introduction of alternatives to imprisonment that in turn reduce prison overcrowding;
- Modernising civil and administrative justice, through ensuring access, accountability, transparency, enforcement of judgments, and the use of Alternative Dispute Resolution approaches; and

⁸⁹ EaP 20 Deliverables for 2020 – focusing on key priorities and tangible results: https://eeas.europa.eu/sites/eeas/files/20_deliverables_for_2020.pdf.

⁹⁰ JOIN (2015) 50 Final Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “Review of the European Neighbourhood Policy”: http://eeas.europa.eu/archives/docs/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf

⁹¹ JOIN (2017) 18 “Report on the Implementation of the European Neighbourhood Policy Review”: https://eeas.europa.eu/sites/eeas/files/2_en_act_part1_v9_3.pdf.

⁹² EU Gender Action Plan 2016-2020 at year one, p13-14: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603256/EPRS_STU\(2017\)603256_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603256/EPRS_STU(2017)603256_EN.pdf).

- Enforcing the principle of the separation of powers and the need to strengthen independent institutions, by strengthening the capacity of national parliaments, human rights defenders, independent human rights institutions such as ombudsmen, civil society organisations, independent media representatives, and other non-state actors.

This support is provided through various types of modalities, including *inter alia* technical assistance, twinning and budget support.

A major tool to support the rule of law is **country- and regional-level policy dialogue**, which can both advocate for countries to address challenges, and identify and inform them regarding possible EU assistance to do so. However, in this regard a distinction can be made between IPA beneficiaries and ENI countries. With regard to the former, Stabilisation and Association Agreements provide the framework for the accession process, in the context of which a Sub-Committee on Justice and Home Affairs is established, which represents an annual stocktaking between the EU and the respective beneficiaries on rule of law reform, in addition to assessments contained in annual enlargement reports.

The EU Charter of Fundamental Rights⁹³ is binding on EU external policies, and hence all EU actions must promote and respect human rights and fundamental freedoms. Human rights dialogues therefore also play an important role, and guidelines stipulate that RoL should be on the agenda of every dialogue⁹⁴. Other EU instruments such as global thematic instruments also play a pivotal role, given that their beneficiaries are exclusively civil society and non-governmental (including research) organisations, thus not requiring government approval. Of special relevance to RoL is the European Instrument for Democracy and Human Rights (EIDHR). Its primary objectives provide considerable scope to strengthen RoL, by promoting the independence of the judiciary and of the legislature, supporting civil society and legal and institutional reforms and their implementation, promoting access to justice, and supporting national human rights institutions and other oversight institutions⁹⁵.

3 Annex 3 – Details on the Context

3.1 Details on the Context I: Context of EU Support to Rule of Law

The evaluation took into firm consideration the overall political, social and economic context of both individual countries and regions occurring over the period under consideration, and, where relevant, any events or conditions that had considerable influence on these contexts.

3.1.1 EU Definition of Rule of Law

The concept of the rule of law (RoL) corresponds to a set of norms, policies, and practices based on the principle that the law is supreme, and that therefore Government and the people should act according to the law. It has become a dominant organisational model to regulate the exercise of public powers. RoL is fulfilled by ensuring that:

- Constitutional or fundamental laws have supremacy over all other laws;
- Law has priority over the power of individuals, including leaders and officials; and
- Access to justice before an independent, efficient and professional judiciary is provided.

Supremacy of law means that no person is, or can be, above the law, and is conceptually closely related to equality before the law. It is ensured *inter alia* through due process of law; that is, fair procedural rights and responsibilities. The formulation established by the United Nations⁹⁶ describing the RoL is often cited:

“A principle of governance in which all persons, institutions, and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced,

⁹³ EU Charter of Fundamental Rights: http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

⁹⁴ EU Guidelines on Human Rights Dialogues, Section 5: https://eeas.europa.eu/sites/eeas/files/16526_08_en.pdf

⁹⁵ Regulation (EU) No. 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide, Article 2: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0235&from=EN>.

⁹⁶ U.N. Secretary-General Kofi Annan, “The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies” (S/2004/616 of 3 August 2004).

and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency”.

These principles ensure that public powers act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of independent and impartial courts.

The **Treaty on European Union (TEU)**⁹⁷ places rule of law amongst the values upon which the **European Union is founded**, and makes it a guiding principle for external relations. Its Preamble states that the EU:

“Draw[s] inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law”; and

“Confirms [its] attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law”.

Furthermore, Article 2 states that the EU is *“founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law [...] These values are common to the Member States in a society in which [...] justice, [...] and equality [...] prevail.”* Finally, Article 21 (1) states that the EU’s international action *“shall be guided by the principles which have inspired its own creation, development and enlargement [...]: democracy, the rule of law [...] and respect for the principles of the United Nations Charter and international law”.*

Although the RoL concept has been developed in EU Member States, **a uniform definition at the EU level has not yet been developed**. Nevertheless, the case law of the Court of Justice of the European Union (ECJ) and of the European Court of Human Rights (ECtHR), and policy documents of the Council of Europe (CoE) have progressively complemented these general principles, and defined and expanded RoL as a common and fundamental value of the EU.

This jurisprudence is drawn upon in various policy documents, and in particular the 2014 Communication *“A new EU Framework to strengthen the Rule of Law,”*⁹⁸ which sets out a new framework to strengthen the EU’s capacity to ensure protection of the rule of law in its own Member States (MS), but also underscores the EU’s overarching commitment to the principles outlined above in external relations.

Importantly, the Rule of Law Checklist (para. 18) adopted by the Venice Commission (CoE)⁹⁹ and EU Justice Scoreboards¹⁰⁰ emphasise that, despite differences of opinion, consensus exists on the core elements of the RoL that are not only formal but also substantive or material, and which require the existence of an independent, efficient and professional justice system.

The principle of the separation of powers, included in the above definitions, requires special mention, in particular the inter-linkage yet separation between the executive and legislative branches and the judiciary. An independent and impartial judiciary is a priority under international standards and best practices¹⁰¹, since it is only if the judiciary has basic guarantees of autonomy and independence that it can fulfil its role in the protection of human rights and fundamental freedoms.

In addition, RoL and the operation of the justice sector – the courts, tribunals, and relevant ministries and public agencies – are fundamentally inter-connected, since the justice sector must

⁹⁷Treaty of the European Union: http://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

⁹⁸ COM (2014) 158 Final “A new EU Framework to strengthen Rule of Law. Annex 1, pp. 1-2: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0158&from=EN>.

⁹⁹ CoE RoL Checklist: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e).

¹⁰⁰ EU Effective Justice: https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice_en.

¹⁰¹ See the Universal Charter of the Judge (1999), the Judges’ Charter in Europe (1993), the European Charter on the Statute for Judges (1998), Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary (1989), Recommendation Number R (94) 12 of the Committee of Ministers to Member States on Independence, Efficiency, and Role of Judges (1994), the Bangalore Principles of Judicial Conduct (2001, revised 2002), and the Latimer House Guidelines for the Commonwealth on Parliamentary Supremacy and Judicial Independence (1998).

both uphold the rule of law and function according to its component principles. These principles are not purely formal and procedural requirements, but are also the vehicle for ensuring compliance with and respect for democracy and human rights, and thus is a much broader concept: there can be no democracy and respect for fundamental rights without respect for the rule of law and *vice versa*.

3.1.2 Context in Accession Countries

Historical & Political Context

As further detailed below, the overall historical and political context of Accession countries has determined to a significant extent issues relating to RoL at the local, country and regional levels.

Instability, ethnic, regional and cultural conflicts: EU integration of the Western Balkans has been actively discussed and pursued since the late 1990s as a response to the aftermath of the 1991-1999 wars that had led to the violent disintegration of the former Yugoslavia, and the emergence of seven new states. EU integration is seen as an overall framework ensuring peace and stability, through regional cooperation and economic prosperity, as well as for the European Union overall, which carried a considerable burden in terms of refugees, as well as financing the cost of reconstruction and development of states that had been directly affected by fighting and ethnic cleansing. The region as a whole faces a triple challenge of: i) addressing the legacy of communism; ii) addressing the legacy of violent ethnic conflict; and iii) the necessity of state-building.

Steps towards accession: Countries' starting points have differed, as has their respective progress in the EU integration process. The 2003 EU-Western Balkans Summit confirmed Albania, Bosnia and Herzegovina, Croatia, the Republic of North Macedonia, Serbia and Montenegro as potential candidate countries to the EU; of these, only Croatia has acceded (2013). Accession negotiations with Serbia and Montenegro are underway and, according to the February 2018 EU Strategy for the Western Balkans¹⁰², both countries could become EU members by 2025, subject to "*the delivery of real and sustained reforms, and definitive solutions to disputes with neighbours*". Accession negotiations could soon commence with Albania and the Republic of North Macedonia, whereas Kosovo and Bosnia and Herzegovina have no specific timeline (p.2).

Effects of global economic crisis: The EU accession process advanced the economic integration of the candidate countries into the EU economy, through the stimulation of trade; Foreign Direct Investment; and integration of the banking and financial systems. This integration contributed to the countries' steady GDP growth until the global financial crisis in 2008. Countries have since experienced negative GDP growth or a severe growth slowdown, exacerbated by unresolved structural problems such as high unemployment¹⁰³. Observers have noted the correlation between the economic crisis and shrinking enthusiasm for EU membership in Western Balkans economies¹⁰⁴. The economic crisis also changed the EU-wide discourse on the EU enlargement process, which further curbed candidates' and potential candidates' enthusiasm to implement their EU accession commitments.

Political stability: As living standards have faltered, trust in political elites has remained low. However, public protests are rare, and countries' leaderships remain largely stable. The economic crisis also coincided with the rise of nationalist rhetoric, which may become a destabilising factor in the future.

¹⁰² COM (2018) 65 final "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans": https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf.

¹⁰³ See Uvalić, Milica, "Structural Weaknesses of the Western Balkan Economies", 2014: https://www.researchgate.net/publication/269762563_Structural_weaknesses_of_the_Western_Balkan_economies.

¹⁰⁴ See, for example, Panagiotou, Ritsa, "The New Environment of EU Enlargement: The Impact of Economic Crisis on the Western Balkans", 2014: <http://www.contemporarysee.org/en/article/ritsa-panagiotou/new-environment-eu-enlargement-impact-economic-crisis-western-balkans-and>.

Primary RoL challenges

The February 2018 EU Strategy for the Western Balkans emphasises that “*accession candidates must give the rule of law, justice and fundamental rights utmost priority in the negotiations*”, and underlines the merit-based nature of the EU accession process, calling on states to increase their efforts to bring about reforms, with RoL highlighted as the most pressing reform area. The Strategy reads:

“[T]he rule of law must be strengthened significantly. Today, the countries show clear elements of state capture, including links with organised crime and corruption at all levels of government and administration, as well as a strong entanglement of public and private interests. All this feeds a sentiment of impunity and inequality. There is also extensive political interference in and control of the media. A visibly empowered and independent judiciary and accountable governments and administrations are essential for bringing about the lasting societal change that is needed” (p.3)¹⁰⁵.

In part, the emphasis placed on RoL reflects concerns that have arisen in recent years among EU MS themselves. Specific concerns that are also highlighted include (p.4):

- The independence, quality and efficiency of the judicial system, including the independence of individual judges;
- The absence of effective mechanisms to hold the executive accountable;
- Corruption, including ensuring effective sanctions, ensuring law enforcement and judicial systems are strengthened and independent, ensuring corruption-prevention institutions are strengthened, and ensuring greater transparency in the management of public funds, particularly in public procurement;
- The strong nexus between corruption and organised crime, with decisive action needed to dismantle criminal networks;
- Fundamental rights need to be fully implemented in practice, in particular with respect to the right to freedom of expression and the independence of the media; the protection of minorities; and gender equality; and
- Public administration reform to ensure accountability, professionalism, de-politicisation and transparency.

Turkey presents a somewhat different set of concerns, which are related to its distinct legal, historical and political context. The country made significant progress on RoL reform in the period from 2005 to 2012, which was driven by internal dynamics, and the impetus provided by the deepening of relations with the EU and the opening of accession negotiations in 2005.

The 2001 Accession Partnership and Reforms acted as a catalyst for reform packages and constitutional amendments undertaken between 2001 and 2003, which brought important changes to the Constitution¹⁰⁶, the Penal Code, and the Media Law. The 2003 and 2008 Accession Partnerships identified further milestones and priorities for progress towards achievement of political criteria. The post-2003 period also saw increased compliance with international human rights instruments, including the European Convention on Human Rights (ECHR), and in 2005 the judicial system was strengthened through the adoption of significant structural reforms. The 2006 and 2008 Accession Partnerships gave impetus for a Judicial Reform Strategy and action plan, which brought a clearer framework for reform.

However, the relationship between the EU and Turkey stagnated from 2012, with significant backsliding from 2015 which culminated in the July 2016 attempted coup which has led to a protracted state of emergency that was extended for a sixth time in January 2018. In response to the coup attempt, independent reports cite numerous violations of human rights and threats to judicial and prosecutorial independence.¹⁰⁷ Progress on key reforms, including judicial reform, reiterated as part of

¹⁰⁵ COM (2018) 65 final “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”: https://eeas.europa.eu/headquarters/headquarters-homepage/39711/credible-enlargement-perspective-and-enhanced-eu-engagement-western-balkans_en.

¹⁰⁶ For example, the 3 October 2001 Law Amending Several Articles of the Constitution, No. 4709 provided changes to 35 articles, followed by a series of “Reform Packages” from 2002 relative to key human rights and rule of law principles.

¹⁰⁷ See Freedom House, “One Year after the Coup Attempt, Turkey is More Fragile than Ever”, July 2017: <https://freedomhouse.org/blog/one-year-after-coup-attempt-turkey-more-fragile-ever>.

the 2012 EU-Turkey Positive Agenda and gains made in earlier years appear to have stalled or been reversed¹⁰⁸.

3.1.3 Context in ENI Countries

Arab spring, conflicts and rising of extremism

The revolutions in the Middle East and North African (MENA) region, or the uprisings of “The Arab Spring” of 2011, were driven by general popular and youth movements, and subsequently supported by civil society and political parties, who called for more democratic and accountable processes, equitable and fair systems and demanded improved political governance and economic reforms. The list of causes and motivations paving the way to these events included deterioration of economic conditions, political repression, rampant corruption, social exclusion, inequalities, high unemployment, and general violation of civil and political rights.¹⁰⁹ Since 2011, each Neighbourhood South partner country has undergone a different process of transition, resulting for some in significant political, social and economic policy progress, and for others in growing extremism, conflicts and massive movements of population.¹¹⁰

Given the drastic change of the political landscape in the MENA region following the “Arab Spring”, the European Union has re-evaluated its prior policies towards the region and responded with a broad range of tools, developing a more comprehensive, responsive and effective approach and external action policy with the Southern Mediterranean: a new partnership based on stronger political conditionality, sustainable and inclusive growth, a greater role for civil society, and a renewed emphasis in democratic transformation and human rights, namely women and youth rights, social justice, respect of minorities or protection of environment.¹¹¹

Stability and democratic challenges in Eastern Europe

The region also has a history of instability and ethnic, regional and cultural conflicts, with several protracted conflicts still unresolved. The Eastern European partner countries are characterised by varying degrees of democratic progress, and have faced serious difficulties related to deficient state institutions, lack of checks and balances among three branches of government (executive, legislative and judiciary), weak and dependent judiciaries, and endemic corruption and poor governance, all hampering a stable political context and sustainable economic development¹¹². The consolidation of the RoL and respect for human rights remain challenges across the region, with citizens’ trust in state institutions and electoral democracy low, despite power changes following revolutions overthrowing unpopular governments¹¹³. Eastern European countries combine features of autocracy and democracy in their general constitutional systems, comprising a mix of regimes: some with pluralistic political party systems, free and vibrant civil society involved in reforms, and independent media; and others labouring under state capture (oligarchism), political monopoly, uneven participation of civil society and media under external influence¹¹⁴.

The establishment of the Eastern Partnership (EaP) at the Prague summit in 2009 opened a new multilateral cooperation framework forging closer ties between the EU and its eastern partner countries, primarily based on mutual commitments to the principles of international law and fundamental values, including the RoL, good governance, democracy and respect for human rights.

¹⁰⁸¹⁰⁸ See “Positive EU-Turkey agenda launched in Ankara”, 2012: http://europa.eu/rapid/press-release_MEMO-12-359_en.htm.

¹⁰⁹ Delacoura, K. (2012). “The 2011 uprisings in the Middle East: political changes and geopolitical implications”. *International Affairs* 88: 1 (2012) 63–79.

¹¹⁰ Sour, L. (2017) “Rethinking the Euromed policy: a cooperative approach in an increasingly transformative region”.

¹¹¹ See Ref. 8 and Communication (2011) 200 “A partnership for democracy and shared prosperity with the southern Mediterranean” - 8 March 2011).

¹¹² ENPI Regional East programme Country Strategy Paper, 2010-2013 and national Indicative Programme 2010-2013, pp.9,10.

¹¹³ ENI Regional East strategy paper (2014-2020) and multi indicative programme (2014-2020), pp.3-4.

¹¹⁴ CEPS (2017): *Democracy and its Deficits. The path towards becoming European-style democracies in Georgia, Moldova and Ukraine*. CEPS working document 2017/12.

The EaP sought to promote regional stability and advance human rights and good-governance norms through comprehensive agreements, democratic institution-building and human mobility cooperation in the fields of education, youth and culture. It further supports political and socio-economic reforms in the partner countries, facilitating comprehensive approximation towards the European Union standards and norms, leading progressively to economic integration in the EU internal market.

3.2 Details on the Context II: Mapping of EU Support

3.2.1 Overall approach

Throughout the evaluation, the evaluation team enriched and complemented a database of the main RoL interventions¹¹⁵ supported by IPA and ENI.

The inventory (for an overview of those interventions analysed in more detail, see Annex 7) focussed on interventions that were directly related to the judiciary/ justice sector, human rights and democracy, the three areas of RoL under review in this evaluation.

Some interventions related more transversally to the RoL, such as those addressing anti-corruption or civil society, were also identified. Their relevance in connection to the scope of the present evaluation was examined in more detail, and the interventions that had a direct link to aspects of the RoL under review in this evaluation were taken into account in the country case studies. However, since it was difficult to identify these interventions transversally related to RoL in an exhaustive manner, and some of them have only a few sub-components related to the core thematic issues under review, they have not been included in the quantitative analysis presented in the following sub-sections.

In terms of temporal scope, given that individual interventions tended to be implemented with some time-lag after a financing decision has been adopted, the mapping took the year 2007 as the first “decision year” to consider. In order to build on complete information, the inventory analysis focused on “committed amounts” and not contracted amounts or actual disbursements.

The analysis below is based on data from programming documents (including action documents) and information received from EUDs.

3.2.2 Overview of the EU support

The inventory exercise led to the following overall observations:

- The overall commitments to IPA beneficiaries amounted to just over EUR 563 million. The overall commitments to ENI amounted to just over EUR 718 million (excluding regional programmes); of this EUR 218 million was committed to ENI East countries and EUR 500 million to ENI South countries.
- The EU employed a diversity of methods of implementation¹¹⁶ in both IPA and ENI beneficiaries: sector support programmes (some, in the ENI region, using budget support¹¹⁷), financing of infrastructure (works contracts) and supply of equipment, specific TA projects, Twinning, etc. It appears that the use of specific modalities largely depended on country specificities.
- The three largest IPA recipients were Turkey (EUR 155 million), Albania (EUR 107 million) and Kosovo (EUR 105 million). The ENI countries with the largest commitments were all ENI South countries including Tunisia (EUR 136 million), Morocco (EUR 85 million) and Jordan (EUR 55 million).
- Commitments have fluctuated from one year to another. Related to IPA beneficiaries, there is an upward trend over time, driven by important allocations to Turkey since 2014. Related to ENI beneficiaries, there has been no clear upward or downward trend observed in any of the sub-regions.

¹¹⁵ For the sake of consistency and clarity, the evaluation team employs the term “intervention” to refer to actions, projects, programmes or a set of activities, which share the same specific objectives and are funded under the same EU financing decision.

¹¹⁶ For this evaluation, ‘methods of implementation’ refers to the main following modalities and delivery methods: budget support, Twinning, and grant contracts (services, works and supply of equipment).

¹¹⁷ The team has not identified any budget support programme focussing on the RoL in IPA beneficiaries as this modality became available only under IPA II for 2014-2020 period.

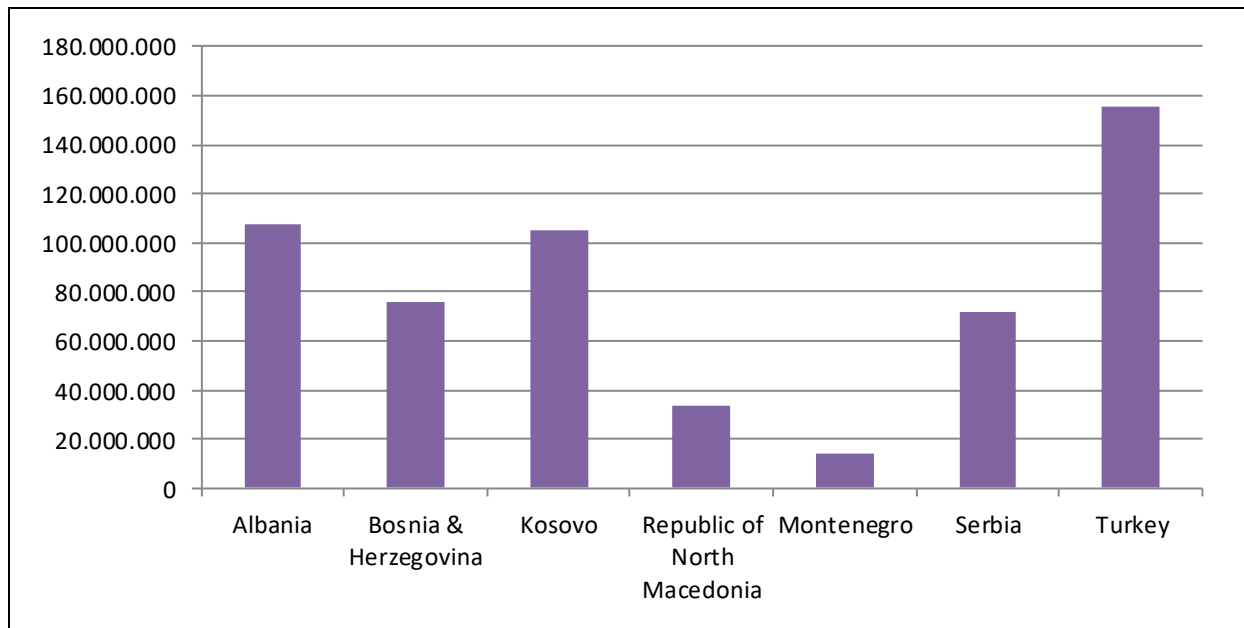
3.2.3 EU support in IPA region

IPA support - Overview

The inventory of EU support to the IPA beneficiaries included over 220 interventions, and amounted to slightly over EUR 563 million committed between 2007 and 2017. Main observations included:

- Figure 2 below presents the overall volume of RoL support at IPA beneficiary level. Between 2007 and 2016 Turkey was allocated the highest amounts with EUR 155 million, followed by Albania (EUR 107 million), and Kosovo (EUR 105 million). The beneficiaries with the smallest allocations of EU support during this period were the Republic of North Macedonia (EUR 34 million) and Montenegro (EUR 14 million).
- In terms of per capita amounts, the largest recipients were Kosovo (EUR 59), Albania (EUR 37), Montenegro (EUR 24) and Bosnia and Herzegovina (EUR 22).

Figure 2 Total volume of IPA committed support to RoL by beneficiary

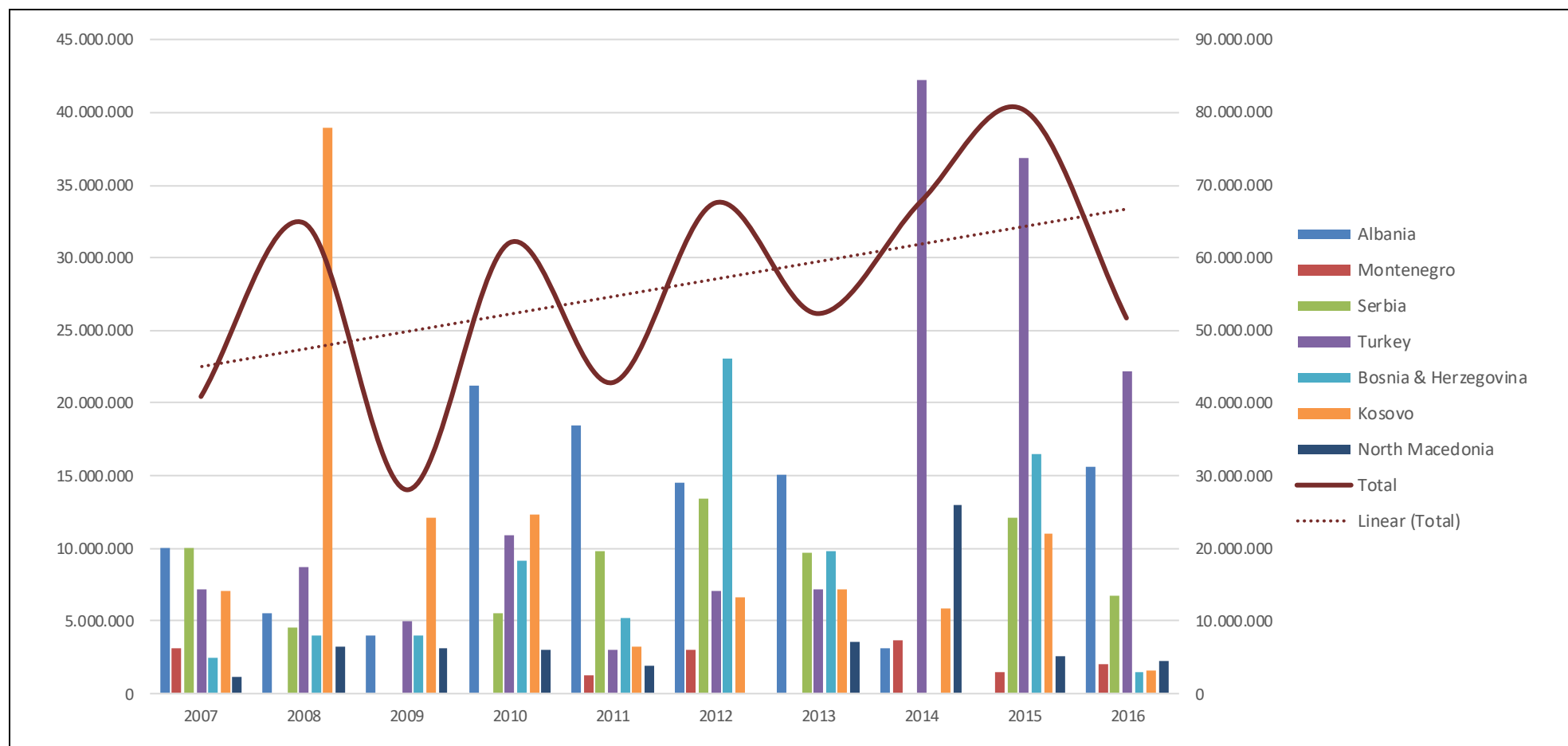


Source: Particip, based on data from programming documents (incl. action documents) and information received from EUDs.

IPA support by decision year

The graph below presents the total amounts in Euros committed to the respective IPA beneficiaries by decision year. There was an upward trend over time, driven by important allocations to Turkey since 2014. One observation is that large commitment amounts in some beneficiaries, such as Albania, are often explained by large infrastructure (including prison construction/reform) interventions. The most significant interventions were analysed more specifically in the country case studies.

Figure 3 Evolution of committed amounts in IPA beneficiaries over time



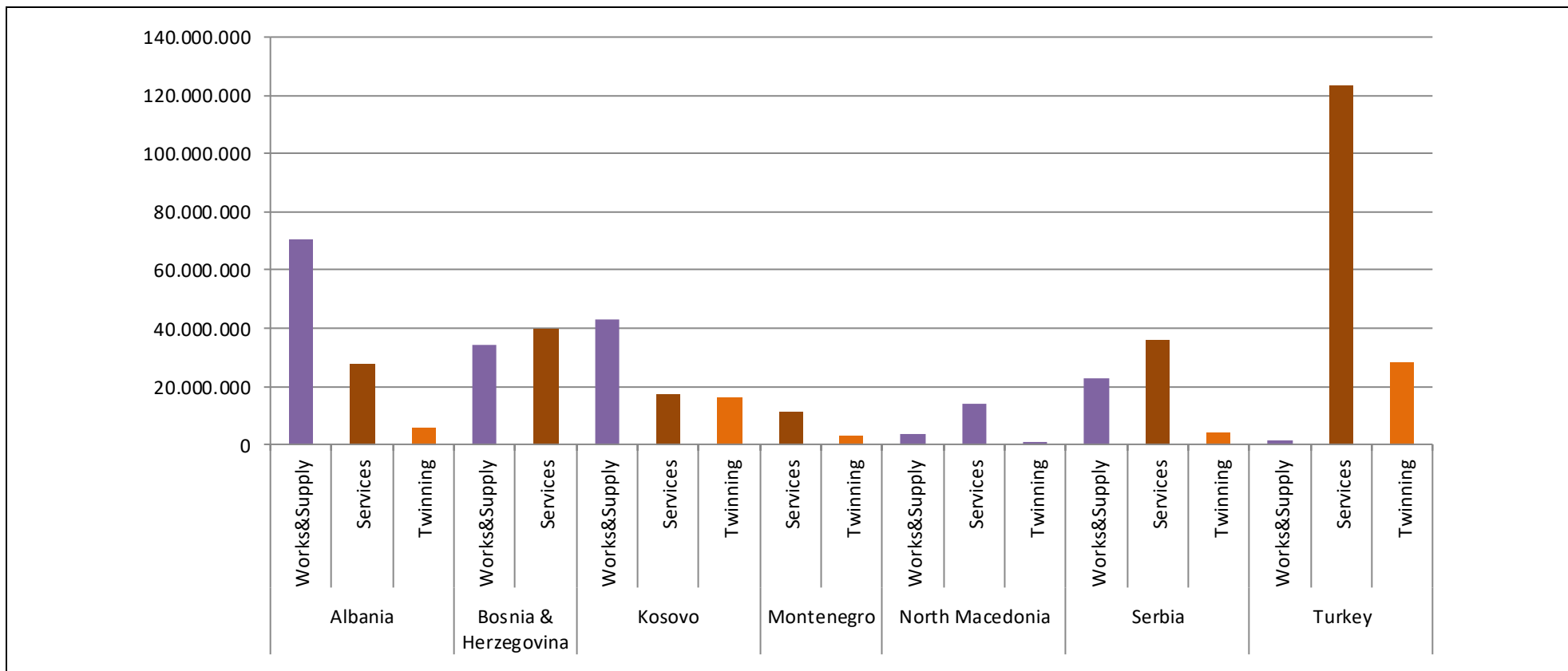
Source: Particip, based on data from programming documents (including action documents) and information received from EUDs.

IPA support by methods of implementation

The diagram below summarises the overall commitments by method of implementation. It is noteworthy that budget support was not used to support directly reforms in the area of RoL in the Western Balkans and Turkey.¹¹⁸

¹¹⁸ Budget support modality became available only with IPA II for 2014-2020 period.¹¹⁸

Figure 4 IPA support by method of implementation



Note: "Works & Supply" as well as "Services" presented in this figure are grants (see also paragraph below).

Source: Particip based on data from programming documents (incl. action documents) and information received from EUDs.

The main observations include:

- The grants for 'Works & Supply', including 'construction work' have been predominant in potential candidates or recent candidate countries:
 - In Albania, this was linked to the programmes supporting the penitentiary infrastructure (as mentioned above);
 - In Bosnia and Herzegovina and Kosovo, the EU supported the construction of high security prisons, which led to substantial allocations to works.
- Twinning has been used in the RoL areas of focus of this Evaluation in almost all IPA beneficiaries, with Bosnia and Herzegovina being the exception. In general, this type of modality has been used by beneficiaries more advanced in their accession negotiations.

IPA support at regional level

Further to the above description of IPA “bilateral” support, a number of regional programmes covering the Western Balkans and Turkey have been included in the inventory. Two of them were implemented by the CoE and were first launched following the signature of a Statement of Intent in 2012, which aimed at strengthening strategic and programmatic cooperation between the EU and the CoE in the IPA and ENI regions:

- The EU-CoE Horizontal Facility for the Western Balkans and Turkey, a cooperation framework for an initial period of three years (2016-2019); it provides support to IPA II beneficiaries to address shortcomings in three key thematic areas, namely 1) ensuring justice, 2) fighting economic crime, and 3) promoting anti-discrimination and protection of the rights of vulnerable groups.
- The EU-CoE joint programme Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe (JUFREX), which covers the fourth thematic area of the 2012 Statement of Intent, namely the promotion of freedom of expression and information, and freedom of the media.

The EU has also funded a Civil Society Facility (CSF) and Media Programme during the period under review. The CSF and Media Programme consisted of country and multi-country interventions.

The evaluation identified other regional programmes that were not within the core focus of this exercise, but which were taken into account when they encompassed themes closely related to the main RoL aspects covered in the evaluation. For instance, in the security sector the EU funded the “International Cooperation in Criminal Justice: Prosecutors' Network of the Western Balkans” programme¹¹⁹, which was launched in 2014 and aimed at contributing to increased judicial cooperation between relevant entities within the Western Balkans and with European institutions.

3.2.4 EU support in ENI region

The following sections present the findings related to EU support in the ENI region.

ENI support - Overview

The inventory of EU support to the ENI beneficiaries includes 175 interventions, totalling just over EUR 700 million. This sum is divided unevenly: the group of eight ENI South countries received an allocation of nearly EUR 475 million and the slightly smaller group of six ENI East countries almost EUR 230 million – see details in the diagram below.

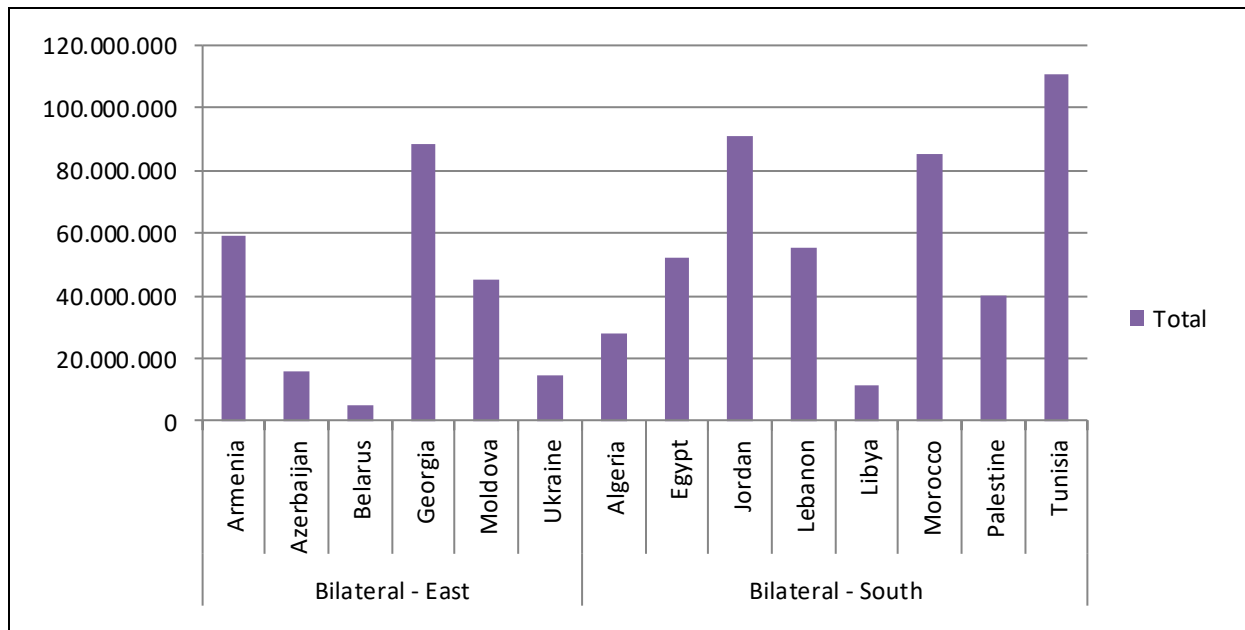
The main observations include:

- In terms of overall amounts in ENI South countries, Tunisia was allocated the highest amount (EUR 111 million), followed by Jordan (EUR 91 million) and Morocco (EUR 85 million); Georgia was allocated the highest amount among ENI East countries (EUR 88 million), followed by Armenia (EUR 59 million).
- In terms of per capita amounts, the largest recipients were Georgia (EUR 24¹²⁰), Armenia (EUR 20), Moldova (EUR 12) and Tunisia (EUR 10).

¹¹⁹ EU (2014): International Cooperation in Criminal Justice: Prosecutors' Network of the Western Balkans (c350650).

¹²⁰ Rounded to the nearest whole Euro.

Figure 5 Total volume of ENI support to RoL by country (commitments)

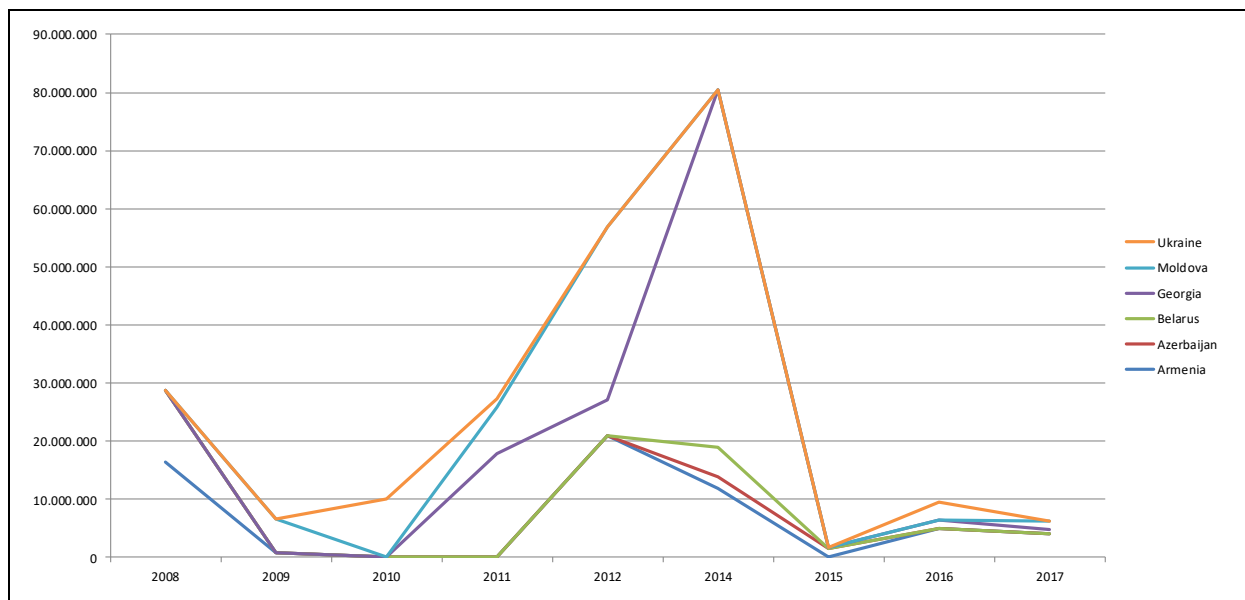


Source: Particip based on CRIS data.

ENI support by decision year

As highlighted in the graph below, there was no clear overall trend in terms of total commitments to RoL in ENI countries during the evaluation period, although large programmes seem to have been decided in 2012 and 2014, which corresponds to the post-Arab spring period in the ENI South region. Such peaks could also have been influenced by the programming cycles of ENPI and the introduction of ENI¹²¹.

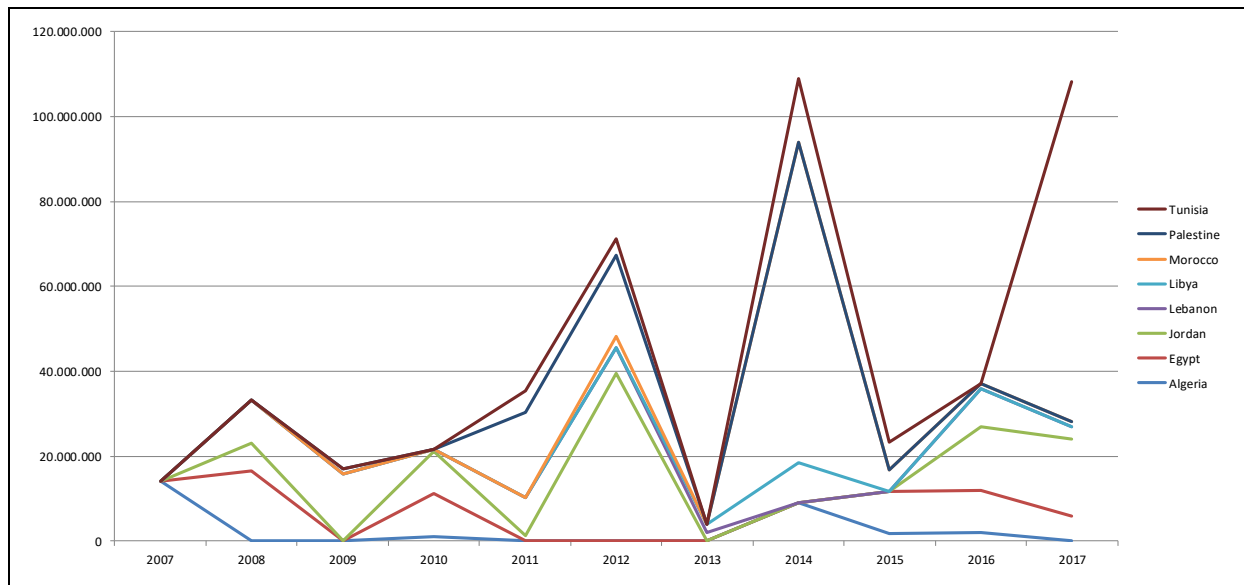
Figure 6 Evolution of committed amounts in ENI East countries over time



Source: Figure generated by Particip based on data from CRIS

¹²¹ There may be peaks in contracting at the beginning or towards the end of a programming cycle.

Figure 7 Evolution of committed amounts in ENI South countries over time



Source: Figure generated by Particip based on data from CRIS.

ENI support by implementation modality

The figures at the end of this section show the modalities used in the various ENI countries. The main modalities used are grants, twinning and budget support. In contrast to the lack of budget support noted among IPA beneficiaries (see “IPA support by method of implementation”), it is noteworthy that budget support was a modality used in ENI and especially in ENI East.

ENI support at the regional level

Further to the above description of ENI “bilateral” support, a number of regional programmes in the European Neighbourhood were included in the inventory.

In the ENI East region:

- The Programmatic Cooperation framework (PCF)/ Partnership for Good Governance (PGG)¹²² agreed in a Statement of Intent in 2014 between the EU and CoE; its focus is on cooperation activities that strengthen the capacity of Eastern Partnership countries which are member states of the CoE (with the exception of Belarus) to implement domestic reforms that bring them closer in line to the CoE and European standards in the areas of Human Rights, Democracy and the Rule of Law. It is funded by the European Union (85 per cent) and the Council of Europe (15 per cent) and is implemented by the CoE.
- Grant contract to support media in Eastern Partnership countries¹²³; the programme aims to improve the media environment, enhance standards and advance the skills and professionalism of journalists and provide emergency funding and specific support to public broadcasters, new media initiatives, small outlets, and produce content in Russian and other national languages.

In the ENI South region:

- EuroMed Justice¹²⁴, which was in its fourth phase during the time of the evaluation, is funded by the EU and seeks to contribute to the development of a Euro-Mediterranean area of effective, efficient and democratic justice systems that are respectful and protective of human rights, strengthening the rule of law and continuously progressing towards alignment with international legal frameworks, principles and standards. This project addresses the European Neighbourhood South partner countries.
- South Programme II (Strengthening democratic reform in the Southern Mediterranean - Phase II)¹²⁵; an initiative of the EU and CoE, whose second phase is running for three years (2015-

¹²² EU (2014): Implementation of the Programmatic Cooperation framework with the Council of Europe in the Eastern Partnership (D37698 and c346257).

¹²³ EU (2016): Grant programme to support media in Eastern Partnership countries (D39881 and c380303).

¹²⁴ EU (2011): EuroMed Justice III (D22480); EU (2015): EuroMed Justice IV (D37384).

¹²⁵ EU: Strengthening democratic reform in the Southern Mediterranean - Phase II (D38309).

2018), and which supports democratic reforms in the Southern Mediterranean based on the demand of partners in region. The initiative aims to foster better regional cooperation between Europe and the Southern Mediterranean partners, as well as among the Southern Mediterranean partners themselves, in fields related to human rights, the rule of law and democracy.

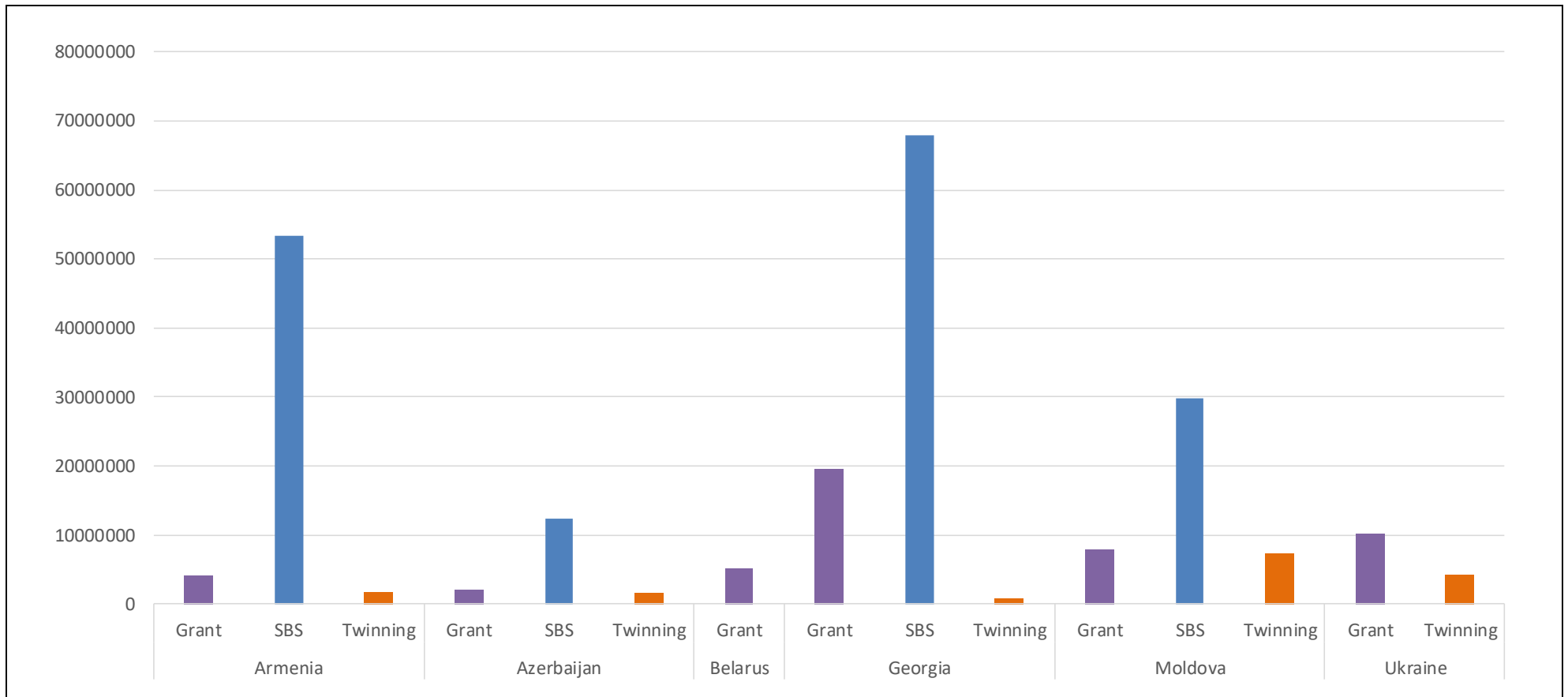
ENP regional (both East and South):

- The Civil Society Facility (2011-2013)¹²⁶, which seeks to strengthen and promote the role of civil society actors in reforms and democratic changes taking place in the Neighbourhood countries by increased participation in the fulfilment of European Neighbourhood Policy objectives.
- The European Endowment for Democracy¹²⁷ aims to help political parties, non-registered NGOs, trade unions and other social partners in a coherent, concerted effort to promote deep and sustainable democracy and respect for human rights and the rule of law. To do this, it offers a rapid and flexible funding mechanism that beneficiaries (e.g. journalists, bloggers, political movements, non-registered NGOs, etc) that are otherwise unsupported can access. The geographical focus is the whole European Neighbourhood region.

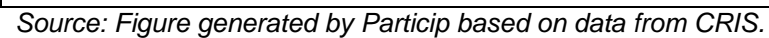
¹²⁶ Amongst others, ENPI Regional Capacity Building Programme for Civil Society Facility South (D23078) and Neighbourhood Civil Society Facility - Regional Actions. Creating synergies and integration (D38124).

¹²⁷ Support to the European Endowment for Democracy, various decisions for 2012 to 2018 (e.g. D38086, D24305, D38385, D38384, D38086).

Figure 8 ENI East Support by modality



Source: Figure generated by Particip based on data from CRIS.



3.2.5 Support provided through non-geographic instruments

EU support to the RoL in IPA beneficiaries and ENI partner countries¹²⁸ was also funded through “non-geographic financing instruments”. The EIDHR has been extensively used in the IPA and ENI regions to support projects in the area of human rights, fundamental freedoms and democracy. This instrument is designed to support civil society to become an effective force for political reform and defence of human rights. As highlighted in the EC Regulation Nr. 235/2014, the instrument allows “for assistance to be provided **independently** of the consent of the governments and public authorities of the third countries concerned”. The instrument has been structured around five strategic objectives – see table below.

Table 2 Overview of EIDHR strategic objectives and evolution

2007-2013	2014-2020
<ul style="list-style-type: none"> • Objective 1: Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk • Objective 2: Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and consolidating political participation and representation • Objective 3: Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict • Objective 4: Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy • Objective 5: Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation 	<ul style="list-style-type: none"> • Objective 1: Support to human rights and human rights defenders in situations where they are most at risk • Objective 2: Support to other priorities of the Union in the field of human rights • Objective 3: Support to democracy • Objective 4: EU election observation missions • Objective 5: Support to targeted key actors and processes, including international and regional human rights instruments and mechanisms

Source: EU Regulations Nr. 1889/2006 and 235/2014.

For the period 2007-2013, EIDHR support to IPA beneficiaries amounted to EUR 39 million, and the support to ENI partner countries to EUR 92 million¹²⁹.

The top five recipients were:

- In ENI, Georgia (EUR 9.1 million), Israel (EUR 8.6 million), Palestine (EUR 7.4 million), Belarus (EUR 5.4 million) and Morocco (EUR 5.1 million).
- In IPA, Turkey (EUR 10.1 million), Bosnia and Herzegovina (EUR 8.9 million), Serbia (EUR 5.1 million), Kosovo (EUR 3.8 million) and the Republic of North Macedonia (EUR 3.4 million).

The EIDHR also had regional envelopes in both regions during that period.

The table below presents the main themes covered in ENI and IPA regions before 2014.

¹²⁸ Geographic areas under EIDHR do not explicitly refer to IPA and ENI. Relevant EIDHR “regions” for this evaluation are: “Western Balkans and Turkey” and “Neighborhood and Russia”. In the following section on EIDHR, if not indicated otherwise, the expression “IPA beneficiaries and ENI partner countries” refers to the countries mentioned in the ToR of the evaluation. In particular, this means that Russia is not included in this analysis.

¹²⁹ All figures correspond to contracted amounts except if stated differently.

Table 3 Main themes (top 15) covered by the EIDHR in IPA and ENI regions between 2007 and 2013 - Contracted amounts (in EUR)

Theme	ENI	IPA	Total
Human rights	58,793,639	36,321,566	95,115,205
Democratic participation and civil society	11,256,818	970,673	12,227,491
Media and free flow of information	9,392,642		9,392,642
Legal and judicial development	2,665,085	130,697	2,795,783
Elections	1,831,455	430,902	2,262,358
Women's equality organisations and institutions	1,412,393	227,022	1,639,415
Anti-corruption organisations and institutions	1,159,852		1,159,852
Administrative costs	326,123	606,789	932,912
Civilian peace-building, conflict prevention and resolution	910,010		910,010
Radio/television/print media	708,754		708,754
Child soldiers (Prevention and demobilisation)	702,000		702,000
Sectors not specified	294,484	108,945	403,429
Family planning	398,245		398,245
Basic life skills for youth and adults	386,757		386,757
Legislatures and political parties	358,228		358,228

Source: Particip analysis based on CRIS data.

For the period 2014-2017, EIDHR support to IPA beneficiaries amounted to EUR 20 million, and the support to ENI partner countries to EUR 50 million.

The highest recipients have remained unchanged in the IPA region, however, in the ENI region, Syria and Egypt have become the highest recipients, followed by Palestine, Belarus and Israel, which were already the highest recipients in the previous period.

The analysis of EIDHR interventions was included in each country case study note.

It is important to highlight that the Instrument for Stability (IfS) and its successor, the Instrument contributing to Stability and Peace (IcSP), also have explicit objectives related to the RoL area. The table below gives an overview of the focus of the IcSP.

Examples of EU support to RoL provided through the IfS/IcSP in the IPA and ENI regions:

- Bosnia and Herzegovina: Ensuring Access to Justice for Witnesses/Victims through Strengthening Existing and Establishing New Witness Support Networks (2015-2017) - EU funding: EUR 1.7 million.
- Ukraine: Support to the UN Human Rights Monitoring Mission (2016-2018) - EU funding: EUR 2.5 million.
- Kosovo: Re-Appointment of Judges and Prosecutors (2010-2012) - EU funding: EUR 1 million.

Table 4 Main focus of the IcSP

Long term component (stable situations)	Short term component (situations of crisis)
<ul style="list-style-type: none"> • Threats to law and order, to the security and safety of individuals, to critical infrastructures and to public health • Mitigation of and preparedness against risks, whether of an intentional, accidental or natural origin, related to chemical, biological, radiological and nuclear materials or agents 	<ul style="list-style-type: none"> • Advancing the development of democratic and pluralist state institutions; • Supporting international criminal tribunals; • Promoting independent and pluralist media; • Helping the victims of the illicit use of firearms; • Mitigating the impact of anti-personnel landmines on the civilian population.

Source: EC Regulation 230/2014 and https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/peace-and-security/instrument-contributing-stability-and-peace_en.

3.3 Details on the Context III: International Indicators related to RoL

Indicators on the situation of RoL in ENI countries and IPA beneficiaries Given that the RoL situation in ENI countries and IPA beneficiaries is influenced by a high number of factors, the following paragraphs give an overview of related developments during the evaluation period (2010-2017) based on globally assessed quantitative indicators.

The quantitative indicators built on are (1) the World Bank's Worldwide Governance Indicators (WGI), with a focus on voice and accountability, rule of law and control of corruption, and (2) the World Justice Project's (WJP) Rule of Law Index.

Table 5 Definitions of RoL-related indicators

Index	Dimension	Definition
WGI	Voice and Accountability	Captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media.
	Rule of Law	Captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.
	Control of Corruption	Captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests.
WJP	Rule of Law	The rule of law is a system where the following four universal principles are upheld: Accountability, just laws, open government, and accessible and impartial dispute resolution.

Box 1 The World Bank's Worldwide Governance Indicators

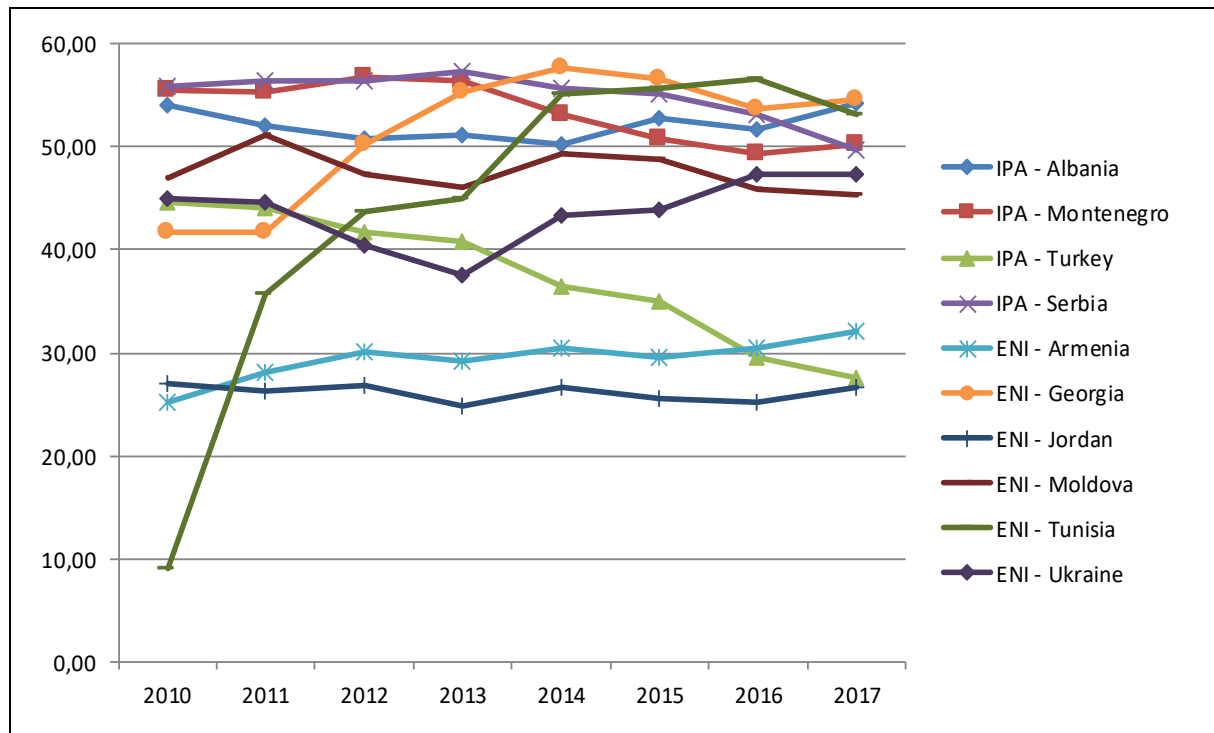
Based on a long-standing research program of the World Bank, the Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators for over 200 countries and territories over the period 1996–2017, for six dimensions of governance: (1) Voice and Accountability, (2) Political Stability and Absence of Violence, (3) Government Effectiveness, (4) Regulatory Quality, (5) Rule of Law, (6) Control of Corruption. The WGI are composite governance indicators based on over 30 underlying data sources¹³⁰. Since 2002, it is updated annually. The six aggregate indicators are reported in two ways: (a) in their standard normal units, ranging from approximately -2.5 to 2.5, and (b) in percentile rank terms from 0 to 100, with higher values corresponding to better outcomes.

The WGI Rule of Law dimension for 2017 ranks 209 countries. It is led by Finland (percentile rank 100,00), Norway (99,52) and Sweden (99,04), and ends with Syria (0,96), Venezuela (0,48) and Somalia (0,00).

Source: World Bank (2018), <http://info.worldbank.org/governance/WGI/#home>.

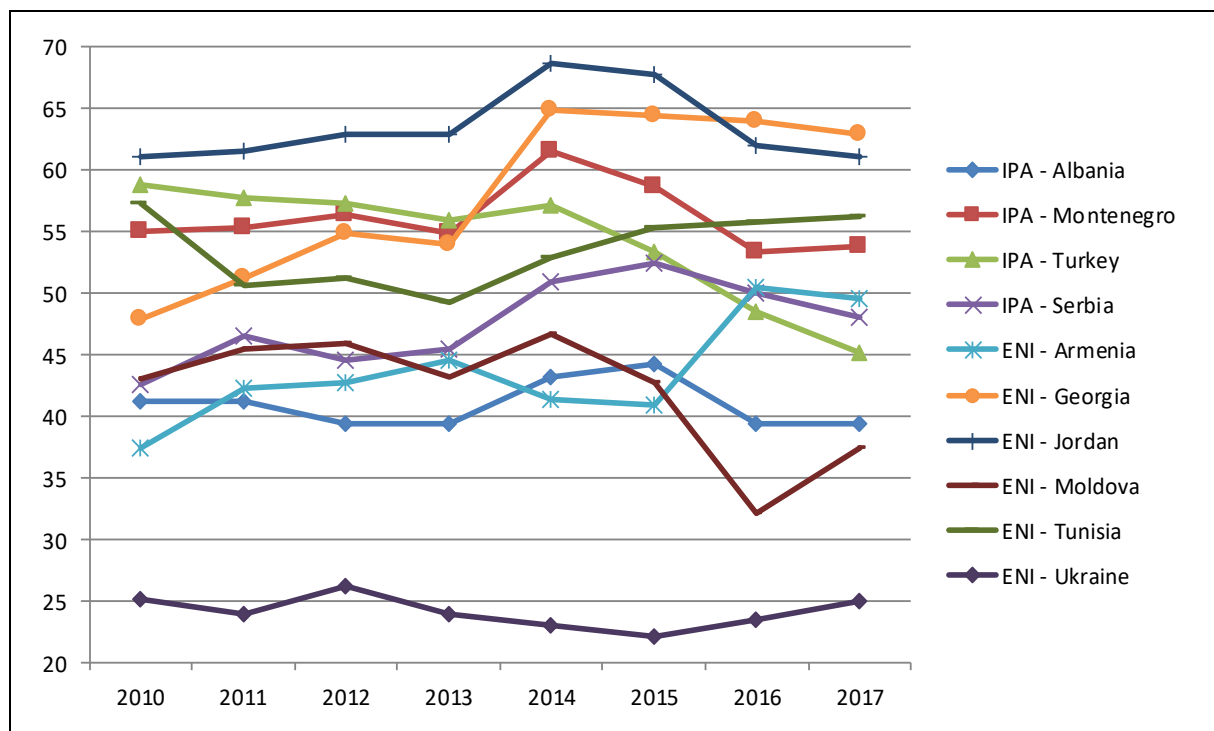
¹³⁰ A full description of the methodology applied for the measurement of the WGI is provided in: Kaufmann, Kraay and Mastruzzi (2010) "The Worldwide Governance Indicators – Methodology and Analytical Issues". World Bank Policy Research Working Paper No. 5430: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1682130.

Figure 10 WGI – Voice and Accountability development (2010-2017) in ENI countries and IPA beneficiaries selected as case study countries under this evaluation



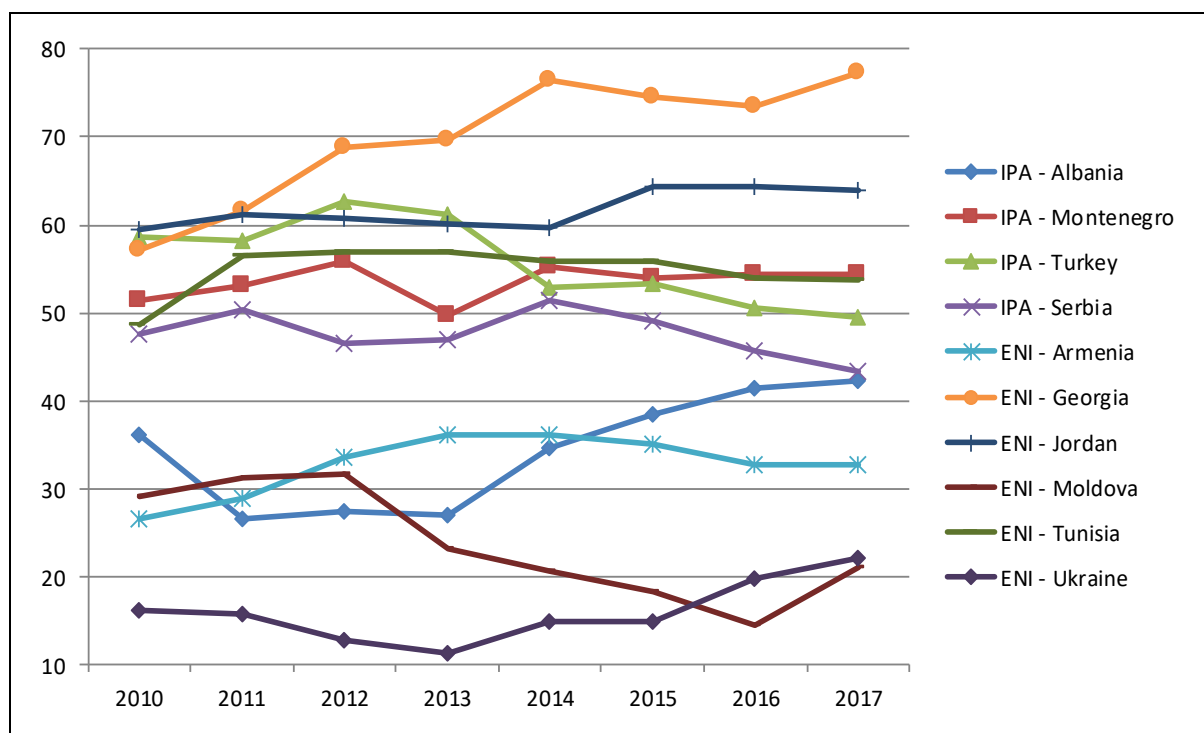
Source: Particip, based on World Bank dataset (2018), <http://info.worldbank.org/governance/WGI/#home>.

Figure 11 WGI – Rule of Law development (2010-2017) in ENI countries and IPA beneficiaries selected as case study countries under this evaluation



Source: Particip, based on World Bank dataset (2018), <http://info.worldbank.org/governance/WGI/#home>.

Figure 12 WGI – Control of corruption development (2010-2017) in ENI countries and IPA beneficiaries selected as case study countries under this evaluation



Source: Particip, based on World Bank dataset (2018), <http://info.worldbank.org/governance/WGI/#home>.

Voice & Accountability percentile range between 40 and 60

Examined IPA beneficiaries' values for the WGI Voice and Accountability dimension laid between the 50 and 60 percentile range throughout the entire evaluation period. Only Turkey has experienced a continuous decline from 46,15 in 2010 to 27,59 in 2017.

ENI sample countries show differing patterns, with most of them ranging between the percentile ranges 40 to 60, with only Armenia and Jordan ranging between 20 and 30. Outstanding positive developments can be detected for Tunisia (from 9,00 in 2010 to 53,20 in 2017) and Georgia (from 41,71 in 2010 to 54,68 in 2017).

In 2017, within the ENI and IPA sample Georgia scored highest and Ukraine scored lowest.

Rule of Law percentile range between 25 and 65

The WGI Rule of Law dimension for IPA beneficiaries under examination shows developments between the 40 and 60 percentile range. All beneficiaries have experienced improvement around 2014 and slight declines thereafter. Only Turkey shows a decline throughout almost the entire evaluation period (from 58,77 in 2010 to 45,19 in 2017).

The same dimension for selected ENI countries ranges between 20 and 70, with Ukraine below percentile 20 in 2015 and Jordan above percentile 65 in 2014. Overall, compared to the developments for IPA beneficiaries over the evaluation period, slightly more positive changes can be observed for ENI countries.

As on the Voice and Accountability dimension, in 2017, within the ENI and IPA sample Georgia scored highest and Ukraine scored lowest.

Control of corruption percentile range between 10

Examined IPA beneficiaries' values for the WGI Control of Corruption dimension laid between the 25 and 60 percentile range throughout the entire evaluation period. While Turkey showed a decline, Albania showed strong improvements. In 2017, IPA sample countries' percentile ranks converge around 50.

Concerning ENI sample countries, of all dimensions presented it is most difficult to

and 80

identify a clear trend for the Control of Corruption dimension, which shows percentile ranks between 10 and 80. Over the evaluation period, Georgia has improved significantly from 57,14 in 2010 to 77,40 in 2017. Ukraine has consistently scored below 20 and only passed over this threshold in 2016/17.

In 2017, within the ENI and IPA sample Georgia scored highest and Moldova scored lowest.

Box 2 The World Justice Project Rule of Law Index

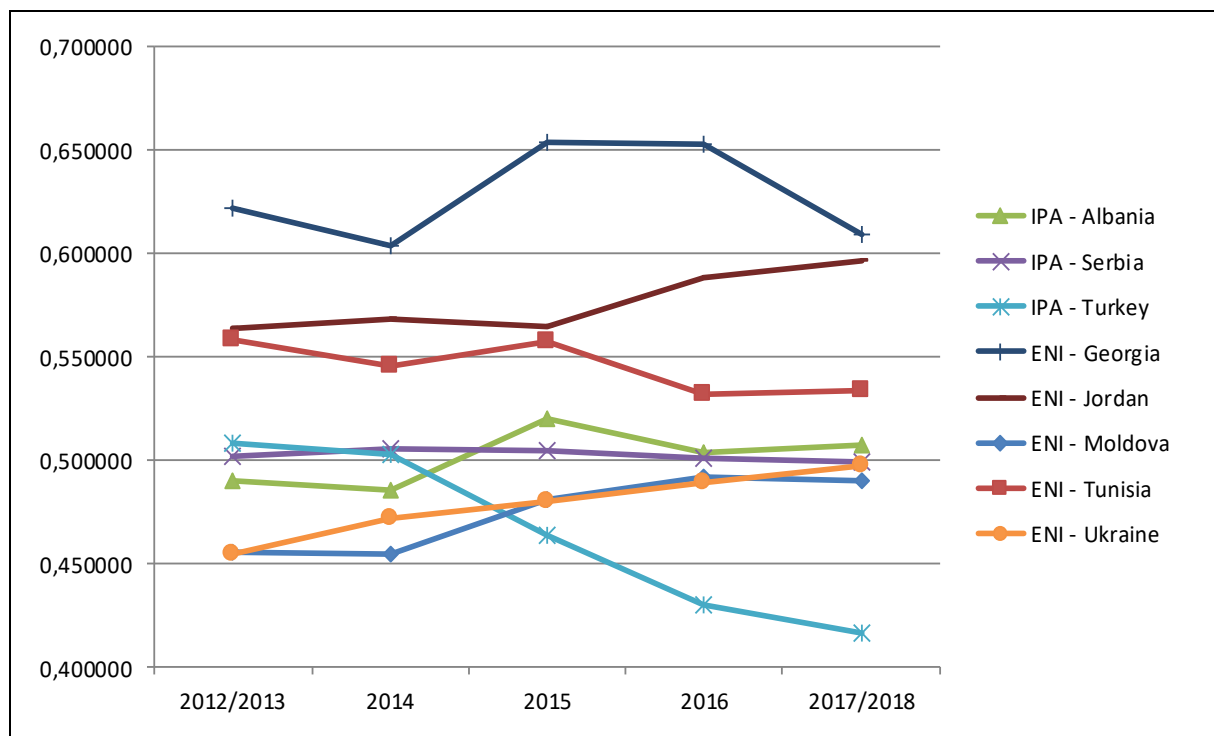
The World Justice Project (WJP) is an international civil society organization with the stated mission of "working to advance the rule of law around the world". It works through three programmes: Research and scholarship, the WJP Rule of Law Index and Engagement.

The WJP Rule of Law Index is a quantitative assessment tool designed by the organization to offer a detailed and comprehensive picture of the extent to which countries adhere to the rule of law in practice. It is published annually. Factors of the WJP Rule of Law Index include: (1) Constraints on Government Powers, (2) Absence of Corruption, (3) Open Government, (4) Fundamental Rights, (5) Order and Security, (6) Regulatory Enforcement, (7) Civil Justice, (8) Criminal Justice. These factors are further disaggregated into forty-four indicators¹³¹. Scores range from 0 to 1, with 1 indicating the strongest adherence to the rule of law.

The WJP Rule of Law Index 2017-2018 ranks 113 countries. It is led by Denmark (0,89), Norway (0,89) and Finland (0,87), and ends with Afghanistan (0,34), Cambodia (0,32) and Venezuela (0,29). The top three and bottom three performing countries have not changed since the 2016 Index.

Source: World Justice Project (2018), Rule of Law Index 2017–2018.

Figure 13 WJP Rule of Law Index development (2012-2017) in ENI countries and IPA beneficiaries selected as case study countries under this evaluation¹³²



Source: Particip, based on WJP Rule of Law index data (2018), <http://data.worldjusticeproject.org/>.

¹³¹ A detailed description of the process by which data is collected and the rule of law is measured is provided in: Botero and Ponce (2011) "Measuring the Rule of Law". WJP Working Paper No. 1: www.worldjusticeproject.org.

¹³² The WJP Rule of Law Index is not available for all ENI and IPA countries: Data on the case study countries Montenegro and Armenia is missing.

*Upper lower
part to lower
upper part
WJP RoL
scores*

The WJP's RoL Index shows a strong decline for Turkey (from 0,51 in 2012/13 to 0,42 in 2017/18). The two other presented IPA beneficiaries Albania and Serbia ranged around 0,5, with Serbia showing almost no change over the examined years.

There is a notable decline of the WJP's RoL Index for Georgia since 2016, which remains however in the upper part of the scale (from 0,65 in 2016 to 0,61 in 2017/18). The other presented ENI countries receive better scores for ENI South (around 0,575) compared to ENI East (around 0,475).

In 2017/18, within the ENI and IPA sample, Georgia scored highest and Tukey scored lowest.

4 Annex 4 – Evaluation Matrix, including Summaries of Findings and Strength of Supporting Evidence

The following sections present the evaluation matrix by EQ. It also summarises the key findings from the synthesis report at judgement criteria level, links findings to assessed indicators and related sources of information and presents the strength of the supporting evidence (see Box 3, Table 6 and discussion of the strength of evidence per JC in the evaluation matrix).

Box 3 Evidence base of this evaluation

This evaluation builds on information gathered at global and case study level.	
At global level , the evidence base comes mainly from: a/ interviews with HQ staff from the EU and international partners; b/ a review of EU-specific documents (e.g. policy and regulatory documents, guidelines, EU internal reporting) and the general literature on RoL (academic literature, judicial and legal literature); c/ statistics databases (CEPEJ, WB WDI, WJP RoL index); d/ financial information related to the EU portfolio in the RoL area.	
At case study level , data collection activities covered a wide variety of sources which are detailed in the twelve detailed case study notes presented in Volume 2 and which cover the following cases:	
<ul style="list-style-type: none"> • IPA beneficiaries: Albania, Montenegro, Serbia, Turkey; • ENI partner countries: Georgia, Jordan, Tunisia, Ukraine; • Regional entities: Horizontal Facility (related to IPA), EuroMed Justice (related to ENI). 	
Like at the global level, the evidence base at case study level relies on both primary data (mainly interviews with different stakeholders and site observations) and secondary data (mainly documentary evidence related to the design, implementation, monitoring and evaluation of EU-funded interventions, sector studies at national level, reporting from implementing partners and international stakeholders active in the sector, ROM reviews, project/programme evaluation reports).	
Overall, although the analysis largely relied on qualitative data, the evidence supporting the findings of this evaluation can be assessed as more than satisfactory as triangulation from different sources was always possible and the team did not face any major gap in data collection. Further details are provided by EQ and Judgement Criterion (JC) in the matrix below.	

Table 6 Ranking used to assess the strength of evidence

Ranking	Explanation
Strong	The finding is consistently supported by a range of evidence sources, including documentary sources, quantitative analysis and qualitative evidence; or the evidence sources, while not comprehensive, are of high quality and reliable to draw findings/conclusion (e.g. the evidence is based on a wide range of reliable qualitative sources, across which there is good triangulation).
More than satisfactory	There are at least two different sources of evidence with good triangulation, but the coverage of the evidence is not complete.
Indicative but not conclusive	There is only one evidence source of good quality, and no triangulation with their sources of evidence.
Weak	There is no triangulation and/or evidence is limited to a single source.

4.1 Strategic framework, design and implementation

4.1.1 EQ1 (relevance, coherence, effectiveness) – overall strategic framework and EU institutional environment

EQ1: To what extent have the EU strategic orientations for the external support to RoL been clear and consistent with the wider goals of the EU's external cooperation?		
JC1.1: Internal institutional clarity of EU strategic orientations ensured		
Main finding(s) <ul style="list-style-type: none"> The intervention logic of RoL actions in third countries is well anchored in EU policy documents. Whilst existing policy is considered internally coherent, the absence of a single, formal and comprehensive EU definition of RoL may impede clarity and consistency in policy documents, and more practically the development of approaches and indicators to achieve and measure change. <i>(Finding based on indicator I1.1.1)</i> Overall coordination mechanisms and interactions between the various EU services in Headquarters are generally effective. <i>(Finding based on indicator I1.1.2)</i> 		
Strength of the evidence base: Strong <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU strategy and programming documents, EU communications, EU Guidelines and consultations with key representatives at HQ. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “strong” since it was based almost wholly on primary data: EU instruments and related strategy and policy, and key interlocutors within DG NEAR and related services. Data collection related to this JC had no significant limitations. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I1.1.1. Explicit EU principles and values related to RoL present in all external strategic documents	<ul style="list-style-type: none"> The intervention logic of RoL actions in third countries is anchored in EU policy documents, notably IPA I/IPA II/ENPI/ENI Regulations. Whilst existing RoL policy is considered internally coherent, the absence of a single, formal and comprehensive EU definition of RoL may impede clarity and consistency in its implementation. Policies and instruments relative to democracy and human rights complement the financing instruments under examination (ENI and IPA). EU RoL policy is clearly based on strengthening democratic institutions and respect for human rights. 	<ul style="list-style-type: none"> Documentary review was undertaken in a global manner, and encompassed a full range of EU strategy and programming documents, EU communications, EU Guidelines, for example: <ul style="list-style-type: none"> TEU, IPA I/IPA II/ENPI/ENI EIDHR, CSF, IcSP, EU Gender Action Plan 2016-2020 COM (2012) 600, COM (2011) 303, JOIN(2013) 4 final, JOIN(2017) 18 final Regional East and South Strategy Papers EU Human Rights Guidelines, Guidelines on Sector Budget Support, Reference Documents on justice and RoL Interviews took place with key representatives at HQ: DG NEAR (e.g. officers from thematic/horizontal units and geographical desk officers), DG JUST, EEAS.
I1.1.2. Unified EU position on RoL (i.e. coordinated inter-DG expectations) in place	<ul style="list-style-type: none"> Coordination and interactions between the various EU services in Headquarters is generally effective. DG NEAR thematic/horizontal and geographic units ensure that RoL policy, strategy and guidelines are applied across the DGs (NEAR, JUST, DEVCO) and implemented in the 	<ul style="list-style-type: none"> Documentary review: EU Guidelines, for example: <ul style="list-style-type: none"> Guidelines on Sector Budget Support, Reference Documents on justice and RoL Interviews took place with key representatives at HQ: DG NEAR (e.g. officers from thematic/horizontal units and geographical desk

	<p>field.</p> <ul style="list-style-type: none">• Relations with EEAS, DG JUST and DG DEVCO are of good quality and sustained, and supported by several coordination and review mechanisms.	<p>officers), DG JUST, EEAS.</p> <ul style="list-style-type: none">• Examination of coordination and review mechanisms: Regular bilateral quality review processes, annual risk management framework, and informal European Commission inter-service group on justice reform in external relations, coordinated by DG JUST.
JC1.2: Central place of RoL in external support and broad linkages with other, related, areas of external support adequately established		
Main finding(s) <ul style="list-style-type: none">• RoL and human rights are a thematic priority of EU external assistance. . (<i>Finding based on indicator I1.2.1</i>)• IPA/ENI strategy relative to RoL remains highly coherent with broader external and security policy, and with other EU instruments and programmes. (<i>Finding based on indicators I1.2.2. and I1.2.3.</i>)		
Strength of the evidence base: Strong <ul style="list-style-type: none">• <i>Description of the evidence base:</i> This JC assessment is mostly based on EU strategy and programming documents, EU communications, EU Guidelines and consultations with key representatives at HQ, and with representative of EUD in all case-study contexts.• <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “strong” since based almost wholly on primary data: EU instruments and related strategy and policy, and key interlocutors within DG NEAR and related services, which was confirmed with EUD representatives in case-study contexts. Data collection related to this JC had no significant limitations.		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I1.2.1. Centrality of RoL issues to EU accession/association/partnership recognised by all parties involved in political dialogue	<ul style="list-style-type: none">• ENPI/ ENI call for a relationship between the EU and its neighbours based on common values including democracy, human rights, and the RoL.• Building on political dialogue, EU strategic policies relative to RoL are conveyed uniformly across geographical regions.	<ul style="list-style-type: none">• Documentary review was undertaken in a global manner, and encompassed a full range of EU strategy and programming documents, EU communications, EU Guidelines, for example:<ul style="list-style-type: none">○ TEU, IPA I/II/ENPI/ENI EIDHR, CSF, IcSP, EU Gender Action Plan 2016-2020○ COM (2012) 600, COM (2011) 303, JOIN(2013) 4 final, JOIN(2017) 18 final○ Regional East and South Strategy Papers○ EU Human Rights Guidelines, Guidelines on Sector Budget Support, Reference Documents on justice and RoL• Interviews took place with key representatives at HQ: DG NEAR (e.g. officers from thematic/horizontal units and geographical desk officers), DG JUST, EEAS.
I1.2.2. EU support to RoL coherent with (i.e., informed by) sound analysis of situation in anti-corruption, democracy, civil society, and human rights and fundamental freedoms	<ul style="list-style-type: none">• While considerable weight is given to political assessment in the development of policy and programming, greater emphasis could be placed on technical assessment.	
I1.2.3. Linkages between interventions in RoL, anti-corruption, democracy, civil society, and human rights and fundamental freedoms	<ul style="list-style-type: none">• IPA/ENI strategy relative to RoL remains highly coherent with broader external and security policy, and with other instruments (EIDHR, CSF etc.).• Large, structural democracy and governance programmes often integrate RoL concerns, with some components of direct relevance to RoL.	
JC1.3: Clarity for partner countries of EU expectations in RoL adequately achieved		
Main finding(s) <ul style="list-style-type: none">• In the Enlargement context, since EU principles with regards to accession are firmly embedded in the <i>acquis</i> and notably within Chapters 23 and 24, clarity for partner		

<p>countries of EU expectations relative to RoL is not problematic. (<i>Finding based on indicators I1.3.1 and I1.3.2.</i>)</p> <ul style="list-style-type: none"> Related to the Neighbourhood regions, more flexible approaches are needed: Recent communications have emphasised the need to better tailor EU support to individual regional or country contexts, which would allow for greater alignment and responsiveness, but also entails risks, such as the dilution of objectives. (<i>Finding based on indicators I1.3.1 and I1.3.2.</i>) 		
<p>Strength of the evidence base: More than satisfactory</p> <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU strategy and programming documents, EU communications, EU Guidelines and consultations with key representatives at HQ, and with representative of EUD in all case-study contexts. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” since based on primary data: EU instruments and related strategy and policy, and key interlocutors within DG NEAR and related services, which was confirmed with EUD representatives and national authorities in the case-study contexts. Data collection related to this JC was limited by low responsiveness and thus limited input from national authorities in some contexts. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I1.3.1. EU expectations regarding RoL clearly communicated with IPA beneficiary candidates and potential candidates for enlargement, and ENI partners	<ul style="list-style-type: none"> In the IPA context, EU expectations relative to RoL are clearly communicated to all involved stakeholders, since related principles are firmly embedded in the <i>acquis</i> and notably within Chapters 23 and 24. In ENI partner countries, the communication “A new response to a changing Neighbourhood” called for “mutual accountability”, and more careful tailoring of support to country needs; the 2015 Review of the ENP committed to a more flexible approach. It is important to take into account the cultural and institutional factors in the programme design and implementation, since it helps to ensure clarity of EU expectations 	<ul style="list-style-type: none"> Documentary review was undertaken in a global manner, and encompassed a full range of EU strategy and programming documents, EU communications, EU Guidelines, for example: <ul style="list-style-type: none"> TEU, IPA I/IPA II/ENPI/ENI EIDHR, CSF, IcSP, EU Gender Action Plan 2016-2020 COM (2012) 600, COM (2011) 303, JOIN(2013) 4 final, JOIN(2017) 18 final Regional East and South Strategy Papers EU Human Rights Guidelines, Guidelines on Sector Budget Support, Reference Documents on justice and RoL Interviews took place with key representatives at HQ: DG NEAR (e.g. officers from thematic/horizontal units and geographical desk officers), DG JUST, EEAS; and triangulated with EUD and national authorities in all contexts.
<p>I1.3.2. Non-negotiable commitment to democracy and human rights clearly communicated, e.g.</p> <ul style="list-style-type: none"> Requirement for independent civil society involvement explicit in EU support for RoL Requirement for gender equality explicit in EU support for RoL Requirement for inclusion and non-discrimination (youth, ethnic minorities, sexual minorities, etc.) explicit in EU support for RoL 	<ul style="list-style-type: none"> In the IPA context, EU expectations relative to democracy and human rights (including gender equality) are clearly communicated to all involved stakeholders, since related principles are firmly embedded in the <i>acquis</i> and notably within Chapters 23 and 24. While the 2015 Review of the ENP allowed for less rigid progress reporting, it fixed that periodic reporting should contain elements regarding human rights and RoL. The overall recent emphasis on context analysis highlights the need to tailor support to regional and country-level specificities and adopt flexible approaches; this also entails certain risks, such as the dilution of RoL and human rights objectives. 	<ul style="list-style-type: none"> Documentary review was undertaken in a global manner, and encompassed a full range of EU strategy and programming documents, EU communications, EU Guidelines, for example: <ul style="list-style-type: none"> TEU, IPA I/IPA II/ENPI/ENI EIDHR, CSF, IcSP, EU Gender Action Plan 2016-2020 JOIN (2015) 50, COM (2011) 303, EPRS (2017): EU Gender Action Plan 2016-2020 at year one, European Implementation Assessment. Regional East and South Strategy Papers EU Human Rights Guidelines, Guidelines on Sector Budget Support, Reference Documents on justice and RoL Interviews took place with key representatives at HQ: DG NEAR (e.g. officers from thematic/horizontal units and geographical desk

		<p>officers), DG JUST, EEAS; and triangulated with EUD and national authorities in all contexts.</p> <ul style="list-style-type: none"> • See also sources of information at EQ8 below, which informed but did not directly contribute to this JC.
JC1.4: Mechanisms and processes for reporting (at EU HQ level) adapted to a rapidly evolving environment in place		
Main finding(s) <ul style="list-style-type: none"> • Assessing RoL reform is uniquely challenging, since it encompasses a series of complex principles. • At HQ level, reporting is conducted in a regular comprehensive and strategic manner and serves to feed into the overall policy and programming. (<i>Finding based on indicator I1.4.1.</i>) • At operational level, the quality of monitoring and evaluation processes is highly variable and there is little evidence that they are feeding into decision making. (<i>Finding based on indicator I1.4.1.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> • <i>Description of the evidence base:</i> This JC assessment is mostly based on EU programme/project design and reporting documents, and consultations with key representatives at HQ, and with representative of EUD in all case-study contexts. • <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” since it is based on EU reporting documents, interviews with key interlocutors within DG NEAR and related services and EUD representatives. Data collection related to this JC was limited by difficulties in obtaining reporting documents from EUD. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
<p>I1.4.1. EU Annual Reports, action plans and monitoring processes (e.g. country annual reports, project progress reports, budget support reviews, MTRs, evaluations) report on changes observed in RoL, provide qualitative information on EU contributions to such change, and offer strategic analysis and responses</p>	<ul style="list-style-type: none"> • At HQ level, reporting is conducted in a regular comprehensive and strategic manner at the HQ level, and serves to feed into overall policy and programming. EU regional and country progress reports and action plans are of uniformly good quality and, where shared with HQ, feed into the HQ level reporting. • The quality of project/programme monitoring and evaluation processes at the operational level is highly variable, and there is little evidence that they are being adequately shared and therefore feeding into strategy. • Various tools (e.g. OPSYS, indicators) currently under development are intended to improve the measurement of the results of policy support. • While political assessment is given considerable weight in policy and programming development, greater emphasis on the use of technical analysis (for example, qualitative analysis of institutions, assessments of court efficiency) of in-country situations and developments is needed to feed reporting and decision making. 	<ul style="list-style-type: none"> • Documentary review: Programme design documents, reporting documents, for example: <ul style="list-style-type: none"> ○ IPA Annual Reports ○ IPA Multi-annual Indicative Planning Documents and ENI Annual Action Plans (AAPs) in sample cases ○ Results Oriented Monitoring Reports, ○ External Assistance Management Reports ○ Mid-term/ Final/ Ex Post project/programme Evaluations ○ Budget support operations tranche dossiers. • Interviews took place with key representatives at HQ: DG NEAR (e.g. officers from thematic/horizontal units and geographical desk officers), DG JUST, EEAS; and triangulated with EUD in all contexts.

4.1.2 EQ2 (relevance, effectiveness, sustainability) – design process

EQ2: To what extent has EU support to RoL responded to the bilateral and regional contexts?		
JC2.1: Design of specific interventions (I): Adequate alignment with national policy frameworks achieved and participatory processes strengthened		
Main finding(s) <ul style="list-style-type: none"> Alignment of EU support with national strategies and policies has not been found anywhere to be a problem. (<i>Finding based on indicator I2.1.1. to I2.1.3.</i>) While the EU has promoted the participation of civil society in programming and monitoring, this has been met with variable success. (<i>Finding based on indicator I2.1.4.</i>) 		
Strength of the evidence base: Strong <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on review of strategic and programming documents and stakeholder interviews. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “Strong” because EU strategic and programming documents reviewed clearly identify national strategies and action plans being supported. With regard to participatory approaches, EU reporting and interviews with civil society representatives provided a solid basis for assessment. The only area covered by this JC where assessment was difficult relates to the question of whether prospects for national ownership were realistically assessed in dialogue. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I2.1.1. Alignment of EU interventions’ objectives with national/sector policies/strategies	<ul style="list-style-type: none"> EU support in form of policy dialogue, technical assistance or budget support has been well aligned to national priorities in both IPA beneficiaries and ENI countries. 	<ul style="list-style-type: none"> Documentary review: EU strategic and programming documents <ul style="list-style-type: none"> ENI partner countries’ and IPA beneficiaries’ Country/ Regional Strategy Programmes, Single Support Frameworks and Multiannual/ National Indicative Programmes related to the pre-2014 and the post-2014 programming cycle
I2.1.2. Policy and political dialogue including discussions related to programming designed to arrive at shared priority areas of support	<ul style="list-style-type: none"> The EU engaged in policy dialogue on RoL and related areas in all countries reviewed, essentially at two levels – technical (typically with responsible Ministries) and high level (typically in policy dialogue related to SAAs and Association Agreements). This fostered the development of shared priority areas. 	<ul style="list-style-type: none"> Documentary review: EU progress reporting <ul style="list-style-type: none"> EAMRs Annual reports on financial assistance for enlargement Interviews (EUD, DG NEAR, EEAS, representatives of Government and Civil Society)
I2.1.3. Realistic assessment, including through policy and political dialogue, of the prospects for national ownership of reforms supported	<ul style="list-style-type: none"> EU programming has been designed in a participatory framework with relevant stakeholders. Over the evaluation period, the prospects for national ownership under EU support to RoL generally improved (e.g. in form of increasing involvement of civil society, and growing importance accorded to Government priorities). That said, programming documents do not regularly assess ownership prospects. Ex post, the ownership has proven extremely variable, with areas of weak ownership even in 	<ul style="list-style-type: none"> Interviews (EUD, DG Near, DG JUST, representatives of Governments and civil society) Documentary review: strategy and intervention-level documents <ul style="list-style-type: none"> ENI partner countries’ and IPA beneficiaries’ Indicative Country/ Regional Strategy Papers, Single Support Frameworks and Multi-annual/ National Indicative Planning Documents related to the pre-2014 and the 2014-2020

	countries where support is generally agreed to have been effective (judiciary reform in Georgia, anti-corruption in Albania). In some cases (e.g., Turkey and Moldova), political changes ran contrary to ownership of originally identified reforms.	programming cycle <ul style="list-style-type: none"> 2017 Mid-term evaluation of the Civil Society Facility for the Western Balkans and Turkey
I2.1.4. Civil society involved in priority-setting process, programming, implementation, and monitoring	<ul style="list-style-type: none"> One of the major trends over the evaluation period was increasing involvement of civil society in EU strategic programming. This goal has been pursued and to some extent realised, even in challenging environments: Albania, where civil society is politically fractured; Turkey, where it has been decimated following the coup; Jordan, where Government is deeply suspicious of it on security grounds; and Serbia, where relations between civil society and Government have chilled to a glacial degree. Civil society involvement in implementation and monitoring has been mixed, depending on capacity (e.g., good in Georgia, weak in Tunisia) and the level of trust between Government and civil society. (e.g., extremely low in Serbia and Montenegro; less than ideal in Jordan). 	<ul style="list-style-type: none"> Documentary review: Annual Reports, EAMRs, EU review documents, for instance: <ul style="list-style-type: none"> 2017 Mid-term evaluation of the Civil Society Facility for the Western Balkans and Turkey Interviews took place with key representatives at EUDs and civil society representatives in all contexts.
JC2.2: Design of specific interventions (II): Needs and opportunities identified and responsiveness to changes in context enabled		
Main finding(s) <ul style="list-style-type: none"> Needs have been carefully assessed in programming of EU interventions. (<i>Finding based on indicator I2.2.1.</i>) The EU has been eager to exploit strategic opportunities; however, these have been less realistically and systematically assessed than needs. Nevertheless, the EU has usually responded flexibly to dramatic changes in context. (<i>Finding based on indicator I2.2.2. to I2.2.5.</i>) 		
Strength of the evidence base: Strong <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on review of strategic, programming and reporting documents (e.g., country strategies, regional strategies, Annual Reports) and consultations with EUD staff, DG NEAR, DG JUST, and EEAS officials; as well as interviews with implementing partners, representatives of Government and Civil Society in case study countries. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “Strong” because (i) many indicators require content analysis of EU documents and (ii) interviews were an easy source of confirmation of (i). There were no constraints to data collection. . 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I2.2.1 EU strategic and programming documents (Country Strategy Papers, Regional Strategy Papers, etc.) contain detailed analysis of RoL context, including needs and opportunities, and related issues such as Democracy and human rights issues	<ul style="list-style-type: none"> EU strategy and programming has been informed by needs assessment missions, analytical reports, technical assistance for priority identification (e.g., Tunisia), and (in the case of EuroMed Justice) an extended Inception Phase during which the context was examined jointly by the EU, implementing agencies and beneficiary partners. 	<ul style="list-style-type: none"> Documentary review: EU strategic and programming documents <ul style="list-style-type: none"> ENI partner countries’ and IPA beneficiaries’ Indicative Country Strategy Papers/ Regional Strategy Papers, Single Support Frameworks and Multi-annual/ National Indicative Planning Documents related to the pre-2014 and the 2014-2020 programming cycle

I2.2.2. Strategic and programming documents in CoE member-states cite relevant CoE material including monitoring reports	<ul style="list-style-type: none"> • CoE assessments are a basic guide to EU programming in CoE Member states (e.g., Horizontal Facility actions, Georgia). 	<ul style="list-style-type: none"> • Documentary review: EU strategic and programming documents <ul style="list-style-type: none"> ◦ ENI partner countries' and IPA beneficiaries' Indicative Country/ Regional Strategy Papers, Single Support Frameworks and Multi-annual/National Indicative Planning Documents related to the pre-2014 and the 2014-2020 programming cycle
I2.2.3. EU programme/ project documents contain assessments of the level of political will in the various reform areas and identify specific areas where EU support is likely to be effective	<ul style="list-style-type: none"> • While EU programming and reporting documents contain solid analyses of the RoL context, they do not, as a rule, specifically analyse political will. • Concerning the quality of the assessments, while overall, EU reporting is critical and DG NEAR emphasised the consultative nature of the report preparation process, a number of civil society interlocutors perceived the assessment in a few Annual Reports as too positive. 	<ul style="list-style-type: none"> • Documentary review: EU programming documents and project documentation: <ul style="list-style-type: none"> ◦ ENI partner countries' and IPA beneficiaries' Indicative Country/ Regional Strategy Papers, Single Support Frameworks and Multi-annual/National Indicative Planning Documents related to the pre-2014 and the 2014-2020 programming cycle • Interviews took place with key representatives at HQ level, like DG NEAR (e.g. officers from thematic/horizontal units and geographical desk officers), and at case study level with EUDs and with civil society in all contexts.
I2.2.4. Institutional constraints and capacity needs are clearly identified	<ul style="list-style-type: none"> • In general, this has been the case, but there are exceptions (e.g., Georgia, where the case study analysis found little reference to institutional constraints in programming documents). • Institutional constraints from a political economy perspective have been little analysed in the documents examined. • Capacity needs have typically been defined in terms of infrastructure, equipment, and training; with limited regard for the effectiveness with which such capacity will be applied. • One of the less successful areas in terms of needs assessment was EU support to judicial training institutions, where instances of overlap and even competition with other donors were identified. 	<ul style="list-style-type: none"> • Documentary review: <ul style="list-style-type: none"> ◦ EU strategic and programming documents ◦ EU Annual Reports ◦ Project mid-term reviews and evaluations ◦ Budget support disbursement reports • Interviews took place with key representatives of EUDs and national governments
I2.2.5. EU programmes are flexibly adjusted to respond to the evolving context and lessons learnt	<ul style="list-style-type: none"> • The EU has usually been quick to adjust in the face of unexpected developments. • In Turkey, support was shifted from penitentiary and judiciary projects to support civil society and human rights defenders in light of the post-coup attempt crackdown. • In Moldova, the deteriorating political situation led the EU to twice suspend budget support and downscale policy dialogue to 	<ul style="list-style-type: none"> • Documentary review: EU strategic, programming and reporting documents <ul style="list-style-type: none"> ◦ ENI partner countries' and IPA beneficiaries' Indicative Country/ Regional Strategy Papers, Single Support Frameworks and Multi-annual/National Indicative Planning Documents

	technical level. <ul style="list-style-type: none"> 	related to the pre-2014 and the 2014-2020 programming cycle <ul style="list-style-type: none"> ○ Annual reports on financial assistance for enlargement; Reports on implementation of the European Neighbourhood Policy; External Assistance Management Reports • Interviews took place with key representatives at HQ level (DG NEAR, DG JUST) and with EUDs
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4.1.3 EQ3 (efficiency, coherence, complementarity, EU value added) – implementation/ choice of modality

EQ3: To what extent has the choice of implementation approaches and modalities been appropriate to pursue the intended objectives and enhance EU added value?

JC3.1: High quality policy and political dialogue established: content (promotion of RoL and European standards and principles), frequency, synergies between operational (intervention-level) and high-level dialogue

Main finding(s)

- The EU engaged in intensive and flexible policy dialogue on RoL at various levels in all countries where it provided support. While policy dialogue has been useful overall, it has often tended to be formalistic and its effectiveness as a tool for conditioning EU support (e.g. under budget support) has been limited. (*Finding based on indicator I3.1.1. and I3.1.2.*)
- A number of the countries reviewed have seen a deterioration in government engagement with civil society. (*Finding based on indicator I3.1.3.*)
- Budget support has enabled sector-level policy dialogue, complementing policy and high-level political dialogue. (*Finding based on indicator I3.1.4.*)

Strength of the evidence base: More than satisfactory

- *Description of the evidence base:* This JC assessment is mostly based on External Assistance Management Reports (EAMRs), Annual Reports, and interviews with EUD staff, DG NEAR and DG JUST officials, EEAS officials, and representatives of Government and civil society.
- *Explanation of the assessment of strength of evidence:* The strength of evidence under this JC was assessed as “More than satisfactory” because of the wide range of persons interviewed, allowing for confirmation of findings from documentary review and scoping interviews. Data collection related to this JC was limited by the fact that EU reporting typically contains more information on the quantity of policy dialogue, not its quality.

Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I3.1.1. RoL and related democracy and human rights issues candidly discussed in policy and political dialogue	<ul style="list-style-type: none"> • The EU has engaged in policy dialogue on RoL and related areas in all countries reviewed, essentially at two levels – technical (typically with responsible Ministries) and high level (typically in policy dialogue related to SAAs and Association Agreements. In some countries (e.g., Georgia and Ukraine) there is, as well, a dedicated Human Rights dialogue. Some interviews suggested that policy dialogue could be formulaic and goals-oriented; not coming to grips with concrete problems of implementation. In cases of significant backsliding (e.g., Moldova and Turkey), policy dialogue has been downscaled. 	<ul style="list-style-type: none"> • Documentary review: EU progress reporting <ul style="list-style-type: none"> ○ EAMRs ○ Annual reports on financial assistance for enlargement, Reports on implementation of the European Neighbourhood Policy • Interviews with key stakeholders at global and case study level (EUD, DG NEAR, EEAS,

		representatives of Government and Civil Society)
I3.1.2. Dialogue on RoL promotes European norms and values (e.g. anti-death penalty)	<ul style="list-style-type: none"> Few case studies have explicitly addressed this Indicator, but it is safe to say that policy dialogue has consistently promoted European values. Specific examples include LGBT issues in Georgia and death penalty in Jordan (with limited success in the first case and none in the second). 	<ul style="list-style-type: none"> Documentary review: EU progress reporting <ul style="list-style-type: none"> EAMRs Annual reports on financial assistance for enlargement, Reports on implementation of the European Neighbourhood Policy Interviews with key stakeholders at global and case study level (EUD, DG NEAR, EEAS, representatives of Government and Civil Society)
I3.1.3. Civil society positions inform EU policy and political dialogue	<ul style="list-style-type: none"> As also indicated under Indicator 21.1.4, the evaluation period has seen the EU increasingly implicate civil society in its support programmes, including policy dialogue. Results are dependent on the capacity of civil society, which varies widely among case study countries and the state of relations between civil society and government. The latter is also variable, not only across countries but over time. For example, the evaluation period saw serious worsening of that relationship in Serbia. In Georgia, well known for a vibrant and effective civil society, the relationship worsened after the end of the evaluation period. In other countries, civil society is politically fractured. 	<ul style="list-style-type: none"> Documentary review: EU progress reporting <ul style="list-style-type: none"> EAMRs Annual reports on financial assistance for enlargement, Reports on implementation of the European Neighbourhood Policy Interviews with key stakeholders at global and case study level (EUD, DG NEAR, EEAS, representatives of Government and Civil Society)
I3.1.4. Level of synergy between operational (intervention-level) and high-level policy and political dialogue	<ul style="list-style-type: none"> In some case studies (e.g. Jordan, Tunisia) this was found to be good. In others there was an element of disconnect, with operational issues arising at Ministry level being insufficiently incorporated into high-level political dialogue. 	<ul style="list-style-type: none"> Interviews with key stakeholders at global and case study level (EUDs, DG NEAR, representatives of Government)
JC3.2: Implementation strategies appropriately chosen and combined/complemented		
JC3.3: Synergies and complementarity achieved within the EU RoL portfolio between levels of interventions (e.g., bilateral and regional) and instruments (e.g. ENI/IPA and EIDHR) (joint treatment of both JCs)		
Main finding(s) <ul style="list-style-type: none"> The EU has used the entire range of financing instruments and modalities available to support RoL in the Neighbourhood and Enlargement regions. In eligible countries, the EU has moved bilateral cooperation from scattered project approaches to sector-wide ones using budget support, ensuring complementarity. (<i>Finding based on indicators I3.2.1. and 3.2.2.</i>) From the standpoint of a results-based orientation, the EU has chosen implementing partners well. (<i>Finding based on indicator I3.2.3.</i>) To judge from case studies on the Horizontal Facility and EuroMed Justice, bilateral and regional geographic programmes were effectively combined. Less is known about the coordination of geographic and thematic programmes and instruments, although EIDHR in particular appears to have filled gaps in the area of democracy and human 		

rights (<i>Indicator 3.3.1 and I3.3.3</i>).		
Strength of the evidence base: More than satisfactory (JC 32), Indicative but not conclusive (JC 33) <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU programming documents, annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, budget support disbursement reviews, and stakeholder interviews. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” in the case of JC32 and “Indicative but not conclusive” in the case of JC33. In the latter case, data collection related was limited by scarcity of EU reporting on projects financed by thematic instruments (as compared to projects financed by bilateral and regional geographic instruments). Evidence on coordination of justice sector and SSR projects is essentially limited to one country (Moldova). 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I3.2.1. TA Projects were used to support elaboration of sector-wide RoL reform progress/backsliding.	<ul style="list-style-type: none"> In many case study countries, TA was used to advance RoL reform. In Albania, for example, multiple EURALIUS TA projects contributed to drafting reform legislation in line with government priorities. In all budget support countries reviewed, complementary TA was provided. 	<ul style="list-style-type: none"> Documentary review: EU programming documents for relevant projects Interviews (EUDs, Government representatives, implementing partners)
I3.2.2. Flexible strategic approaches to RoL support implementation in place, e.g. <ul style="list-style-type: none"> RoL sector support policy matrices contain SMART indicators Strategic approaches adjusted to reflect impact/ lack thereof RoL sector support programmes adjusted to recognise sector progress / backsliding 	<ul style="list-style-type: none"> In eligible countries, the main strategic choice was between budget support operations and standard projects. Where budget support modality was chosen, SMART indicators were generally in place, although sometimes their relevance was questionable (e.g., an indicator on juvenile detention facilities when a reform of juvenile law had drastically reduced the number of juveniles detained). There were instances (Moldova, Turkey) when strategic approaches were significantly adjusted to reflect changes in circumstances; however, the EU was in general reluctant to invoke conditionality or terminate support as it was legally empowered to do. 	<ul style="list-style-type: none"> Documentary review: EU programming documents, EU progress reporting: <ul style="list-style-type: none"> EAMRs Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy; External Assistance Management Reports Budget support disbursement reviews Interviews (EUDs, DGs NEAR and JUST, EEAS)
I3.2.3. Effective cooperation in place, e.g. <ul style="list-style-type: none"> EU supports/facilitates partner institutions' (e.g., CoE, EU MS) provision of legal and RoL expertise including good governance European TA regarded by partner institutions as timely and of high quality Twinning or TAIEX promoted and utilised effectively in RoL 	<ul style="list-style-type: none"> The clearest example of this is the Horizontal Facility, which financed CoE-implemented projects designed to respond to needs identified by the monitoring of that institution. TAIEX and Twinning financed provision of EU MS expertise and were both effectively used. A weakness of the latter was its short duration, addressed in some cases (notably Albania and Georgia) by the implementation of continuing high-level expert group missions. 	<ul style="list-style-type: none"> Documentary review: <ul style="list-style-type: none"> EU programming documents reviews/evaluations (for instance, 2015 Evaluation of TAIEX Instrument, 2018 Evaluation of the Twinning Instrument – desk report) EU annual reporting (EAMRs, Enlargement Financial Assistance Annual reports, Reports on implementation of the European Neighbourhood Policy) Interviews (EUDs, representatives of

		government, representatives of implementing partners)
I3.3.1. <i>EIDHR</i> , Civil Society Facility (CSF), Civil Society organisations and Local authorities (CSO-LA), and geographic programmes combined to cover issues	<ul style="list-style-type: none"> Case studies have generally found that thematic programme-supported projects effectively filled gaps in bilateral geographic programmes. However, the level of analysis is limited by the scarcity of documentation on thematic projects. 	<ul style="list-style-type: none"> Documentary review: <ul style="list-style-type: none"> EU programming documents reviews/evaluations (for instance, 2015 Evaluation of TAIEX Instrument, 2018 Evaluation of the Twinning Instrument – desk report) EU annual reporting (EAMRs, Enlargement Financial Assistance Annual reports, Reports on implementation of the European Neighbourhood Policy) Interviews (EUD, civil society representatives) National project portfolio review
I3.3.2. RoL objectives integrated into global thematic programmes apart from EIDHR (e.g., Global Public Goods and Challenges, CSO-LA, Investing in People, IFS/IcSP, etc.)	<ul style="list-style-type: none"> IPA/ENI strategy relative to RoL remains highly coherent with broader external and security policy, and with other instruments (EIDHR, CSF etc.). Large, structural democracy and governance programmes often integrate RoL concerns, with some components of direct relevance to RoL. 	<ul style="list-style-type: none"> Documentary review was undertaken in a global manner, and encompassed a full range of EU strategy and programming documents, EU communications, EU Guidelines, for example: <ul style="list-style-type: none"> TEU, IPA I/II/ENPI/ENI EIDHR, CSF, IcSP, EU Gender Action Plan 2016-2020 COM (2012) 600, COM (2011) 303, JOIN(2013) 4 final, JOIN(2017) 18 final Regional East and South Strategy Papers EU Human Rights Guidelines, Guidelines on Sector Budget Support, Reference Documents on justice and RoL Interviews took place with key representatives at HQ: DG NEAR (e.g. officers from thematic/horizontal units and geographical desk officers), DG JUST, EEAS.
I3.3.3. Sharing of experiences and lessons learnt between bilateral and regional programmes	<ul style="list-style-type: none"> The Horizontal Facility and EuroMed Justice case studies analysis demonstrates that bilateral and regional geographic programmes were effectively combined. 	<ul style="list-style-type: none"> Documentary review: as above Interviews (EUD, civil society representatives) National project portfolio review
I3.3.4. RoL and SSR interventions are coordinated and complementary and demonstrate elements of synergy	<ul style="list-style-type: none"> The only country case study where this theme emerged was Albania, where all evidence (and particularly field interviews) confirms that there was excellent coordination and complementarity between the 	<ul style="list-style-type: none"> Interviews (EUD, implementing agency representatives) Documentary review: as above + evaluations

	EURALIUS (justice reform) and PAMECA (security sector reform, including anti-corruption) projects.	such as 2011 and 2018 Thematic Evaluation of EU Support to Justice and Security System Reform
JC34: Efficiency aspects of implementation (including choice of implementing partners) taken into account; choice of modality effect on timeliness, transaction (project and programme management) costs, quality of monitoring, and EU visibility taken into account.		
Main finding(s) <ul style="list-style-type: none"> The EU's approach to implementation has been strategic, including consideration of efficiency aspects. (<i>Finding based on indicators I3.4.2. to 3.4.6.</i>) EU visibility, while occasionally called into question when working through international partners, has been satisfactory. (<i>Finding based on indicator I3.4.7.</i>) Monitoring has been mixed. (<i>Finding based on indicator I3.4.1.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on review of programming and reporting documents and interviews with EUD and EU HQ staff, implementing partner representatives and Government representatives. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as "More than satisfactory" because, while drawing on document review and interviews, it also depends in significant degree on the evaluators' subjective assessment when it comes to the aspect of efficiency. No significant data collection limitations were encountered. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I3.4.1. Frequency and quality of ROM, mid-term and final/ex-post evaluations.	<ul style="list-style-type: none"> ROM reviews have been implemented based on risk assessment following ROM methodology, meaning that a great majority of projects are not subject to ROM. However, all project are subject to internal day-to-day monitoring by the EUD operational managers and ROM reviews performed by external monitors complement their work. When implemented, the ROM reviews have been of high quality. Similarly, apart from very large programmes, mid-term and final/ex post evaluations have been rather sparse, limiting the potential for deriving lessons. When implemented, these have been of high quality. 	<ul style="list-style-type: none"> Documentary review: EU reporting documents and evaluations: <ul style="list-style-type: none"> ROM reports MTRs and final evaluations
I3.4.2. Choice of modality/implementing partner takes into account the balance between management costs and project quality.	<ul style="list-style-type: none"> In choosing partners, the EU has favoured quality of implementation. Some examples: In Tunisia, where experience on the ground and quick action was needed, the EU mobilised UNOPS. In Georgia, where the EU supported implementation of an entire HR strategy, UNDP was chosen to coordinate specialised UN agencies (ILO, UNICEF) with applicable expertise. EU MS expertise and local knowledge (e.g., Italy in Albania) were well used. Perhaps the most important partnership was with the Council of Europe, whose role in standard setting and monitoring, as well as longstanding relationship with member countries and credibility in RoL placed it in a strong position. 	<ul style="list-style-type: none"> Documentary review: EU programming documents Interview (EUD, Government and civil society representatives, implementing partner representatives)
I3.4.3. EU interventions adjusted as result of	<ul style="list-style-type: none"> In general, the EU has adjusted flexibly in the face of changing circumstances. The main cause for adjustment, where it occurred, was 	<ul style="list-style-type: none"> Documentary review: EU programming documents and Budget support tranche

assessed efficiency.	<p>not efficiency, but rather political backsliding on RoL.</p> <ul style="list-style-type: none"> • Case studies have covered both countries where there was significant adjustment and countries where there was not. • A somewhat unique case is Albania, where over the evaluation period, the EU judged that the pre-conditions for budget support in the justice sector were not yet established, yet changed its assessment at the very end of the evaluation period and moved to budget support. • In a number of instances (e.g., Turkey) the EU was prepared to move towards decentralised implementation, but beneficiary governments were reluctant to assume the added responsibilities. 	<p>release dossiers for a sample of operations</p> <ul style="list-style-type: none"> • Interview (EUD, Government and civil society representatives, implementing partner representatives)
I3.4.4. Progress or backsliding discussed with beneficiary institutions and implementing agencies	<ul style="list-style-type: none"> • The EU engaged in intensive dialogue at various levels in all countries where it provided support. In this frame, dialogue beneficiary institutions and implementing agencies during implementation occurred everywhere. 	<ul style="list-style-type: none"> • . Documentary review: EU progress reporting <ul style="list-style-type: none"> ◦ EAMRs ◦ Annual reports on financial assistance for enlargement, Reports on implementation of the European Neighbourhood Policy • Interviews with key stakeholders at global and case study level (EUD, DG NEAR, EEAS, representatives of Government and Civil Society)
I3.4.6. EU recognised (by government, development partners, and MS) as a significant actor in promoting RoL.	<ul style="list-style-type: none"> • The EU is a recognized development partner perceived as very engaged. 	<ul style="list-style-type: none"> • Interviews with key stakeholders at case study level (representatives of Government and Civil Society)
I3.4.7. EU visibility ensured in international policy exchange on RoL	<ul style="list-style-type: none"> • Few case studies assessed visibility directly, but this does not appear to be a major problem. In IPA beneficiaries, EU visibility is assured by the accession process as the wish to achieve EU membership ensures the promotion of EU visibility by most involved stakeholders. • There is always confusion between the EU and the CoE, but this is outweighed by the effectiveness of the CoE as an implementing agency. 	<ul style="list-style-type: none"> • Interviews (EUD, Government representatives, implementing partner representatives) • Websites • Site observations: <ul style="list-style-type: none"> ◦ Communication material received from implementing partners and EUDs during field missions

4.1.4 EQ4 (EU value added, coordination, complementarity) – linkages with EU MS and other international stakeholders

EQ4: To what extent has the EU formed strategic and operational linkages with other international agencies, including MS institutions, active in RoL?		
JC4.1: Partnerships established at global level (e.g., CoE and development partners such as UN agencies, EU MS bilateral agencies, World Bank, USAID)		
Main finding(s) <ul style="list-style-type: none"> The EU has significantly and proactively added to its global partnerships in areas related to RoL, with these initiatives having accelerated in recent years. There have been several project-based partnerships where international organisations are implementing partners and the EU has closely and consistently worked with EU bilateral governmental/ semi-governmental agencies. (<i>Finding based on indicators I4.1.2. and I4.1.3.</i>) The Council of Europe remains a key technical and strategic partner in nearly all of the contexts examined. (<i>Finding based on indicator I4.1.2.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU programming documents; sector studies, cooperation partner reports and analyses; independent analyses, and consultations with DG NEAR, CoE and other international institutions, EUD and donors. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” because it was obtained directly from key international partners and direct beneficiaries. Data collection related to this JC was limited by the short deployment periods in the field, which did not allow to interview a full representation of partner organisations. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I4.1.1. EU-supported external actions in CoE-member states address needs identified by CoE monitoring bodies	<ul style="list-style-type: none"> The Council of Europe remains a key technical and strategic partner in nearly all of the contexts examined, including in the Neighbourhood South. This provides considerable added value, including the identification of shortcomings to help compliance with CoE standards relative to RoL and facilitate accession under Chapters 23 and 24. 	<ul style="list-style-type: none"> Documentary review: EU programming documents; CoE reports and analyses; independent analyses of activities received from CoE representatives. <ul style="list-style-type: none"> CoE Horizontal Facility programme documents, CoE South Programme Evaluation CEPEJ and other CoE Guidelines, assessments and reports 2012 Evaluation of Commission's cooperation with the CoE Interviews: DG NEAR (e.g. thematic/horizontal units, geographical desk officers), CoE representatives, as well as EUD staff, national authorities (Ministries of Justice, Foreign Affairs, or International Development), and civil society organisations (final beneficiaries and implementing partners) in CoE HF and South Programme (EU-CoE joint programme “Towards Strengthened Democratic Governance in the Southern Mediterranean”, South Programme II) beneficiary contexts.
I4.1.2. Partnerships with other agencies (e.g., World Bank, UN Women, UNDP, UNODC, OHCHR, UNICEF, OSCE/ODIHR, International Development Law Organisation) formed	<ul style="list-style-type: none"> The EU has significantly and proactively added to its global partnerships in areas related to RoL, with these initiatives having accelerated in recent years. There have also been several notable project-based partnerships where international organisations are implementing partners. 	<ul style="list-style-type: none"> Documentary review: EU strategy and programming documents; EU reporting documents, OSCE, UNICEF and UN Women and other international institutions and donor reporting Interviews: <ul style="list-style-type: none"> At global level: DG NEAR, CoE At case study level: EUDs, other donors and international
I4.1.3. High-level dialogue between EU	<ul style="list-style-type: none"> When it comes to the implementation of EU support to RoL, 	

and relevant agencies – e.g., OHCHR, CoE, WB, MS on RoL, democracy, good governance, and HR/fundamental freedom issues	EU has closely and consistently worked with EU bilateral governmental/semi-governmental agencies and non-governmental organisations, for example the implementing agency of the French Ministry of Justice “Justice Cooperation International” and the German Foundation for International Legal Cooperation “IRZ”.	institutions (such as the UN, USAID), national governments, including justice sector stakeholders (judiciary, prosecutors), civil society organisations
JC4.2: Mechanisms and processes to ensure coordination/complementarity with EU MS and other donors at country level function well		
Main finding(s) <ul style="list-style-type: none"> Donor coordination between the EU, EU MS and other donors at country level has improved over the years in almost all the countries reviewed. (<i>Finding based on indicators I4.2.1. to I4.2.4.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU programming documents; implementing partner and national reports and analyses; independent analyses received from implementing partners’ representatives, and interviews with DG NEAR, EUDs, CoE and other international institutions and donors. Evidence has come from a multiplicity of sources, with the indicators being generally mixed with identical sources of information. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” because data was obtained directly from key international partners and direct beneficiaries. Data collection related to this JC was limited by the short deployment periods in the field, which impacted on the ability of the experts to interview a full representation of partner organisations. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I4.2.1. EUD actively participates in coordination fora and working groups	<ul style="list-style-type: none"> Donor coordination in RoL remains of considerable importance, and contributes to avoiding duplication and overlap, and increasing efficiency. Donor coordination has improved over the years, in line with the aid effectiveness agenda and other international commitments, with positive changes in coordination structures and practices. EU very frequently takes the lead in the relevant RoL donor groups. 	<ul style="list-style-type: none"> Documentary review: EU strategy and programming documents; EU reporting documents. <ul style="list-style-type: none"> EURALIUS and SSR PAMECA progress reports (Albania) Justice Sector Reform Strategy Project reports (Ukraine) EUNAM reports (Ukraine) Interviews: DG NEAR, EUD, EU MS, donors and international institutions, national authorities (Ministries of Justice, Foreign Affairs, or International Development), civil society organisations <ul style="list-style-type: none"> EUD, EU MS in Tunisia and Turkey EUD, EU MS and USAID interlocutors in Albania EUD, EU MS, donors, and international institutions in Georgia CoE and OSCE in Enlargement, Neighbourhood East, HF beneficiary contexts
I4.2.2. EU interventions build the capacity of Government to coordinate RoL assistance	<ul style="list-style-type: none"> Budget support operations in some contexts have contributed to the establishment of donor and/or sector coordination mechanisms. In almost all countries, there is some degree of effective Government coordination in the sector. In many programmes (not only budget support operations) there has 	<ul style="list-style-type: none"> Documentary review: EU strategy and programming documents; EU reporting documents. <ul style="list-style-type: none"> Budget support tranche release dossiers Progress reviews of TA components Interviews: DG NEAR, EUD, EU MS, donors and international

	been a TA component to strengthen government capacity to coordinate donors.	institutions, national authorities (Ministries of Justice, Foreign Affairs, or International Development), civil society organisations
I4.2.3. Evidence for a division of labour between donors in RoL	<ul style="list-style-type: none"> • DG NEAR conducts regular monitoring and mapping of international and bilateral donor support relative to RoL. • Certain countries have shown some evidence of donor shopping, with some overlap of interventions in relation to capacity building • Donor coordination is often structured around specific thematic and technical concerns. The EU very frequently takes the lead in the relevant RoL donors' group and, where it does not, is active in all relevant coordination fora. 	<ul style="list-style-type: none"> • Documentary review: EU strategy and programming documents; EU reporting documents. Interviews: DG NEAR, EUD, EU MS, donors and international institutions, national authorities (Ministries of Justice, Foreign Affairs, or International Development), civil society organisations
I4.2.4. EU and EU MS closely align their programming and strategic approaches to ensure coverage of RoL issues	<ul style="list-style-type: none"> • In several countries EU and EU MS closely aligned their programming and strategic approaches to ensure coverage of RoL issues, e.g. by joint programming. 	<ul style="list-style-type: none"> • Documentary review: EU strategy and programming documents; EU reporting documents. • Interviews: DG NEAR, EUD, EU MS, donors and international institutions, national authorities (Ministries of Justice, Foreign Affairs, or International Development), civil society organisations

4.2 Effects of the EU support to RoL

4.2.1 EQ5 (Effectiveness, sustainability) – effects of EU support on the legal and policy framework for RoL

EQ5: To what extent have EU-supported legal reforms and constitutional change brought ENI countries and IPA beneficiaries into closer line with international standards, norms, and values in RoL?		
JC5.1: Legal and constitutional reforms advanced and Parliaments strengthened		
Main finding(s) <ul style="list-style-type: none"> • In all countries reviewed, the EU has contributed to legal and constitutional reforms through financial support, technical assistance, and policy dialogue. In most cases, however, the implementation of reforms has been much slower than the implementation, for example in form of passage of related legislation. (<i>Finding based on indicators I5.1.1. to I5.1.3.</i>) • In a number of countries, EU projects (often implemented by UNDP) have strengthened the ability of Parliaments to draft and pass legislation and to exercise their role of oversight over the Executive. 		
Strength of the evidence base: Strong <ul style="list-style-type: none"> • <i>Description of the evidence base:</i> This JC assessment is mostly based on EU strategic and programming documents; EU annual reporting and interviews with EUDs and representatives of Government and implementing partners. • <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “Strong” because of the wide range of evidence sources used. There were no constraints to data collection. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I5.1.1. Constitutions, and civil, criminal and	<ul style="list-style-type: none"> • In many countries reviewed (e.g. Georgia, Albania, Armenia, Tunisia, 	<ul style="list-style-type: none"> • Documentary review:

<p>administrative legislation are amended to align more closely to international standards relative to RoL, and to national commitments to inter alia the European <i>aquis</i> and international conventions</p>	<p>Jordan, Ukraine) the EU supported constitutional reform, sometimes sweeping (Albania) and sometimes directly informed by Venice Commission recommendations (e.g., Georgia, Albania, Armenia).</p> <ul style="list-style-type: none"> • In most countries, legal reform concentrated on criminal law because of the close and direct links to human rights. However, in Georgia, there was a strategic move towards the end of the evaluation period to increase the emphasis on reforming civil and administrative law, with close links to economic growth. Civil and administrative law reform was also supported in Albania, although disappointingly little progress was made on the settlement of property claims arising from the Communist era. Civil and administrative law is also the area of law with which ordinary citizens are most likely to have contact. • In many countries, EU supported reforms to improve compliance with international conventions such as the International Convention on the Rights of the Child and other commitments such as the Istanbul Convention related to gender-based violence. In IPA beneficiaries, because support was in the context of SAAs, it related to national commitments to the transposition of the <i>acquis</i>. 	<ul style="list-style-type: none"> ◦ EU strategic and programming documents ◦ EU progress reporting: EAMRs, Enlargement Assistance Annual Reports, Reports on implementation of the European Neighbourhood Policy • Interviews (EUDs, DG NEAR, DG JUST, Government, implementing partners, civil society representatives and human rights defenders)
<p>I5.1.2. CoE (e.g., Venice Commission) constitutional recommendations adopted and implemented</p>	<ul style="list-style-type: none"> • The record is mixed. • In IPA beneficiaries: in Albania, there were institutional changes in the recruitment, advancement, and inspection of judges and the status of the High Court and Constitutional Court. In all of these and other areas, heavily influenced by Venice Commission opinions, the EU played a crucial support role in drafting legislation through the work of the EURALIUS project. In Montenegro, the independence of the judiciary was strengthened on the basis of a Venice Commission recommendation. The recommendations of the Venice Commission are generally followed, especially as a reaction to the issuance of a negative opinion beforehand. In ENI partner countries: In Armenia, EU budget support operations were informed by the Venice Commission recommendations with the support of a long-standing CoE TA project. In Georgia, as well, the EU formed a tight partnership with CoE and a number of Venice Commission recommendations were implemented (e.g., reform of the judiciary, reform of the Law on Assemblies and Demonstrations, Electoral Code). However, in Moldova electoral reforms and changes in rules governing the judiciary were enacted despite the objections of the Venice Commission. 	<ul style="list-style-type: none"> • Documentary review: EU progress reporting <ul style="list-style-type: none"> ◦ Enlargement Assistance Annual Reports ◦ Reports on implementation of the European Neighbourhood Policy ◦ EAMRs ◦ Budget support tranche release dossiers
<p>I5.1.3. Constitutional and legislative reform related to the conduct and oversight of elections, the functioning of parliaments, the role of civil society, the role of political parties, and media freedom are enacted and are implemented in practice</p>	<ul style="list-style-type: none"> • See also Indicator I.5.2. In particular, through TA, often contributing to the drafting of legislation, the EU has broadly supported reforms in the areas cited. • In IPA beneficiaries: In Turkey, there has been no progress in strengthening Parliament's functioning as an oversight body; laws on financing political parties and election campaigns are still not aligned with 	<ul style="list-style-type: none"> • Documentary review: EU progress reporting <ul style="list-style-type: none"> ◦ Enlargement Assistance Annual Reports ◦ EAMRs ◦ Budget support tranche release dossiers • Interviews: Stakeholder interviews (EUD,

	<p>European standards, and the threshold that must be obtained for a political party to be represented in Parliament is the highest in Europe. However, the case study cites some examples of progress regarding changes in the legal framework related to elections and political parties.</p> <ul style="list-style-type: none"> • In ENI partner countries: In Georgia, the EU supported a long list of reforms, including related to elections, the functioning of Parliament, the role of civil society, and media freedom. A new Election Code was adopted in December 2011, and Georgia later moved from a presidential to a parliamentary system of government with the advice of the Venice Commission. Laws related to the financing of political parties and transparency in media ownership were passed. In Jordan, the Independent Election Commission was adopted in 2012, as was the case for the new political parties law and the new electoral law. While the EU supported free and independent media, the atmosphere for media freedom deteriorated over the evaluation period. Changes in the electoral law in 2017 were implemented in Moldova in spite the objections of the CoE and OSCE. In Tunisia, a new electoral law was adopted in 2017 with the goal of ensuring gender equality. 	implementing partners, Government)
I5.1.4. Capacity of Parliament (e.g. in legislative drafting) improved with EU support	<ul style="list-style-type: none"> • The EU supported a number of capacity building projects for the Parliaments. • In ENI partner countries: In Georgia, EU support was implemented through a series of capacity building projects for the Parliament with UNDP as implementing partner. Following a European Parliament needs assessment mission, a capacity-building project was implemented by UNDP in Ukraine, in addition to which, a Twinning project with Lithuania provided support to the Parliamentary Ombudsperson. The EU provided TA to build the capacity of the Jordanian House of Representatives and supported through a Twinning project the Moldovan parliament to strengthen its capacity for European legislation approximation. A Twinning project provided support to the Tunisian Assembly, as well as capacity building aimed at newly elected Parliamentarians. • In many countries, EU TA projects contributed to the drafting of reform legislation. 	<ul style="list-style-type: none"> • Documentary review: EU progress reporting <ul style="list-style-type: none"> ◦ Enlargement Assistance Annual Reports ◦ EAMRs ◦ Budget support tranche release dossiers • Interviews: Stakeholder interviews (EUD, implementing partners like UNDP)
JC5.2: National RoL policy/strategic framework consolidated		
Main finding(s) <ul style="list-style-type: none"> • In all countries reviewed, an EU-supported RoL strategy and action plan was in place over the evaluation period, but progress in the strengthening of the RoL strategic framework has in many countries led to fewer concrete results than hoped. The EU contributed, through policy dialogue and TA, to strategy development. When it came to implementation, several factors explain less-than-hoped-for results. One is the lack of national ownership, including resistance from the judiciary. Another is weak capacity in those institutions responsible for implementation. In some countries, ownership and implementation was satisfactory in favoured areas, but poor in others where there was resistance. (<i>Finding based on indicators I5.2.1. to I5.2.3.</i>) 		

Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU Annual Reports, other EU reporting documents such as budget support disbursement reviews, independent assessments (often from civil society) and a wide range of interviews (EUD, DG NEAR, DG JUST, EEAS, representatives of Government, civil society, and implementing partners). <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” because, despite the wide range of evidence sources, including civil society assessments available, ownership is ultimately a subjective concept. There were no constraints to evidence collection. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I5.2.1. National ownership of sector reforms established	<ul style="list-style-type: none"> All countries considered have well-developed justice sector reform strategies and, in some cases, human rights strategies, as well. However, as might be expected, the ownership picture is mixed, not only between the different case study countries, but also between aspects of RoL reform within individual countries. In IPA beneficiaries: In Albania, national ownership of high-level reforms was strong, but implementation lagged behind. A counterexample was the EU-supported vetting of the judiciary, which overcame resistance to become the cornerstone of RoL reform in the country. On the other hand, national ownership of anti-corruption reform was weak. Implementation of justice reform strategies in Serbia has been lacklustre, indicative of Government's reluctance to implement reforms. In ENI partner countries: In Georgia, ownership was generally strong, with the exception of judiciary reform, which has met stiff resistance from the judiciary itself and has lost momentum in the Ministry of Justice. The same can be said of Moldova. Ownership in Jordan has been strengthened by the strong commitment of the King to RoL reform. 	<ul style="list-style-type: none"> Stakeholder interviews <ul style="list-style-type: none"> EUD, DG NEAR, DGJUST, EEAS Representatives of Government Civil society organisations Implementing partners Documentary review: Enlargement Assistance Annual Reports (independent comparison of disbursements with commitments in the course of the analysis)
I5.2.2. Sector reform strategies and action plans are developed or strengthened	<ul style="list-style-type: none"> In all countries reviewed, the EU provided support (often TA) for the development of justice reform strategies. 	<ul style="list-style-type: none"> Documentary review: EU progress reporting <ul style="list-style-type: none"> EAMRs Enlargement Assistance Annual Reports Reports on implementation of the European Neighbourhood Policy Stakeholder interviews <ul style="list-style-type: none"> EUD, DG NEAR, DGJUST, EEAS Representatives of Government Civil society organisations Implementing partners
I5.2.3. Required legal and policy reforms passed and implemented and administrative and legal structures of RoL institutions' streamlined and harmonised	<ul style="list-style-type: none"> In many of the countries reviewed, the passage of reformed legislation has far outstripped their implementation. In IPA beneficiaries: In Albania, while major reforms were eventually implemented, this took much longer than originally foreseen. Civil society has been strongly critical of the pace of implementation of justice reform in 	<ul style="list-style-type: none"> Documentary review: EU progress reporting <ul style="list-style-type: none"> Enlargement Assistance Annual Reports EAMRs Budget support disbursement reviews Interviews (EUD, DG NEAR, DGJUST, EEAS)

	<p>Montenegro. In Turkey, significant progress was made prior to the attempted coup, but this is put into question by developments since, e.g., actions significantly reducing the independence of the judiciary.</p> <ul style="list-style-type: none"> • In ENI partner countries: As illustrated by the case of Georgia, implementation has sometimes followed a selective, “cafeteria” approach in which reforms in favoured areas are implemented with alacrity while those in more contested areas (independence of the judiciary in this case) are blocked. Implementation of reform in Moldova effectively stalled. Considering the initial (post-Revolution) conditions for RoL reform in Tunisia, progress has been reasonable, and the strategic framework for reform in Jordan has been consistently strengthened over the evaluation period. 	
JC5.3: Integration of Human Rights (e.g., inclusion/minority rights/gender) and democracy issues into partner countries’ RoL policy		
Main finding(s) <ul style="list-style-type: none"> • Despite challenges in translating policies into results, there has been overall progress in the integration of human rights and democracy issues into national policy frameworks, and, in many cases, the EU has played a positive role in this regard. (<i>Finding based on indicators I5.3.1. and I5.3.2.</i>) 		
Strength of the evidence base: Strong <ul style="list-style-type: none"> • <i>Description of the evidence base:</i> This JC assessment is mostly based on strategic and programming documents, EU Annual Reports and NGO reports. Interviews included those with EUDs, DG NEAR, DG JUST, EEAS, and representatives of the Government and civil society. Ombudspersons Offices were visited in all case study countries. • <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “Strong” because EU reporting has been careful in this area and civil society organisations have exercised careful oversight. The topic of human rights and democracy issues was a highly debated one in all contexts and interviewees were engaged to speak about their points of views and experiences and share documentation related to this matter. There were no limitations of data collection. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I5.3.1. Human rights and democracy issues are integrated into the partner countries’ RoL policy framework	<ul style="list-style-type: none"> • In all countries considered, human rights and democracy issues have been integrated into EU support. This included (i) support for adherence to and enforcement of international conventions, e.g. on rights of the child, the disabled, ethnic minorities, etc.; (ii) support to Ombudsmen’s Offices and anti-discrimination bodies; and (iii) support to bodies responsible for tackling ill-treatment and torture. • Where Human Rights Strategies were in place, they were supported by EU action (e.g., Georgia, Albania, Moldova). In a number of countries - Jordan, Georgia, Albania (although an Action Plan was never put in place in the latter) - juvenile justice reform was successfully implemented with EU support. Penitentiary reform in countries such as Georgia, Ukraine, Albania, and Armenia, improved conditions of detention. However, there was limited progress in Tunisia. Reforms to non-custodial sentences and probation systems were supported. Conditions of detention (including for juveniles) improved in Montenegro but remained poor overall. Reforms to laws related to gender equality were introduced in Georgia, Tunisia, Turkey, and Jordan. In general, large gaps in implementation of gender- 	<ul style="list-style-type: none"> • Documentary review: <ul style="list-style-type: none"> ◦ EU programming and strategic documents ◦ EU reviews and reporting: e.g. 2012 Evaluation on IPA support to Roma communities ◦ EU progress reporting (EAMRs, Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy) • Interviews <ul style="list-style-type: none"> ◦ EUD, DG NEAR, DGJUST, EEAS ◦ Representatives of Government ◦ Civil society

	related reforms persisted, as was the case, for example, in Montenegro, Turkey, and Jordan. Some of these are due to failure to tackle discrimination in legislation or administrative rule; or to capacity of the institutions responsible for implementation. However, more fundamental is the resistance to promoting equality, which is due to the persistence of traditional attitudes.	
I5.3.2. Specific needs of vulnerable/marginalised groups (e.g. minorities, persons living with disabilities, poor or remote populations) are taken into account in national strategies and programmes	<ul style="list-style-type: none"> • Rights of vulnerable and marginalised groups were systematically taken into account in national strategies, but with often little progress in implementation. • Georgia is a good example: gender equality is enshrined in the law but gender-based violence remains common (the EU is currently training specialised prosecutors in the Ministry of Internal Affairs); discrimination against sexual minorities is illegal but discrimination remains common. Some progress has been made in reducing the marginalisation of ethnic and linguistic minorities. • In Turkey, as well, despite the legislation against discrimination on grounds of sexual orientation, discrimination remains common. Ombudspersons Offices and Anti-Discrimination agencies have been supported in a number of countries, with variable results – lack of resources and lack of independent enforcement powers being common constraints. 	<ul style="list-style-type: none"> • Documentary review: <ul style="list-style-type: none"> ◦ EU programming and strategic documents ◦ Different sources of progress reporting (Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, NGO reports) • Interviews <ul style="list-style-type: none"> ◦ EUD, DG NEAR, DGJUST, EEAS ◦ Representatives of Government ◦ Civil society

4.2.2 EQ6 (Effectiveness, impact, sustainability) – effects of EU support on RoL institutions and quality/ efficiency of justice systems

EQ6: To what extent has the EU support contributed to enhancing the quality/ efficiency of justice systems in ENI partner countries and IPA beneficiaries?

JC 6.1: Justice system planning and budgeting improved

Main finding(s)

- The EU has made significant contributions to improved administration, planning, budgeting, and procedures in key RoL entities of ENI partner countries and IPA beneficiaries (*Finding based on indicators I6.1.1 to I6.1.4*)

Strength of the evidence base: More than satisfactory

- *Description of the evidence base:* This JC assessment is mostly based on EU programming documentation and project progress documents as well as consultations with EU staff (DG NEAR, EEAS HQ, EUDs). In order to assess the indicators on effects of EU support (I6.1.2. and I6.1.3), the field case studies took into account experiences from beneficiaries such as representatives of Ministries of Justice, the High Courts of Justice and training facilities. Further sources included international statistics and information on national budgets related to the justice sector received during field visits.
- *Explanation of the assessment of strength of evidence:* The strength of evidence under this JC was assessed as “More than satisfactory” because information available was generally good, with only one indicator on which minor limitations were faced. Data collection related to this JC was limited by outdated, insufficient or unavailable quantitative information. Related to I6.1.4., the CEPEJ statistics provided useful information. However, they were available only for a limited number of case study countries

(Albania, Armenia, Georgia, Montenegro, Serbia, Turkey and Ukraine) and data from 2010 or 2012 was partially not available, allowing for access to information on more recent years (2014 and 2016) only. Information on CEPEJ indicators for 2017 or 2018 was not available.		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I6.1.1. Justice sector budget needs (operations, salaries, infrastructure, investment, etc.) taken into account in the design of EU support	<ul style="list-style-type: none"> In general, EU support was programmed with national budget capabilities, including justice sector budget needs, in mind. This was particularly the case in budget support operations. 	<ul style="list-style-type: none"> Documentary review <ul style="list-style-type: none"> EU strategic and programming documents Project documents budget support disbursement reviews Interviews (EUDs, DG NEAR, representatives of Government and implementing partners)
I6.1.2. Capacity for justice sector planning and budgeting in relevant ministries improved with EU support, and this capacity is conserved	<ul style="list-style-type: none"> EU support improved the efficiency of strategic planning and budgeting processes in key ministries. Some of this enhanced capacity may prove durable at individual level, but could fail to have institutional impact if basic conditions and incentives in the justice systems do not change. 	<ul style="list-style-type: none"> Documentary review (case study level): <ul style="list-style-type: none"> EUD reporting (ROMs, mid-term reviews, annual reports) Implementing partners' reporting Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), CSOs, implementing partners
I6.1.3. RoL entities independently plan and manage budget	<ul style="list-style-type: none"> EU support improved the efficiency of strategic planning and budgeting processes in key line ministries, including the capability of RoL institutions to independently plan and manage the budget. 	<ul style="list-style-type: none"> Documentary review (case study level): EUD reporting (ROMs, mid-term reviews, annual reports, further informal sources on reporting like independent analysis shared with the evaluation team) Interviews: EUD, representatives of Government and civil society, implementing partners and other donors
I6.1.4. Budget for the justice sector is appropriate or got improved, as illustrated by the following indicators <ul style="list-style-type: none"> Percentage of justice sector in national budgets is adequate/appropriate Annual per capita budget allocated to courts and prosecution office is increased Average gross salaries of judges and prosecutors, in absolute value and in 	<ul style="list-style-type: none"> Budgets are adequate, even if they are still behind European standards (e.g., some countries have seen increases in financial resource allocations to the justice system, but these remain inadequate in others.) 	<ul style="list-style-type: none"> Statistics (global and case study level): CEPEJ database¹³³ Interviews (case study level): Information received from the representatives of the justice sector in case study countries

¹³³ Database of the Council of Europe European Commission for the efficiency of justice: <https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems>.

relation to national average gross salaries, is increased		
JC 6.2: Infrastructures and equipment (e.g. facilities, IT systems) improved		
Main finding(s) <ul style="list-style-type: none"> The EU has frequently financed the provision of IT and associated TA, as well as infrastructure and equipment (including refurbishing facilities). (<i>Finding based on indicators I6.2.1. to I6.2.3.</i>) EU support to application of IT technology to justice has had limited results due to technical challenges and limited beneficiary uptake. (Finding based on indicator I6.2.1.) Provision of infrastructure and equipment has been more successful, but concerns remain on whether these will ultimately lead to better justice if the overall context remains unchanged. (<i>Finding based on indicator I6.2.2.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU programming documents, EU Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, and interviews with EUD staff, Government representatives, and implementing partners' staff. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as "More than satisfactory" despite the fact that little data was collected on Indicator I6.2.3 (dissemination of information within justice entities (e-libraries, journals, etc.)). Infrastructure is usually well measurable and multiple sources in many countries provided information relative to Indicators I6.2.1 and I6.2.2. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I6.2.1. IT case and institutional management systems in RoL entities established or improved with EU support	<ul style="list-style-type: none"> Provision of ICT and related TA to justice sector agencies has been a favoured area of support in EU programmes. Despite some successes, this has often proved disappointing. Examples: In IPA beneficiaries: In Albania, introduction of a case management system experienced multiple problems, which are still being worked out. The level of government interest is indicted by the fact that a maintenance contract was allowed to expire. EU-supported attempts to introduce judicial information systems in Montenegro have encountered persistent delays and problems. Despite considerable EU support for provision of ICT and related TA in Serbia, uptake has been slow. ICT in the Turkish justice sector is adequate and was not an area of EU support. In ENI partner countries: Georgia has made progress in IT with EU support, and a CEPEJ assessment found that it compared favourably with some European countries. The EU was not directly involved in providing IT to Jordan (USAID provided a case management system), but IT-related indicators were part of the EU's budget support performance matrix. Use of IT has significantly improved court efficiency over the evaluation period. In Moldova, the EU supported the provision of three information systems (a case management system for the judiciary, and systems for the Ministry of the Interior and Prosecutors Office). The first was held to be functional (although reportedly overridden in politically sensitive cases), while the latter two experienced delays in coming onstream. In Tunisia, introduction of ICT is still 	<ul style="list-style-type: none"> Documentary review <ul style="list-style-type: none"> EU programming documents EU progress reporting (EAMRs, Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, TA project annual reports) Interviews <ul style="list-style-type: none"> EUDs Government representatives Implementing partners' representatives Other donors

	in its early phases. Under sector budget support, ICT in the Ukraine justice system was improved and upgraded, notably in the area of enforcement.	
I6.2.2. Structures, facilities and offices built or modernised (courts, prisons, libraries)	<ul style="list-style-type: none"> Where needed, the EU has supported construction of infrastructure such as courthouses and prison facilities, as well as the refurbishment and equipment of existing ones. In IPA beneficiaries: In Albania, the EU's main contribution to infrastructure was construction of a new prison and detention centre designed to reduce serious overcrowding. While this experienced delays, it was slated to open at the end of the evaluation period. A knock-on effect of the new facility was that it permitted the transfer of a small number of mentally ill prisoners from an inadequate facility to a better one (whose prisoners were transferred to the new facility). EU support financed considerable provision of courthouse infrastructure, equipment, and refurbishment in Serbia. Prison conditions were improved, as well. In Turkey, EU support has not been through the construction of new facilities, but the equipment of existing ones; e.g. provision of sound and visual recording facilities, public information desks. In ENI partner countries: The EU supported considerable construction and refurbishment of court facilities in Armenia; however, the case study warns that new facilities alone will not necessarily improve the quality of justice. Judicial infrastructure - offices, courtrooms, equipment, etc. - in Georgia is judged to be adequate. Prison crowding was reduced by the massive release programme implemented in the wake of the 2012 prison conditions scandal. The EU's contribution to infrastructure through budget support in Jordan was substantial - EUR 10 Million out of the EUR 16 million total expenditure foreseen. The EU's contribution supported the construction of two justice palaces, a court of appeal and the judicial institute building. In Moldova, an infrastructure plan for the court system was adopted only in early 2017. The overcrowded Chisinau central prison continues to be used for pre-trial detention despite poor conditions. Tunisia presented a special challenge because of damage to courthouses and prisons during the Revolution. Working with UNOPS as an implementing partner, the EU financed major reconstruction and rehabilitation projects. 	<ul style="list-style-type: none"> Documentary review <ul style="list-style-type: none"> EU programming documents EU progress reporting (EAMRs, Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, TA project annual reports) Interviews <ul style="list-style-type: none"> EUDs Government representatives Implementing partners' representatives Other donors Site observations: Visits of established infrastructure during field visits
I6.2.3. Access to and dissemination of information for persons working within RoL entities improved (legislation, case-law, publications, journals)	<ul style="list-style-type: none"> Relatively little information was collected related to this indicator in the case studies In IPA beneficiaries: In part because of the weak ICT system, information management in Albania remains poor with, e.g. lack of information necessary to produce reports. As part of Horizontal Facility cooperation, the EU supported the availability of ECtHR decisions and related material on the ECHR. In ENI partner countries: Availability of legal information – case law, decisions, etc. – is adequate in Georgia and court websites are functional. In Tunisia, EU-supported work on a digitised database of judgments, decisions, 	<ul style="list-style-type: none"> Documentary review <ul style="list-style-type: none"> EU programming documents EU progress reporting (EAMRs, Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, TA project annual reports) Interviews

	and notaries' registries is ongoing.	<ul style="list-style-type: none"> ○ EUDs ○ Government representatives ○ Implementing partners' representatives ○ Other donors
JC6.3: Capacities, skills, procedures and efficiency of key RoL entities improved		
Main finding(s) <ul style="list-style-type: none"> • EU support made a significant contribution to capacity building by strengthening judicial training of judges, prosecutors, and other justice sector professionals. Many capacity building activities contributed to improving procedures for needs assessment, activity planning, budgeting, human resources planning, and management of donor funds. Also supported were ethics codes, communications strategies, rules for selection and promotion of justice sector professionals, and many other aspects of institutional quality. (<i>Finding based on indicators I6.3.1. to I6.3.2.</i>) • In the area of training, many actions were directed to judicial institutions such as Justice Academies. In most cases, results were disappointing—administrative and managerial competence remained low, donor dependence high, and pedagogical methods outdated (<i>Finding based on indicator I6.3.1</i>) • Ultimate effects on efficiency have been difficult to credibly assess. 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> • <i>Description of the evidence base:</i> This JC assessment is mostly based on programming documents, reporting (EU Annual Reports, mid-term and final project reports), mid-term and final evaluations, and interviews (EUD, Government representatives, implementing partners' representatives and other donors). The main constraint to evidence collection was the limited availability of time series of CEPEJ statistics relative to efficiency. • <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as "More than satisfactory." Strong evidence was available on Indicator I6.3.1 dealing with capacity building, particularly capacity building in the form of training. Data collection related to this JC was limited by the fact that CEPEJ data necessary to establish an efficiency time trend (Indicator I6.3.3) was generally not available, as a result of which, information related to Indicator I6.3.3 came essentially only from interviews and EU Annual Reports. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I6.3.1. Capacities and skills of persons working in RoL entities (judiciary, lawyers, prosecutors, professional associations, ombudspersons, prison officials, parliamentary committees, electoral commissions, national human rights institutions etc.) are strengthened, and exemplified by: <ul style="list-style-type: none"> • Initial and continuing training institutions for RoL actors are in place or are improved • Percentage of RoL actors taking part in training has increased 	<ul style="list-style-type: none"> • In virtually every country reviewed, the EU supported capacity building (including training) initiatives covering a broad group of justice professionals. • In IPA beneficiaries: In Albania, the EU provided support to the functioning of the School of Magistrates, with results that were generally characterised as disappointing due to structural weaknesses in that institution and the persistence of outdated pedagogical approaches. Procedures in the justice system remain far from efficient, in part because of the lack of properly functioning IT systems. There was some support provided to the Bar Association. In spite of the support received, the Judicial Academy in Montenegro still needs to improve its administrative and managerial capacity and address dependence on donor funds. IPA supported building the capacity of a wide range of RoL institutions in Serbia. In the case of the Judicial Academy, the support had disappointing results. The Justice Academy in Turkey has been strengthened using IPA funds, particularly in the area of human rights. Its curriculum was modernised along European lines and an impact assessment unit was established. In addition, the EU has financed extensive training of prison staff and the development of improved human 	<ul style="list-style-type: none"> • Documentary review <ul style="list-style-type: none"> ○ EU programming documents ○ EU progress reporting (EAMRs, Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, TA project annual reports, TA project mid-term and final evaluations) • Interviews <ul style="list-style-type: none"> ○ EUDs ○ Government representatives ○ Implementing partners' representatives ○ Other donors

	<p>resources management practices. Civil enforcement officers have also benefited from EU-financed training, and the CoE has been financed to enhance the human rights skills of lawyers belonging to the Bar Associations.</p> <ul style="list-style-type: none"> • In ENI partner countries: In Armenia, with sector budget support, a permanent training system was established within the Justice Academy and School of Advocates. In the area of human rights, the Human Rights Protection programme strengthened the capacity of the Ministry of Justice, the Human Rights Defenders Office, the law enforcement structures, and the Standing Committee on Human Rights in the Parliament. The High School of Justice was supported through a Twinning project in Georgia, albeit with limited reported success. There has been focus in the Prosecutors Office on training related to human rights, anti-discrimination, gender equality, and gender-based violence. Recently, TA is being provided to the Ministry of Internal Affairs to improve the quality of criminal investigation, a crucial weakness in the justice system. In Jordan, the Justice Institute provided training to newly-appointed judges as well as continuous legal education to sitting judges. In the framework of budget support operation, numerous trainings for judges and prosecutors have been provided. TA provided under the Justice Sector Reform programme assisted the House of Representatives to assess staff training needs and design and implement a capacity-building programme. In Moldova, judges and prosecutors were trained in anti-discrimination following the adoption of the Equality Law. Other EU-financed training benefited prosecutors and prison service staff. In Tunisia, both the Higher Institute of the Legal Profession and the Higher Institute of Magistracy have been supported. Cooperation with the latter is reported to have achieved sweeping institutional reform in both administrative and pedagogical terms. With the support of a Twinning project, the Ministry of Justice and Assembly made progress on instituting training and professionalization programmes. 	
<p>I6.3.2. Operational and other procedures of RoL entities are developed or improved</p> <ul style="list-style-type: none"> • Training has resulted in an increase in the quality of judgements • Rules ensuring merit-based recruitment of RoL actors independent authorities are in place and are observed in practice 	<ul style="list-style-type: none"> • Most country case studies concentrated on training aspects of capacity building (I6.3.1) and there is a scarcity of specific examples of operational and procedural rules being improved. EU support, financed, inter alia: (i) development of procedures for planning and budgeting (see also I6.1.2), (ii) strengthening capacity for coordination across justice sector institutions, (iii) the tightening of procedures for selecting entrants to Judicial Academies, (iv) improvement of selection criteria for judges and prosecutors, (v) human resource management rules and manuals, (vi) elaboration of ethics codes, and (vii) design and implementation of training strategies. Capacity building extended to Ombudspersons Office and often had a special focus (as did training, see above) on human rights. A number of projects aimed at professionalizing Parliaments. • Results have been mixed. There have been successes, as in the increased capacity for strategic planning, administration, and management in the Ministry of Justice and Penitentiary Service in Ukraine. Also in Ukraine, and 	<ul style="list-style-type: none"> • Documentary review <ul style="list-style-type: none"> ◦ EU programming documents ◦ EU progress reporting (EAMRs, Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, TA project annual reports, TA project mid-term and final evaluations) • Interviews (EUD, representatives of Government, implementing partners' representatives, and other donors)

	in Albania, as well, criteria for selecting judges have been improved, but in Georgia, selection and promotion of judges remains opaque and problematic. In IPA beneficiaries, a constraint is that improved procedures are often highly dependent on IT, an area where support has often not been addressed with success	
I6.3.3. Performance of RoL entities is improved in line with European efficiency and effectiveness indicators (CEPEJ etc.), including relative to case clearance rates, disposition times, and pending matters	<ul style="list-style-type: none"> In few country case studies, the judicial efficiency statistics have been analysed, in part because they are often unavailable, particularly for two points in time that would allow a trend to be established. In IPA beneficiaries: In Albania, the backlog of property rights cases remains unaddressed and the statistics necessary for tracking efficiency using CEPEJ statistics are not available due to IT weaknesses, despite two CoE projects to promote precisely this. By contrast, in Serbia, an EU-financed project implemented by the British Council resulted in clearing a very substantial backlog of cases. The EU supported introduction of CEPEJ statistics in Jordan in the framework of budget support. Justice sector statistics (clearance rate, duration, caseload, etc.) are published in Arabic on the Ministry of Justice website. 	<ul style="list-style-type: none"> CEPEJ statistics Documentary review <ul style="list-style-type: none"> EU progress reporting (EAMRs, Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy, TA project annual reports)
JC 6.4: Legality ensured, harmonisation of domestic law with international law and jurisprudence promoted, and enforcement of international judgments improved		
Main finding(s) <ul style="list-style-type: none"> EU support has promoted harmonisation of domestic law with international law. Despite positive developments in de jure compliance, de facto compliance lags behind. This is particularly true in the areas of anti-discrimination and marginal / vulnerable groups (<i>Finding based on indicators I6.4.1. to I6.4.3.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on document review, including documents provided by civil society representatives /international NGO monitoring reports, and interviews. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory”. There was a good documentary record in all case study countries on harmonisation with international law. While statistics were not used to assess this JC compared to the other JCs under this EQ, as they were not sufficiently available to allow for a representative picture, the interviews and review of documents such as EU Annual Reports and documents provided by civil society / international NGO monitoring reports leave a clear picture. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I6.4.1. Laws and administrative regulations are publicly disseminated and easily accessible (e.g., online)	<ul style="list-style-type: none"> In IPA beneficiaries: In Albania, failure to disseminate decisions at second instance has led to some proliferation of frivolous appeals. Through the Horizontal Facility, the EU has supported the CoE to make information of ECtHR jurisprudence available. In Serbia, a British Council-implemented project disseminated ECtHR jurisprudence on the website of the Judicial Academy. This included a facility to cross-reference national laws and legal standards with ECtHR judgments. In Turkey, a Turkish-language database of ECtHR case law was developed, and the Department of Human Rights in the Ministry of Justice published translations of relevant ECtHR judgments on its website. In ENI partner countries: In Georgia, internet-based dissemination of 	<ul style="list-style-type: none"> Web search on regulations Interviews: <ul style="list-style-type: none"> Government representatives Implementing partners’ representatives

	regulations and law is generally adequate. There was progress over the evaluation period in making these available in minority languages. In Jordan, the justice sector website publishes statistical data and the Judicial Council report. No information is available on web publication of laws and administrative regulations.	
I6.4.2. Judicial decisions are reasoned and available in case-law databases (see also JC 72 below – Accountability)	<ul style="list-style-type: none"> In all countries reviewed, the cases decided at highest instance are reasoned and effectively disseminated. This is rarely the case at first instance and usually not a problem because of the summary nature of many proceedings. Scattered dissemination of decisions at second instance can lead to a proliferation of frivolous appeals as observed in Albania. 	<ul style="list-style-type: none"> Web search on regulations Interviews <ul style="list-style-type: none"> Government representatives Representatives of civil society
I6.4.3. Constitutional and legislative provisions aligned with international standards are enforced in practice, as exemplified by <ul style="list-style-type: none"> Number of applications before the ECtHR, and percentage of execution of ECtHR judgements, have decreased 	<ul style="list-style-type: none"> A general point - as developed under JC 8.2, countries have generally made significant progress towards aligning with international standards and incorporating international conventions. Implementation remains often weak, particularly in areas relating to discrimination and vulnerable groups. However, there have been a number of positive developments: In IPA beneficiaries: In Montenegro, cooperation with the ECtHR is regarded as generally good. In Serbia, access to the ECtHR has been eased and support to the Judicial Academy has promoted adherence to international standards, including ECtHR jurisprudence. Despite the setback of the coup and following State of Emergency, Turkey has made a number of steps over the evaluation period to improve alignment with the ECtHR. In ENI partner countries: Armenia is generally regarded as a good performer vis à vis the ECtHR, with the notable exception of property rights cases. Similarly, Georgia has the reputation of being reasonably compliant with ECtHR judgments. Its juvenile code is now aligned to international standards and civil/ administrative cases are generally decided in accordance with the Rule of Law. In Jordan, progress was made in the area of juvenile justice, but problems remain in the area of gender and, most disturbing, the de facto moratorium on the death penalty was suspended. Tunisia has adhered to a number of international human rights conventions and its new Constitution is mostly in conformity with international standards. 	<ul style="list-style-type: none"> Documentary review: <ul style="list-style-type: none"> Annual reports on financial assistance for enlargement and reports on implementation of the European Neighbourhood Policy International NGO reports Interviews (case study level): <ul style="list-style-type: none"> EUD, DGs NEAR and JUST, EEAS Representatives of Government Implementing partners Civil society Other donors

4.2.3 EQ7 (Effectiveness, impact, sustainability) – effects of EU support on RoL institutions II (independence of the judiciary and accountability of the judiciary and other institutions)

EQ7: To what extent has EU support increased the independence/impartiality/accountability of the judiciary and strengthened other institutions necessary for the RoL?

JC7.1: Independence/impartiality of RoL institutions strengthened

Main finding(s)

- There is ample evidence that EU approaches and specific interventions provided broad and direct contributions to judicial independence. However, while some

<p>achievements through EU support to RoL have been observed relative to independence of the judiciary, these have proven fragile, and underscore the need for complementary approaches. In some contexts, where EU support to independence has been very limited, this can generally be justified. (<i>Finding based on indicators 17.1.1. and 17.1.2.</i>)</p> <ul style="list-style-type: none"> Some evidence of the effectiveness of policy dialogue has also been observed in some contexts, in that this has contributed to providing additional leverage and buy-in for existing support to the judiciary. (<i>Finding based on indicators 17.1.1. and 17.1.2.</i>) 		
<p>Strength of the evidence base: Strong</p> <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU reporting and consultations with EUD and national authorities and members of the judiciary. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” because it is based on data obtained directly from justice sector actors. Data collection related to this JC was limited by difficult access to qualitative and quantitative benchmarks relative to institutional independence in the contexts examined. Access to the civil society perspective was also limited in some contexts (e.g. Turkey), but largely complemented by independent assessments of inter alia the CoE. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
<p>17.1.1. Mechanisms to ensure the independence of RoL institutions that are in line with international standards are established and implemented, e.g. case allocation systems, security of tenure or other appropriate mandates, safeguards against unjustified transfers, and</p> <ul style="list-style-type: none"> Attempts to improperly influence or to intimidate RoL officials (judges, prosecutors, and advocates) are investigated and sanctioned Disciplinary offences are clearly defined in line with international standards, independently investigated, and subject to proportionate sanctions, with a right of appeal (see also JC 72 – Accountability) Decisions related to selection and career advancement of officials in RoL entities (judiciary, ombudsmen, commissioners etc.) are in line with international standards (see also JC 72 – Accountability) 	<ul style="list-style-type: none"> While some achievements are observed relative to independence of the judiciary, these are fragile, and highlight the need for complementary approaches. Difficulties and changes observed are broad and highly variable, with resistance often found within institutions, and practical implementation of reforms being challenging. While EU support to independence has been limited in some contexts, this is often due to the sensitivity of independence issues. Despite challenges, EU approaches and interventions provided a number of broad, direct and effective contributions to judicial independence, and sustainability is likely to be very high. The effectiveness of policy dialogue is also observed in some contexts, and has contributed to support to the judiciary. Technical assistance has been widely used but appears most effective when complemented by other modalities 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, EUD annual reports), implementing partners’ reporting, civil society and other independent reports and analyses <ul style="list-style-type: none"> Venice Commission report, findings of EU Peer Review Mission (Moldova) EURALIUS progress reports (Albania) Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs, for example: <ul style="list-style-type: none"> EUD and national authorities in Turkey and Serbia EUD and CoE representatives (HF beneficiaries) EuroMed Justice programme staff Justice sector actors, including the judiciary in Tunisia, Serbia, Ukraine, Albania, Georgia
<p>17.1.2. Citizen, business, and civil society perceptions of RoL institutions’ independence are improved</p>	<ul style="list-style-type: none"> Public distrust is a significant barrier in most contexts, hence EU support put a focus on awareness-raising within RoL institutions and clear communication from RoL institutions to the public. 	<ul style="list-style-type: none"> Interviews (case study level): EUDs, national authorities, RoL actors (judiciary, etc.), CSOs, for example: <ul style="list-style-type: none"> EUD, national government representatives, justice sector stakeholders (e.g. judges) Information received from representatives of the justice

		sector in other case study countries
JC7.2: Accountability of RoL institutions is enforced		
Main finding(s) <ul style="list-style-type: none"> While there is often powerful internal resistance to accountability mechanisms, the EU has provided considerable support that has served to specifically strengthen the accountability of RoL institutions. (<i>Finding based on indicators I7.2.1. to I7.2.5.</i>) Building on a useful mix of instruments and continuous policy dialogue, EU has successfully consolidated and strengthened the role of civil society and oversight institutions. (<i>Finding based on indicators I7.2.4. and I7.2.5.</i>) 		
Strength of the evidence base: Strong <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU reporting and consultations with EUD and justice sector actors, in particular Ministries of Justice and members of the judiciary. The evidence has come from a multiplicity of sources, with the indicators being generally mixed with identical sources of information; only limited distinctions can be made at the indicator level. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “Strong” since the data was collected from key justice sector interlocutors. Data collection related to this JC was limited by limited consultation of parliamentary actors over all cases. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I7.2.1. Selection and disciplinary indicators are available (JC 71 - Independence/Impartiality)	<ul style="list-style-type: none"> EU support has contributed to the development of vetting processes, anti-corruption measures relative to the judiciary and declarations systems for RoL personnel 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners’ reporting, civil society and other independent reports and analyses <ul style="list-style-type: none"> Progress documents on EU support to Ombudspersons Thematic Evaluation on IPA support to fight against corruption Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs
I7.2.2. Clear codes of ethics for judges, advocates, prosecutors in place	<ul style="list-style-type: none"> EU support has included the development of ethics codes for RoL professionals, practical manuals for judges and prosecutors. There is often however powerful internal resistance by RoL institutions to accountability mechanisms. 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), development partners’ reporting, civil society and other independent reports and analyses, for example: <ul style="list-style-type: none"> Declarations system documents (Ukraine) Judicial ethics manuals (Albania) Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs
I7.2.3. Judicial decisions are reasoned and publicly available (see also JC 6.4 - Legality)	<ul style="list-style-type: none"> EU support contributed to the development of information-sharing strategies, processes and platforms, case load analysis and case allocation, awareness-raising and visibility, and monitoring and complaints systems. 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners’ reporting, civil society and other independent reports and analyses <ul style="list-style-type: none"> Project documents regarding information-sharing initiatives in Montenegro and Armenia Interviews (case study level): EUDs, National authorities

		(Ministries of Justice, Foreign Affairs, or International Development),, RoL actors (judiciary, etc.), CSOs, for example: <ul style="list-style-type: none"> Information received from representatives of the justice sector in all case study countries
17.2.4. Civil society and media capacity to monitor justice sector is strengthened, including through increased civil society space, and enhanced freedoms of association, information and expression	<ul style="list-style-type: none"> EU has consolidated and strengthened the role of civil society and oversight institutions, in particular through policy dialogue. EU support to strengthen the accountability of RoL institutions has complemented support provided to institutional independence and human rights. 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners' reporting, civil society and other independent reports and analyses <ul style="list-style-type: none"> Progress reports regarding awareness-raising and monitoring activities in Turkey Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs
17.2.5. Capacities of political parties and parliamentary committees are strengthened	<ul style="list-style-type: none"> EU support has contributed to the development of e-governance, e-parliament and e-justice platforms and tools. 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners' reporting, civil society and other independent reports and analyses Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs

4.2.4 EQ8 (Effectiveness, impact, sustainability) – Broader effects

EQ8: To what extent has EU support to RoL contributed to sustainable fundamental improvements in the RoL and related aspects of human rights and democracy?		
JC8.1: Access to justice strengthened		
Main finding(s) <ul style="list-style-type: none"> EU's broad support to justice sector reform has contributed to increasing access to justice in many contexts. However, backsliding is seen in a number of cases as well. (<i>Finding based on indicators I8.1.1. to I8.1.2.</i>) Some programmes have targeted Alternative Dispute Resolution (ADR), but even in contexts where such mechanisms exist, uptake is often low. (<i>Finding based on indicators I8.1.3.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU reporting direct and consultations with justice sector stakeholders. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as "More than satisfactory" because information was received directly from beneficiary institutions, and confirmed by other stakeholders. Data collection related to this JC was limited by lack of reliable quantitative benchmarks and data in case-study contexts 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I8.1.1. Legal aid system in place, adequately resourced (budget, trends if possible), well-functioning, and of adequate quality, as	<ul style="list-style-type: none"> EU's support has contributed to increasing access to justice; however, backsliding is observed in some contexts. 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners' reporting, civil society and other independent reports and analyses

<p>illustrated through the following indicators:</p> <ul style="list-style-type: none"> • Annual per capita budget allocated to courts and prosecution office is increased; annual court and prosecution office budget per capita, compared to GDP and in euros, is increased • Implemented annual public budget allocated to legal aid per capita, and linked to GDP, is increased • Bar associations' capacities and skills increased (see also JC 63) • Clearance rates, disposition times and pending matters (JC 63) • Categories and number of judges and prosecutors per 100.000 inhabitants • Cases pending/backlog • Physical access to justice system facilities (e.g., remote areas, access for persons with disabilities); tele- and video-justice capabilities, translation facilities improved 	<ul style="list-style-type: none"> • Sector-wide support targeting access to justice had some strong quantifiable results, and some improvements can be attributed to budget support operations. • Support has included alternatives to imprisonment and fair trial rights, however high pre-trial detention rates suggest that root causes are not being addressed. • In one context, EU contributed to changes in the attitudes towards juvenile detention, and encouraged juvenile cases to be diverted from the criminal law system. • Court backlogs were improved in some contexts, but this has not proven sustainable. 	<ul style="list-style-type: none"> ○ "Support to the JSR in Jordan" progress reports; ○ 2017 EAMR; "Support to Rule of Law" programme documents (Jordan) ○ Progress reports (Armenia, Georgia) • Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development),, RoL actors (judiciary, etc.), CSOs.
<p>1.8.1.2. Access to and dissemination of information for the general public (legislation and regulations, information points, user-friendly guides to laws and procedures, institutional websites and brochures etc.)</p>	<ul style="list-style-type: none"> • Support was provided to awareness raising and access to legal information, not only of the public, but also legal professionals and the judiciary. • General knowledge of the general public of legal rights remains low, , which suggests a need for awareness raising in parallel to access to justice initiatives. 	<ul style="list-style-type: none"> • Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners' reporting, civil society and other independent reports and analyses <ul style="list-style-type: none"> ○ Progress reports, (Armenia) • Statistics (global and case study level): CEPEJ database¹³⁴ • Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs, for example: <ul style="list-style-type: none"> ○ Information received from representatives of the justice sector in case study countries
<p>1.8.1.3. Alternative Dispute Resolution (ADR) promoted and functioning</p>	<ul style="list-style-type: none"> • Some support targeted ADR, but even in contexts where this exists, uptake is often low. 	<ul style="list-style-type: none"> • Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners' reporting, civil society and other independent reports and analyses <ul style="list-style-type: none"> ○ Progress reports, legislation (mediation law) (Georgia) ○ Progress reports (Armenia) • Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs, for example:

¹³⁴ Database of the Council of Europe European Commission for the efficiency of justice: <https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems>.

		<ul style="list-style-type: none"> Information received from representatives of the justice sector
JC8.2: Respect for human rights including gender equality, minority rights, and fundamental freedoms strengthened		
Main finding(s) <ul style="list-style-type: none"> The EU has supported human rights in the RoL context through dialogue, whole sector approaches, support to civil society, and the use of complementary instruments such as the EIDHR, but serious challenges remain in some contexts. Challenges arise primarily from an absence of political will, but also from other factors. (<i>Finding based on indicator I8.2.3.</i>) Human rights form the subject of dialogue, of many specific interventions, and are integrated (on paper) in programming, but are not systematically integrated in implementation. (<i>Finding based on indicators I8.2.1. to I8.2.3.</i>) 		
Strength of the evidence base: More than satisfactory <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU reports and independent analyses by human rights institutions and CSOs and consultations with EUD, and CSOs. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as “More than satisfactory” because information was sourced from numerous independent reports that confirmed stakeholders’ views. Data collection related to this JC was limited by inherent difficulties relative to quantitatively assessing human rights situations. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
I8.2.1. Human rights laws in place and enforcement mechanisms operating effectively	<ul style="list-style-type: none"> The EU has supported human rights in the RoL context through whole sector approaches, support to civil society, and the use of complementary instruments such as the EIDHR. EU support and policy dialogue have encouraged many countries to align with international human rights conventions, however implementation is problematic. Considerable support has been provided to strengthening legislation in line with European standards, and ratifying European and International treaties. 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners’ reporting, civil society and other independent reports and analyses, for example: <ul style="list-style-type: none"> Human rights legislation (Serbia) CoE reports (HF) EU reporting (Armenia) 2011 Thematic Evaluation of EU support to Human rights Interviews (case study level): EUDs, National governments, RoL actors (judiciary, etc.), CSOs, for example: <ul style="list-style-type: none"> Information received from EUD and CSOs in case study countries, notably Turkey, HF beneficiary contexts
I8.2.2. Human rights and other relevant oversight institutions’ capacities strengthened (relevant to all EQs above)	<ul style="list-style-type: none"> Training on human rights standards has been provided for RoL professionals, oversight institutions have been supported, and tools have been developed to monitor human rights issues. 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), development partners’ reporting, civil society and other independent reports and analyses, for example: <ul style="list-style-type: none"> Project documents and reports, 2011 Strengthening the capacity of Turkish judiciary on freedom of expression Project documents and reports: (2009) Support to Office of Human Rights Defender; and (2014) Support to Human Rights Protection (Armenia) Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs, for example:

		<ul style="list-style-type: none"> Information received by representatives of the justice sector in case study countries
<p>18.2.3. Human rights respected in practice, and confirmed by various sources, including CoE monitoring reports where relevant, major international and national NGOs and HRD reports and observations, and other credible institutions</p>	<ul style="list-style-type: none"> Human rights challenges remain highly variable; while some strengths and advances were noted, significant backsliding has been observed in a number of contexts. Challenges arise primarily from an absence of political will, but also from other challenges (e.g. institutional capacity, resources and credibility of human rights oversight institutions). Some public awareness-raising activities have been conducted, however support to the media could be strengthened. The EU has directly linked human rights concerns to the fulfilment of interim benchmarks under Chapter 23 in some contexts, but this does not appear to be occurring in the overall enlargement context. Human rights are not systematically integrated in the implementation and content of activities 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), development partners' reporting, civil society and other independent reports and analyses, for example: <ul style="list-style-type: none"> Independent human rights reports and analysis in all beneficiary contexts Progress reports, training of prosecutors Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors (judiciary, etc.), CSOs, for example: <ul style="list-style-type: none"> Information received by representatives of the justice sector in all case study countries
JC8.3: Governance and democratic processes (elections, public confidence in institutions, business confidence in legal system, anti-corruption, etc.) improved		
<p>Main finding(s)</p> <ul style="list-style-type: none"> Principles of human rights, governance and democracy are approached in a rather compartmentalised manner. Nevertheless, substantial support to broader governance principles has been provided successfully with direct and indirect contributions to RoL actors and institutions. (<i>Finding based on indicator 18.3.1.</i>) 		
<p>Strength of the evidence base: Indicative but not conclusive</p> <ul style="list-style-type: none"> <i>Description of the evidence base:</i> This JC assessment is mostly based on EU and external reports, and consultations with national authorities and CSOs. <i>Explanation of the assessment of strength of evidence:</i> The strength of evidence under this JC was assessed as "Indicative but not conclusive" because there is little evidence of EU contribution to observed changes. Data collection related to this JC was limited by a lack of strong linkages of RoL projects to governance issues. 		
Indicators explored to assess the JC:	Directly related findings:	Main sources of information:
<p>18.3.1. Governance and democratic processes improved, as illustrated through the following indicators</p> <ul style="list-style-type: none"> Public perceived trustworthiness of the justice system International indices of good governance International indices of corruption International indices of sustainability of civil society (legal aspects) 	<ul style="list-style-type: none"> Principles of human rights, governance and democracy are approached in a rather compartmentalised manner. However, the support provided to governance and democracy principles in public administration has had direct and indirect contributions to RoL institutions as well (e.g. constitutional and legislative reform, support to processes, anti-corruption efforts). Electoral reform has received some assistance, including fighting electoral fraud. EIDHR has proven a valuable instrument to directly 	<ul style="list-style-type: none"> Documentary review (case study level): EU reporting (ROMs, mid-term reviews, annual reports), implementing partners' reporting, civil society and other independent reports and analyses, for example: <ul style="list-style-type: none"> GRECO recommendations (Turkey) Project documents and reports, Support to Electoral Reform (Jordan) Statistics (global and case study level): World Bank Worldwide Governance Indicators Interviews (case study level): EUDs, National authorities (Ministries of Justice, Foreign Affairs, or International Development), RoL actors

	support civil society on democratic issues.	(judiciary, etc.), CSOs, for example: <ul style="list-style-type: none"> o EUD, national authorities (Ministries of Justice), CSOs, Albania, Ukraine, and HF beneficiary contexts
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5 Annex 5 – List of documents consulted

5.1 EU policy and regulatory documents

5.1.1 General

- Council of the European Union (2017): European Consensus on Development.
- EU (1950): European Convention on Human Rights. As amended by Protocols Nos.11 and 14 supplemented by Protocols Nos.1, 4, 6, 7, 12, 13 and 16.
- EU (2014): A new EU Framework to strengthen the Rule of Law COM (2014) 158 final 1-2.
- EU (2014): Regulation No 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.
- EU (2016): Charter of Fundamental Rights of the European Union. 2016/C 202/02.
- EU (2016): Rule of Law Checklist adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016). CDL-AD (2016)007.
- EU (2018): Proposal for a Regulation of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument. COM (2018) 460 final.
- EU (2019): Communication from the Commission to the European Parliament, the European Council, and the Council further strengthening the Rule of Law within the Union. State of play and possible next steps. COM (2019) 163 final.

5.1.2 Enlargement policy and legal framework

- EU (2006): Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA).
- EU (2007): EU Enlargement Strategy. COM (2007) 663 final.
- EU (2008): EU Enlargement Strategy. COM (2008) 674 final.
- EU (2009): EU Enlargement Strategy. COM (2009) 553 final.
- EU (2010): EU Enlargement Strategy. COM (2010) 660 final.
- EU (2011): EU Enlargement Strategy. COM (2011) 666 final.
- EU (2011) EU Non-Paper on the new approach to Chapters 23 & 24. MD 286/11.
- EU (2012): EU Enlargement Strategy. COM (2012) 600 final.
- EU (2013): EU Enlargement Strategy. COM (2013) 700 final.
- EU (2013): Enlargement Strategy and Main Challenges 2013-2014. COM (2013) 700 final.
- EU (2014): EU Enlargement Strategy. COM (2014) 700 final.
- EU (2014): Regulation (EU) No 231/2014 of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPAI)
- EU (2015): EU Enlargement Strategy COM (2015) 611 final.
- EU (2016): 2016 Communication on EU Enlargement Policy. COM (2016) 715 final. EU (2018): A credible enlargement perspective for and enhanced EU engagement with the Western Balkans COM (2018) 65 final.
- EU (2018): 2018 Communication on EU Enlargement Policy COM(2018) 450 final.

5.1.3 Neighbourhood policy and legal framework

- EU (2003): Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours COM (2003) 104 final.
- EU (2006): Regulation (EC) No 1638/2006 of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument.
- EU: A new response to a changing Neighbourhood COM (2011) 303 final.(2014): Regulation (EU) No 232/2014 of 11 March 2014 establishing a European Neighbourhood Instrument.
- U (2017): Report on the Implementation of the European Neighbourhood Policy Review. JOIN (2017) 18 final.

5.1.4 EIDHR

- EU (2006): Regulation (EC) No 1889/2006 of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide. Official Journal of the European Union. L 386/1.
- EU (2014): Regulation (EU) No 235/2014 of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide. Official Journal of the European Union. L.77/85.

5.2 EU strategy and programming documents

5.2.1 IPA

Albania

- EU (2007): Multi-annual Indicative Planning Document 2007-2009 for Albania.
- EU (2008): Multi-annual Indicative Planning Document 2008-2010 for Albania.
- EU (2009): Multi-annual Indicative Planning Document 2009-2011 for Albania.
- EU (2011): Multi-annual Indicative Planning Document 2011-2013 for Albania.
- EU (2014): Indicative Strategy Paper for Albania (2014-2020).
- EU (2014): Commission implementing decision adopting the Country Action Programme for Albania for the year 2014. C (2014) 9851 final.
- EU (2015): Commission implementing decision adopting the Country Action Programme for Albania for the year 2015. C (2015) 9001 final.
- EU (2016): Commission implementing decision adopting the Country Action Programme for Albania for the year 2016. C (2016) 8610 final.

Montenegro

- Council of the European Union (2007): Stabilisation and Association Agreement with Montenegro.
- EU (2007, 2008, 2010, 2011): National Programme for Montenegro under the IPA transition assistance and institution building component.
- EU (2007): Multi-annual Indicative Planning Document 2007-2009 for Montenegro.
- EU (2008): Multi-annual Indicative Planning Document 2008-2010 for Montenegro.
- EU (2009): Multi-annual Indicative Planning Document 2009-2011 for Montenegro.
- EU (2011): Multi-annual Indicative Planning Document 2011-2013 for Montenegro.
- EU (2014): Indicative Strategy Paper for Montenegro (2014-2020).
- EU (2014): Commission implementing decision adopting an Annual Country Action Programme for Montenegro for the year 2014. C (2014) 9387 final.
- EU (2015): Commission implementing decision adopting an Annual Action Programme for Montenegro for the year 2015. C (2015) 9050 final.
- EU (2016): Commission implementing decision adopting a Country Action Programme for Montenegro for the year 2016. C (2016) 8226 final.
- EU (2018): Commission implementing decision amending Commission Decision C (2014)5771 of 18.8.2014 adopting the Indicative Strategy Paper for Montenegro for the period 2014-2020. C (2018) 5026 final.

Serbia

- EU (2007): Multi-annual Indicative Planning Document 2007-2009.
- EU (2008): Multi-annual Indicative Planning Document 2008-2010.
- EU (2009): Multi-annual Indicative Planning Document 2009-2011.
- EU (2011): Multi-annual Indicative Planning Document 2011-2013.
- EU (2014): Indicative Strategy Paper for Serbia (2014-2020).

Turkey

- EU (2007-2013): National programme for Turkey under the IPA-Transition Assistance and Institution Building Component.
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Western Balkans and Turkey (regional)

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- EU (2014): IPA II 2014-2020. Multi-Country. EU-CoE Horizontal facility for Western Balkans and Turkey.
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Armenia

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- EU (2007): ENPI. Armenia. Country Strategy Paper 2007-2013.
- EU (2014): Programming of the ENI – 2014-2020. Single Support Framework for EU Support to Armenia (2014-2017).
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Georgia

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- EU (2011): ENP, Georgia, National Indicative Programme 2011-2013.
- EU (2012 – 2016): Annual Action Programme Georgia.
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- EU (2013): EU/Jordan ENP Action Plan.
- EU (2014): Programming of the European Neighbourhood Instrument (ENI) - 2014-2020, Single Support Framework for EU support to Jordan.
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Neighbourhood region

- EU (2007): ENPI. Cross-Border Cooperation: Strategy Paper (2007-2013) and Indicative Programme (2007-2010).
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- EU (2007): ENPI. Interregional Programme. Strategy Paper 2007-2013 and Indicative Programme 2007-2010.
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- EU (2007): ENPI. Eastern Regional Indicative Programme 2007-2010.
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5.2.3 EIDHR

- EU (2007): European Instrument for Democracy and Human Rights (EIDHR). Strategy Paper 2007-2010.
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5.3 EU project documents

Project documents (financing agreement, grant application, reviews/evaluations, monitoring reports) for relevant RoL intervention in case study countries and regions.

See details provided in Volume 2.

5.4 EU guidelines

5.4.1 Related to RoL

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- EU (2007): Guidelines on the Programming, Design & Management of General Budget Support. AIDCO DEV REFLEX No 1.
- EU (2007): Support to Sector Programmes. Covering the three financing modalities: Sector Budget Support, Pool Funding and EC project procedures No 2.
- EU (2011): The future approach to EU Budget Support to third countries COM (2011) 638 final.
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- EU (2012): Council Conclusions 'The Future Approach to EU Budget Support to Third Countries'.

5.4.3 Related to other topics

- EU (2012): Using Political Economy Analysis to improve EU Development Effectiveness. A DEVCO Background Note.

5.5 EU reporting

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- EU (2016): Annual Report on EU Budget Support.
- EU (2018): Budget Support – Trends and Results 2018.
- European Court of Auditors (2013): Special Report No 4. EU Cooperation with Egypt in the field of Governance.
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Albania

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Montenegro

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- EU (2018): Montenegro 2018 Progress Report. SWD (2018) 150 final.
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Serbia

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Turkey

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Western Balkans and Turkey (regional)

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Armenia

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- EU (2012, 2013): European Neighbourhood Policy Progress Report.

Georgia

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Jordan

- EU (2011-2017): External Assistance Management Report (EAMR) Jordan.
- EU (2012, 2013, 2015): ENP Progress Report Jordan.
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Moldova

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Tunisia

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5.6 Evaluations and studies

5.6.1 EC Evaluations

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- 2011: Thematic Evaluation of European Commission Support to Justice and Security System Reform.
- 2011: Thematic evaluation of the European Commission support to respect of Human Rights and Fundamental Freedoms (including solidarity with victims of repression).
- 2012: Evaluation of Commission's cooperation with the Council of Europe. An assessment focussed on EU funding of Joint Programmes.
- 2012: Thematic evaluation on judiciary and fundamental rights in Turkey.
- 2013: Evaluation of the European Union's Support to two European Neighbourhood Policy Regions (East and South).
- 2013: Interim evaluation and meta-evaluation of IPA assistance. Evaluation of Multi Beneficiary Programmes.
- 2013: Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans – Lot 3.
- 2014: Evaluation des opérations d'aide budgétaire au Maroc de 2005 à 2012.
- 2014: Evaluation of the European Union's Cooperation with the occupied Palestinian territory and support to the Palestinian people 2008-2013.
- 2014: Mapping of Sector Strategies.
- 2014: Synthesis of Budget Support Evaluations: Analysis of the Findings, Conclusions and Recommendations of seven Country Evaluations of Budget Support.
- 2015: Evaluation of TAIEX Instrument.
- 2015: Evaluation of the EU's co-operation with Georgia (2007-2013).
- 2015: Evaluation of the EU's co-operation with the Hashemite Kingdom of Jordan 2007-2013.
- 2015: Thematic evaluation on IPA support to Roma communities.
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- 2017: External Evaluation of the European Instrument for Democracy and Human Rights (2014 – mid 2017).
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- UN (2011): The United Nations Rule of Law Indicators. Implementation Guide and Project Tools.
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5.7 Other country/regional specific studies, articles and national documentation

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Albania

- ECtHR (2018): Press Country Profile. Albania.

Montenegro

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- World Bank (2018): Montenegro, Experiences and Perceptions of Judicial Performance.

Serbia

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Turkey

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- Freedom House (2017): One Year after the Coup Attempt, Turkey is More Fragile than Ever.

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- ECtHR (2018): Press Country Profile. Bosnia and Herzegovina. ECtHR (2018): Press Country Profile. The former Yugoslav Republic of Macedonia.
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5.7.2 ENI-related

Armenia

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Jordan

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Moldova

- CEPS (2017): Democracy and its Deficits: The path towards becoming European-style democracies in Georgia, Moldova and Ukraine.
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- European Council on Foreign Relations (2017): Peripheral Vision: How Europe Can Help Preserve Tunisia's Fragile Democracy.
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- International Crisis Group (2018): Endiguer la dérive autoritaire en Tunisie.
- Kapitalis (2018): News article dated 19/06/2018, Tunisie : Les 1ères assises nationales de l'accès à la Justice.
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- Mir Barata, Joan (2018): PAM, Recherche/étude comparative sur les grandes écoles de politiques publiques médiatiques.
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Ukraine

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Neighbourhood region

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5.8 List of webpages

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6 Annex 6 – Consultation Strategy, including OPC Summary and List of Persons and Institutions Consulted

6.1 Updated Consultation Strategy

In line with the EC Better Regulation Guidelines, the consultation strategy summarises how the evaluation team approached the consultation of the main stakeholders of this evaluation. It contains the following elements:

- A stakeholder mapping approach, which outlines the main institutions or groups that were considered as ‘stakeholders’; and
- A stakeholder consultation strategy that the evaluation team implemented to engage with these stakeholders during the evaluation process.

An important component of this consultation process was the open public consultation (OPC) that was conducted during the Validation Phases of the evaluation.

Changes brought to the original consultation strategy¹³⁵ were meant to i) provide more information on the consultation process as such and to ii) display the actual (not merely planned) consultations that took place. The changes concerned d German versions were provided.

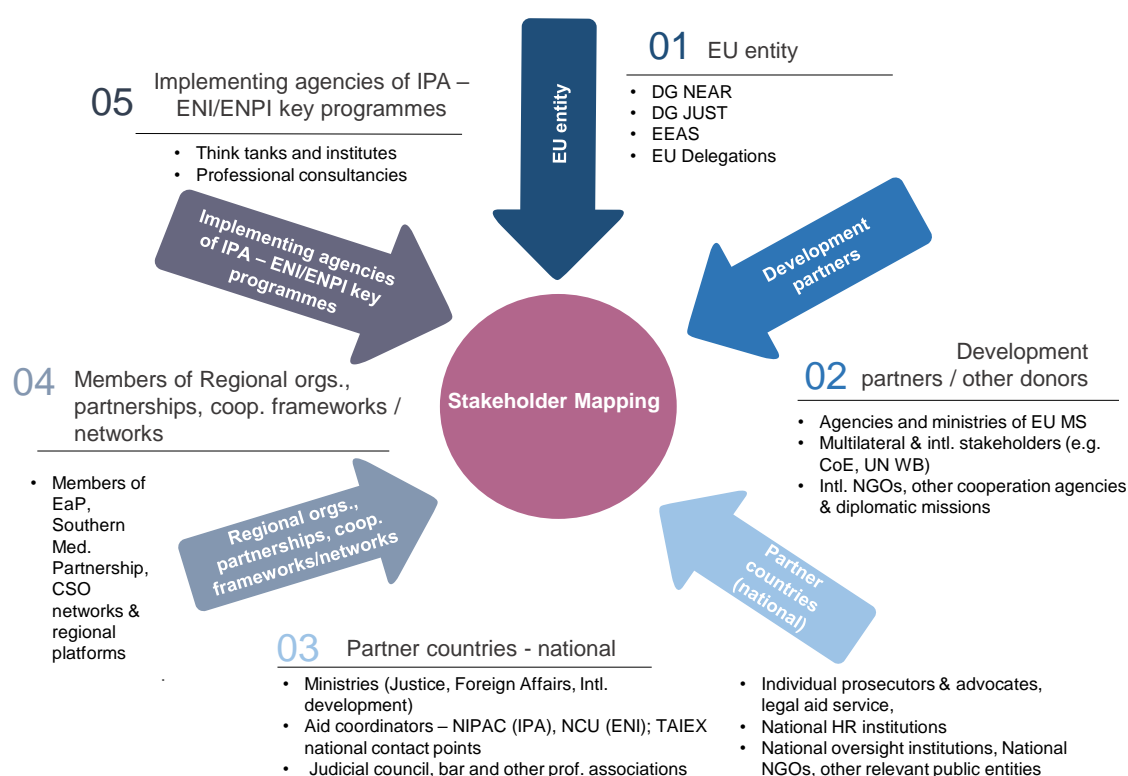
¹³⁵ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/rol_eval_-_consultation_strategy_180416.pdf

Table 7 (“Updated consultation strategy: Who, what, when and how?”) below. For instance, the “consultation issue”, thus the overview of EQ answers into which the information by a specific stakeholder group fed, were refined and updated according to the actual consultations that took place. Further, more details on the different processes during all phases were added.

6.1.1 Stakeholder mapping

An important element of the consultation strategy was to identify and map the stakeholder groups that were consulted. These are generally as illustrated in the figure below.

Figure 14 Stakeholder Mapping



Source: Particip.

6.1.2 Stakeholder consultation strategy

In its work, including in its evaluations, the EU is committed to an inclusive and participatory approach with a comprehensive reference to stakeholders. The purpose of this approach is not only to increase the quality of the evaluation but also to promote ownership of recommendations developed from these evaluations.

In order to ensure a systematic consultation of its stakeholders, the evaluation builds on a stakeholder consultation strategy.

According to the Better Regulation Guidelines, Chapter VII Guidelines on Stakeholder Consultation, the initial design, evaluation and revision of EU policy initiatives benefits from considering the input and views provided by citizens and stakeholders, including those who will be directly affected by the policy but also those who are involved in ensuring its correct application. Stakeholder consultation can also improve the evidence base underpinning a given policy initiative. Early consultation can avoid problems later and promote greater acceptance of the policy initiative. Therefore, there is a need to consult widely.

The consultation strategy, updated towards the end of the evaluation process, sets out who the evaluation team consulted, on what issue, when and how. d German versions were provided.

Table 7 below provides details as to the relevance of specific stakeholders to the answering of the different EQs.

In the case of this evaluation, both, targeted consultations of individual stakeholders and an open public consultation took place.

Stakeholder targeted consultation

The evaluation work was enhanced through face-to-face interviews of the evaluation team with the EC's inter-service steering group (ISG) set up for this evaluation and composed of representatives from DG NEAR, DG JUST, EEAS, FPI and the Secretariat General. The evaluation team met with the ISG to discuss the draft versions of important milestones (e.g. inception report, desk report, findings from the field, draft final report) and to discuss emerging challenges. Six ISG meetings took place throughout the evaluation process.

Besides the ISG meetings, targeted consultations during the evaluation made use of different tools in order to collect the stakeholders' inputs.

Tools used

Targeted consultations in form of interviews or targeted questions via email:

Interviews (in person or via phone) were organised during the inception, desk and synthesis phases with all relevant units of DG NEAR, as well as with representatives of DG JUST, EEAS (in Brussels and at EU Delegations), FPI and the Secretariat General. Brief interview guidelines were transmitted prior to the meetings, where requested. Where no interview could be arranged, targeted questions were sent out via email. Throughout the evaluation, a detailed database of persons was regularly updated and allowed for an overview of persons consulted, met and interviewed.

Survey:

In order to collect the inputs of the general public, a survey (Open Public Consultation (OPC)), was developed by the evaluation team. The draft version of the survey was reviewed by the ISG members and DG NEAR's evaluation manager and all comments were implemented. The OPC was launched on the European Commission website¹³⁶ from 10 June 2018 to 17 September 2018; French, English and German versions were provided.

¹³⁶ See https://ec.europa.eu/info/consultations/public-consultation-evaluation-eu-support-rule-law-neighbourhood-countries-and-candidates-and-potential-candidates-enlargement-2010-2017_en

Table 7 Updated consultation strategy: Who, what, when and how?

Stakeholder group (who?)	Consultation issue (what?)								Stage (when?)	Method (how?)
	Strategic framework, design and implementation				Effects of the support					
	EQ1	EQ2	EQ3	EQ4	EQ5	EQ6	EQ7	EQ8		
	EU entity									
DG NEAR	■	■	■	■	■	■	■	■	All stages	Interviews
Other: EU - DG JUST, EEAS	■	■	■	■	■	■	■	■	All stages	Interviews
EU Delegations	■	■	■	■	■	■	■	■	Desk, validation	Interviews, EUD survey
	Development partners									
Cooperation agencies of EU MS	■	■	■	■	■		■	■	Desk, validation	Interviews and targeted group consultation, OPC
Multilateral & International stakeholders (e.g. CoE, UN, World Bank)	■	■	■	■	■	■	■	■	Desk, validation	Interviews and targeted group consultation
International NGOs (e.g., HRW, TI)			■	■	■	■	■	■	Desk, validation	Interviews and potentially targeted group consultation, OPC
Other cooperation agencies and diplomatic missions (USAID, etc.)		■	■	■	■	■	■	■	Validation	Interviews and targeted group consultation, OPC
	Partner countries (national)									
Ministries (Justice, Foreign Affairs, Finance, Development, Gender, etc.)	■	■	■		■	■	■	■	Validation	Interviews
Aid coordinators – NIPAC (IPA), NCU (ENI); TAIEX national contact points			■	■					Validation	Interviews
Judicial Council						■	■	■	Validation	Interviews
Bar and other professional associations						■	■	■	Validation	Interviews
Individual judges, prosecutors and advocates; legal aid services						■	■	■	Validation	Interviews
National human rights institutions					■	■	■	■	Validation	Interviews
National oversight institutions (Ombudspersons,					■	■	■	■	Validation	Interviews

<i>Stakeholder group (who?)</i>	<i>Consultation issue (what?)</i>								<i>Stage (when?)</i>	<i>Method (how?)</i>
	Strategic framework, design and implementation				Effects of the support					
	EQ1	EQ2	EQ3	EQ4	EQ5	EQ6	EQ7	EQ8		
electoral commissions, etc.)										
National NGOs		■	■		■	■	■		Validation	Interviews and potentially targeted group consultation, OPC
Other relevant organisations/public entities	■	■	■	■	■	■	■	■	Validation	Interviews and potentially targeted group consultation, OPC
Regional organisations, partnerships, cooperation frameworks or networks										
EaP, Southern Mediterranean Partnership		■							Desk, validation	Interviews, OPC
CSOs networks and regional platforms		■							Desk, validation	Interviews and potentially targeted group consultation, OPC
IPA - ENI/ENPI key programmes										
National programmes		■	■			■			Desk, field, validation	Interviews
Regional programmes (EuroMed and Horizontal Facility projects)		■	■			■			Desk, field, validation	Interviews

Inception phase

Targeted consultation: during the Inception phase, scoping interviews with all relevant ISG members took place. During these interviews, the evaluation team asked for further recommendations on who to speak to at the early stage of the evaluation exercise and extended its number of scoping interviews in this way. The scoping interviews were used to understand the general viewpoints and positions of the different main stakeholders at the EC with regards to Rule of Law. This information helped to further define the scope of the evaluation and fed into the inception report prepared at the end of this phase. The inception report was reviewed by the ISG and enhanced taking into account the members' input.

Desk Phase

Targeted consultation: During the desk-work, key stakeholders were closely consulted through phone, email and face-to-face discussions in Brussels. The choice of interviewees was led by the choice of case studies: The key stakeholders identified in HQ per case study were interviewed and asked for further recommendations on who to consult. These recommendations were followed up on. Interviews intended to provide a good overview of the Rule of Law areas supported by IPA and ENPI/ENI per case study and helped to fill first information gaps discovered during the review of documents. Further, the interviews allowed to define an important number of those stakeholders envisaged to be consulted during the validation phase. At the conclusion of the desk phase, a Desk Report was prepared. The draft version of the report was shared with all ISG members for feedback. All comments received were analysed and as a result the revisions as well as the non-revisions were explained in a response matrix that was shared with the revised report.

Validation Phase

Targeted consultation: The evaluation team consulted with those stakeholders identified as having a direct involvement in Rule of Law areas supported by IPA & ENPI/ENI. These stakeholders were identified jointly with the ISG and during desk phase interviews, and included representatives of all stakeholder categories of the stakeholder mapping. The evaluators contacted these stakeholders with a view to acquiring additional information in relation to the sample of interventions, to test the hypothesis identified during the desk phase and to cover gaps in data, which were discovered beforehand. Special attention was given to ensuring that consultations were conducted with stakeholders that were in a position to contribute with information relative to gender issues, minorities, children, persons living with disabilities, and vulnerable groups. Consultations during the validation phase were enhanced by field visits of the evaluation team to case study countries selected for close examination. During the visits, overall, representatives of all categories of stakeholders identified in the stakeholder mapping were consulted. At the end of these visits, detailed case study notes were prepared. Each case study note was sent to the concerned EUD (for country case studies) or implementation team (for regional case studies) for feedback. The feedback received was incorporated into each case study. Where feedback triggered the need for additional discussions or consultations these were held

Open consultation: The OPC was opened to the public, and was online for 14 weeks, with the responses feeding into the synthesis phase. More details are presented in the following section.

Synthesis Phase

Towards the end of the synthesis phase, the evaluation team prepared a set of key preliminary findings and conclusions based on its analysis from the validation phase, which were discussed with the ISG members and DG NEAR and DG JUST staff working on RoL issues. The intensive discussions held triggered revisions, which enhanced the quality of the final report.

During the Synthesis phase, a draft Final Report was prepared. In this framework the revised case study notes were sent for a second round of consultations within DG NEAR. Once the feedback collected was addressed, the draft version of the final report was shared with the ISG members, DG NEAR and EUDs staff for feedback. The comments received were analysed and the revisions made were explained in a response matrix that was shared together with the revised version. Where the treatment of comments required gathering additional information, targeted interviews were arranged. Three consultation rounds were needed to finalised the report.

Dissemination of evaluation results

At the end of the evaluation, a dissemination seminar will take place. The purpose of this event is to present the results of the evaluation to key stakeholders working in the areas of Rule of Law, including representatives of the partner countries, EU Member States, think tanks, NGOs and international organisations.

Outreach of consultations held

The number of persons that the evaluation team has been in touch with in order to collect information amounts to close to 380. These persons were chosen because of their specific involvement in the topic under examination. They were contacted to share information and provide inputs related to their experience with EU support to RoL. Depending on the importance of their input to the evaluation, they were asked to provide documentary information, recommend further relevant contacts, or exchange directly with the evaluation team via phone or in person.

EU headquarters

59 persons were staff from EU Headquarters (46 from DG NEAR, 4 from DG DEVCO, 6 from DG JUST, 1 from FPI, 2 from the Secretariat General). Of these, 29 were interviewed in depth (see list under Section 6.2 below).

EEAS (incl. EUDs)

In the course of the preparation of the case studies, both during the desk and field phases, 16 persons from EEAS headquarters and 66 persons from EUDs were contacted. Out of these, 7 persons from EEAS headquarters and 34 persons from the EUDs were interviewed in depth.

The following table gives an overview of the consultations realized in the course of the work on the case study notes.

Table 8 Number of persons consulted per case study

Case	Number of persons consulted in depth
IPA	
Albania (desk & field)	19
Montenegro (desk)	3
Serbia (desk & field)	40
Turkey (desk & field)	29
ENI	
Georgia (desk & field)	29
Moldova (desk)	3
Armenia (desk)	3
Jordan (desk)	5
Tunisia (desk & field)	25
Ukraine (desk & field)	26
Regional	
EuroMed Justice (desk & field)	18
CoE Horizontal Facility (desk & field)	13

Note: Some interviewees consulted may be counted into both the individual country case study as well as a regional country case study as their inputs were used for both.

Challenges

Challenges encountered during the consultation of stakeholders relate to i) the shortness and the timing of field missions as well as to ii) the stakeholders' perception of the field visits as part of a thematic evaluation.

Each field mission had a duration of five working days between July and September 2018. Given that the summer break fell into this period, sometimes the interviewees were not available during this limited time. Their input however was included through phone interviews and exchanges via email.

Some stakeholders that were contacted and interviewed perceived the field visits and the related consultations as an evaluation of their individual work. This was put into the right light through a two-page introduction letter sent to each interviewee and through an appropriate introduction of the evaluation's scope at the beginning of each interview.

Taking into account the input of stakeholders

Information from scoping interviews at an early stage in the process helped to refine the evaluation questions. Later on, during the desk and the field phase, the input of all stakeholders informed the indicator level of each JC under this evaluation.

6.2 Results of the Open Public Consultation

As part of the evaluation's Consultation Strategy, an Open Public Consultation (OPC) was launched on the European Commission website¹³⁷ from 10 June 2018 to 17 September 2018; French, English and German versions were provided.

The purpose of the public consultation was to seek comments from the general public¹³⁸, that is citizens of the EU and citizens of countries eligible for support from European Neighbourhood Instrument and of beneficiaries of Instrument for Pre-accession Assistance on the evaluation of EU support for Rule of Law in neighbourhood countries and candidates and potential candidates of enlargement (2010-2017). It took place in parallel to the evaluation desk review as well as field visits; a background document was provided, which explained the objectives and approach of the evaluation itself.

¹³⁷ See https://ec.europa.eu/info/consultations/public-consultation-evaluation-eu-support-rule-law-neighbourhood-countries-and-candidates-and-potential-candidates-enlargement-2010-2017_en

¹³⁸ All contributions received cannot be regarded as the official position of the European Commission and its services.

The contributions made through the consultation, and analysed below, contributed to the final conclusions of the Evaluation Report.

6.2.1 Overview of respondents

10 respondents participated in the OPC during the relevant period.

Geographical distribution

All 10 respondents were from EU Member States, including the United Kingdom, with two from the Czech Republic; they did not appear to be clustered in any particular geographical or linguistic area of the European Union.

Stakeholder category

Four respondents were from organisations, writing in their professional capacity, and six were individuals, writing in their personal capacity. All individuals provided their full names. One of the institutional respondents was from a civil society organisation, and three from Ministries in their respective countries. Organisational respondents gave consent for their contributions to be published, provided their organisations were not identified.

6.2.2 Qualitative Analysis

Respondents responded thoughtfully, moderately, and with evident knowledge, to the thirteen questions posed, and comments were in alignment with each question's subject matter and intent. There was a wide divergence of objective responses (yes/no), which were nevertheless often qualified in the comment zones. Hence upon closer examination, the overall responses demonstrated considerable homogeneity and coherence with several key observations emerging from different respondents under different questions – in particular relative to political will, and the risks of backsliding in partner contexts.

Insufficient information was available regarding the precise background of respondents; however, it was evident that they had each had considerable exposure to and interest in the EU's work in Rule of Law in the regions under consideration. The personal/ institutional impact of EU support is however unknown: individual respondents replied on their own behalf, and organisational respondents on behalf of their institutions.

6.2.3 Presentation of the analysis

Analysis on the basis of the different stakeholder categories

The small sample size did not allow for a comprehensive analysis of the consultation on the basis of the different stakeholder categories. Nevertheless, the following observations are made:

- A small number of responses was received;
- No responses were received from individuals or organisations of IPA (Pre-Accession Instrument) or ENI (European Neighbourhood Instrument) beneficiaries;
- All responses were provided in English.

Similar or poorer response levels have been observed in other recent Consultations. The small number of responses limits the robustness of the interpretation of the results of this OPC.

Analysis on the basis of the different consultation topics

Question 1 (Awareness of RoL Support)

Type of respondent	Response	N°
Individual	No	3
Individual	No opinion	1
Individual	Yes	2
Organisation	No opinion	1
Organisation	Yes	3

EU member states' ministerial representatives constituted the main group that expressed any awareness of EU support to RoL; their comments displayed considerable knowledge of specific kinds

of interventions that have been made, with two respondents naming country level programmes (Montenegro, Georgia, Ukraine, Palestine, Albania) and support modalities (TAIEX (Technical Assistance and Information Exchange Instrument) and Twinning). Projects supporting freedom of expression were also cited as being important.

Question 2 (Response to needs and priorities in country context)

Type of respondent	Response	N°
Individual	No	5
Individual	No opinion	1
Organisation	Yes	4

Opinion was sharply divided on the degree of relevance of EU support at the country level. Four “yes” respondents (all organisations) provided comments that indicate a high degree of understanding of EU support, and of RoL principles and their broader role. They considered that EU support was relevant, responded to priority needs, and added value, bringing RoL institutions in line with international standards. A link was made between support to RoL and strengthening internal markets. The need for flexibility of planning and implementation in order to maintain the relevance of interventions was stressed. An important result of EU support mentioned was that *“projects tend to stimulate the basic discourse about the Rule of Law and related issues”*.

One “no” respondent (individual) stated that *“EU support to Rule of Law has failed”*, with Turkey and Belarus cited as examples, suggesting that there was a perceived relationship between the support that EU provides and the political context in which it is provided – and also that expectations of EU impact may not always be realistic. Two positive responses also conceded the limits of support, with one stating that *“impact varies based on political context [...] and in some it can be negligible”*.

Question 3 (Response to needs and priorities in regional context)

Type of respondent	Response	N°
Individual	No	3
Individual	No opinion	2
Individual	Yes	1
Organisation	No	1
Organisation	Yes	3

Opinions were equally divided on the extent to which EU support responds to regional contexts; the reasoning provided in comments was however not always clear.

The EU response was considered particularly appropriate in the accession context, but a need for increased support in the Balkans was identified. The link between RoL and economic transformation was again identified here. The barriers created by unpreparedness and resistance to reform were highlighted, but it was considered by one respondent that EU support *“has provided standards and incentives for engagement in the regional context [...] and influenced partially the cooperation between the countries of the region”*.

Question 4 (Support to RoL appropriate and likely to achieve its objectives)

Type of respondent	Response	N°
Individual	No	4
Individual	No opinion	2
Organisation	No	1
Organisation	Yes	3

A majority of respondents did not consider EU support to RoL to be appropriate and likely to achieve its objectives.

At the political level, one respondent indicated that the EU should be more proactive, and apply higher expectations regarding the application of RoL standards. Another noted that RoL *“falls victim to the EU's foreign policy interests”*, with the EU being inconsistent in its demands. The need for political will was again raised here, and risks of backsliding were noted, although it was observed that *“the*

conditionality of the pre-accession and accession process have been positively influencing the reform processes”.

At the project level, the quality and regional knowledge of experts was considered to be of importance. It was considered by one respondent that while projects may show some results, the achievement of overall objectives remains limited¹³⁹.

Question 5 (Support has added value)

Type of respondent	Response	N°
Individual	No	2
Individual	No opinion	2
Individual	Yes	2
Organisation	Yes	4

A majority of respondents, notably those from organisations, consider that EU support to RoL has provided added value. Again, reasoning was not always clear, and several comments contained generalities that did not directly address the question.

A cogent point raised by one respondent was that, despite setbacks, a more relevant frame of reference is that *“the situation would be far worse if it wasn't for the EU support programs”*. Acknowledgment was made of the expertise and resources provided by regional multilateral organisations, which cannot however replace the EU's *“know-how and financial and political resources to bring about substantial change”*. Elements of added value that were considered to contribute to the EU's effectiveness include consistency, peer-to-peer and other exchanges, increased understanding of standards necessary for accession, donor coordination, and the application of conditionality in the ENP (European Neighbourhood Policy) region.

Question 6 (Other EU support to RoL)

Type of respondent	Response	N°
Individual	No	3
Individual	No opinion	1
Individual	Yes	2
Organisation	No opinion	1
Organisation	Yes	3

Half of the respondents were aware of other EU support to RoL. Again, knowledge of EU initiatives appeared relatively high amongst organisational respondents. Several respondents referred to the larger cooperation context, and the need for increased coordination in one context (Ukraine) was highlighted.

Question 7 (Support contributed to reform and other changes)

Type of respondent	Response	N°
Individual	No	3
Individual	No opinion	2
Individual	Yes	1
Organisation	Yes	4

Half of respondents were of the view that EU support has contributed to reform and other changes relative to RoL, and some positive examples were provided (*“very comprehensive and fundamental”* justice reform in Albania; legislative reform in Jordan; TAIEX missions in the Balkans; the Association Agreement in Georgia; overall expertise of RoL professionals).

These comments were qualified, however, by the observation that it *“depends on the partner or beneficiary country”*, and that internal conditions and constraints, poor coordination and ill-adapted expertise sometimes hamper contribution. An observation was made that *“existential”* concerns

¹³⁹ One respondent noted success stories, an example being IT procurement through the SMAJ project in Egypt; in reality, only a small proportion of support was provided, to the judicial training institution.

(economy and security) can result in RoL issues being side-lined – this in contrast to earlier comments that RoL supports economic development. Ukraine was cited as an example of where no contribution was made whatsoever.

Question 8 (Changes supported alignment with international RoL principles)

Type of respondent	Response	N°
Individual	No	3
Individual	No opinion	2
Individual	Yes	1
Organisation	No opinion	1
Organisation	Yes	3

Respondents were divided concerning the EU's contribution to alignment with RoL principles. Albania and Georgia were again cited as an example where real change has been observed in this regard. Respondents were generally realistic, however, concerning the time-frames necessary for such changes to occur and also observed that change is non-linear. They again suggested that reform is largely dependent on political will and capacity, and that greater conditionality is required in the ENI context.

Question 9 (Support contributed to quality and efficiency of justice systems)

Type of respondent	Response	N°
Individual	No	3
Individual	No opinion	2
Individual	Yes	1
Organisation	No opinion	1
Organisation	Yes	3

Respondents were slightly more inclined to consider that EU support has contributed to quality and efficiency of justice systems; however one respondent commented that evaluating improvements is ultimately highly subjective. The Ukraine was cited as an example of modest results, but that this is limited given the need for fundamental reform of the judiciary itself. Improvements were noted in some Middle East and North African contexts (prison conditions) and in Serbia (reduction of backlogs), and again in Albania. The need to build capacity in parallel to building infra-structure was emphasised. The risks of backsliding were again emphasised, with Turkey cited as a key example.

Question 10 (Support strengthened independence, impartiality and accountability of judiciary)

Type of respondent	Response	N°
Individual	No	3
Individual	No opinion	2
Individual	Yes	1
Organisation	No opinion	1
Organisation	Yes	3

Respondents were marginally (4 to 3, with 3 expressing no opinion) of the view that EU support has strengthened the independence, impartiality and accountability of the judiciary. The importance of applying international standards, and imposing conditionality were emphasised. Examples of interventions cited where contribution has been significant included the reform of judicial structures/organs, vetting of judges and prosecutors, and opening up and supporting public and political dialogue on independence and related issues. Political will was again considered to be a primary determinant of the effectiveness of EU support; in this regard Turkey was given as an example of support that has wholly failed.

Question 11 (Support strengthened other RoL institutions)

<i>Type of respondent</i>	<i>Response</i>	<i>N°</i>
Individual	No	1
Individual	No opinion	2
Individual	Yes	3
Organisation	No	1
Organisation	No opinion	1
Organisation	Yes	2

Respondents largely (5 to 2, with 3 expressing no opinion) considered that EU support strengthened other RoL institutions, but only to a limited extent. The links between the reform and functioning of RoL institutions and that of the general public administration and other oversight bodies was highlighted. Examples of EU contributions in this regard included Albania and Georgia, and the overall support that has been provided to civil society (validation of their role; increased capacity to analyse and formulate RoL needs).

Question 12 (Support contributed to sustainable improvements in RoL, human rights and democracy)

<i>Type of respondent</i>	<i>Response</i>	<i>N°</i>
Individual	No opinion	3
Individual	Yes	3
Organisation	No opinion	1
Organisation	Yes	3

The EU was generally considered to have contributed to sustainable improvements in RoL, human rights and democracy, with the changes referred above *“all [having contributed] to fostering rule of law, respect for human rights and democracy”*. However, improvements are considered marginal in some contexts (Ukraine), and doubts were expressed concerning the sustainability of contributions, in line with the concerns above regarding backsliding. Civil society in the Western Balkans was considered to have been strengthened, and conditionality is thought to have generally contributed to improvements, with one respondent noting that *“authorities in [certain] countries realize that they are being watched by the EU”*.

Question 13 (Other comments)

This section was used by four out of 10 respondents to underline what they stated in their qualitative answers before. Respondents emphasized the relevance and value added of EU support to RoL, but also pointed towards specific obstacles to its effectiveness (inert procedures, lack of ownership and sustainability, insufficient monitoring and evaluation, fragmented project approaches, insufficient donor coordination).

6.3 List of persons and institutions consulted

6.3.1 List of persons interviewed during the inception, desk and synthesis phase

<i>Name</i>	<i>Organisation</i>	<i>Position</i>
BARON, Alexandre	EU-DG NEAR	Policy Officer, Strategy and Turkey, Dir. A
BOJKOV, Viktor	EU-DG NEAR	Interim Geo Desk Armenia, Dir C1
BRETTEL, Sigrid	EU-DG NEAR	Team leader, Neighbourhood East, Dir. C
BRUNET, Bernard	EU-DG NEAR	Head of Unit, Dir. A5
CAMUS, Xavier	EU-DG NEAR	Team leader Neighbourhood East, Dir. C
CORREA HASLEHURST, Victoria	EU-DG NEAR	Policy Officer - Human/fundamental Rights, Strategy and Turkey, Dir. A
DUCROUX, Gaetan	EU-DG NEAR	International Aid/Cooperation Officer for Jordan, Neighbourhood South, Dir. B
DUHOT, Hubert	EU-FPI	International Relations Officer - Crisis Response Planner, FPI2
FRECH, Eva	EU-DG NEAR	Programme Officer - Programme Officer - EU policies / assistance Country coordination, Dir. A5
HAUF, Michaela	EU-DG NEAR	Geo Desk Georgia, Dir C1
HUNDHAMMER, Elisabeth	EU-DG NEAR	Programme officer, Dir. C
IBOLD, Per	EU-DG JUST	International Relations Officer, 02 Interinstitutional, international coordination
JONES, Allan	EU-DG NEAR	Head of Unit, Dir. A1
LAAKSO, Helena	EU-DG NEAR	Evaluation officer, Dir. A
LENZING, Katja	EU-DG NEAR	Support Group for Ukraine, Team Justice and Home Affairs, including anti-corruption, Dir. A
ODUL, Pascal	EU-DG NEAR	Programme Manager - EU policies - Regional programmes in the fields of security and civil protection, Neighbourhood South, Dir. B
PEDERSEN, Jesper	EU-DG DEVCO	Team leader of IcSP, Dir B5
PETRY, Jan	EU-DG JUST	International Relations Officer, 02 Interinstitutional, international coordination
ROMON, Tatiana	EU-DG NEAR	Policy Officer - European Integration / Negotiator, Dir. D1
QUINN, Martijn	EU- DG JUST	Deputy Head of Unit, 02 Interinstitutional, international coordination
SMRKOLJ, Maja	EU-DG NEAR	Policy Officer - European Integration, Dir. D1
STROHAL, Severin	EU-DG NEAR	Head of Unit, Geo Desk Moldova, Dir. C1
THILL, Marc	EU-DG NEAR	Neighbourhood South, Dir. B
VALDENASSI, Helena	EU-DG NEAR	Programme Assistant, Neighbourhood South, Dir. B
VENNERI, Giulio	EU-DG NEAR	Policy Officer - European Integration/Rule of law, Dir. D4
ZWAENEPOEL, Sabine	EU-DG NEAR	Team leader Centre of Thematic Expertise, Dir. A
WEBER, Kordula	EU-DG JUST	Dir. D2

6.3.2 List of institutions consulted during the field phase

The tables below present the list of organisations consulted for each case study. Each case study note has its own list of persons that were interviewed during the field phase. In order to ensure anonymity, respondents' full names have been excluded and only their positions and related organisation were kept. More details are provided in the case study notes.

Case study	Organisations consulted
IPA	
Albania (desk and field)	Commissioner for the Protection from Discrimination Council of Europe EEAS/HQ EEAS/EUD EU DG NEAR Project staff (EURALIUS, PAMECA) High Council of Justice Ministry of Justice OPDAT OSF People's Advocate of Albania UNDP USAID World Vision

Case study	Organisations consulted
Montenegro (desk)	EEAS/HQ EEAS/EUD EU DG NEAR Ni-CO
Serbia (desk and field)	Belgrade Centre for Security Policy British Council British Council-led consortium Civic Initiatives/Gradjanske Inicijative Commissioner for the Protection of Equality Coordination Body for Gender Equality Council of Europe EEAS/HQ EEAS/EUD EU DG NEAR Government of the Republic of Serbia, Office for cooperation with Civil Society Judicial Academy Ministry of Justice Office for Human and Minority Rights Ombudsman's Office Supreme Court of Cassation Republic of Serbia USAID, World Bank
Turkey (desk and field)	CFCU - Central Finance and Contracts Unit Council of Europe EEAS/HQ EEAS/EUD EU DG NEAR Government of Turkey, Court of Cassation (CoC) Government of Turkey, Department of Training (EDB) Government of Turkey, Directorate General For Personnel (PGM) Government of Turkey, Directorate General For Prisons & Detention Houses Government of Turkey, Directorate of Strategic Development (SDB) Government of Turkey, HSEM Government of Turkey, Ministry of Justice NGOs Ombudsman Institution Union of Turkish Bar Associations
Horizontal Facility (desk and field)	Council of Europe EEAS/HQ EEAS/EUD EU DG NEAR Ministry of Justice, Kosovo
ENI	
Armenia (desk)	EEAS/HQ EEAS/EUD EU DG NEAR
Georgia (desk and field)	Chief Prosecutor's Office of Georgia Council of Europe EEAS/HQ EEAS/EUD EU DG NEAR EU4Justice EU Monitoring Mission Georgian Young Lawyers' Association GIZ High Court of Justice Ministry of Foreign Affairs of Georgia Ministry of Internal Affairs Open Society Georgia Foundation

Case study	Organisations consulted
	Parliament of Georgia Penal Reform International Public Defender, Ombudsman Supreme Court of Georgia Transparency International UNDP
Jordan (desk)	EEAS/HQ EEAS/EUD EU DG NEAR
Moldova (desk)	EEAS/HQ EU DG NEAR
Tunisia (desk and field)	ARP Avocats sans Frontières Bar Association EEAS/HQ EEAS/EUD EU DG NEAR Higher Institute of the Judiciary Ministry of Justice OMCT PAMT Project staff (PARJ) UNDP
Ukraine (desk and field)	Centre for Civil Liberties Centre for Political and Legal Reforms Chemonics Council of Europe Declarations under Control De Jure Foundation Deutsche Stiftung fuer Int. Rechtliche Zusammenarbeit EEAS/HQ EEAS/EUD EU DG NEAR Justice Coopération Internationale Ministry of Justice Ukraine Office of the Parliament Commissioner for Human Rights Parliament of Ukraine Public Integrity Council Strategic Advisory Group for Supporting Ukrainian Reforms
EuroMed Justice (desk and field)	Avocats sans Frontières Council of Europe EEAS/HQ EEAS/EUD EU DG NEAR Embassy of Spain to Morocco European Network of Councils for the Judiciary General Council of Lawyers of Spain General Prosecutor Office International Cooperation Chamber Ministry of Justice, Spain Ministry of Justice, Tunisia Ordre des Avocats Spanish High Judicial Council - Consejo Superior del Poder Judicial The Hague Conference on Private International Law

7 Annex 7 - Inventory of interventions considered under this evaluation

The table below presents an inventory of support to Rule of Law provided by the European Union (EU) in Enlargement and Neighbourhood regions channelled through the following financing instruments: ENI and IPA. In addition, some relevant interventions financed by EIDHR were identified in the context of the 10 country case studies.

The table comprises interventions that have been decided on and/or contracted in the scope of the evaluation (i.e. the period between 2007 and 2017).

The document provides information, to the extent available, on:

1. budget;
2. geographic coverage; and
3. financing instrument / mechanism.

The database was created using information from:

- CRIS database;
- Lists of decisions and contracts completed with information from DG NEAR and EUDs in between May and September 2018; and
- Documentation and communications shared by EU officials and implementing partners between May and September 2018.

7.1 Neighbourhood East

<i>Decision / contract n°</i>	<i>Year¹⁴⁰</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
Armenia				
D-019632	2008	Support for justice reform	18.000.000	ENI bilateral
D-018953 c-219390	2009	Support to the Office of the Human Rights Defender of the Republic of Armenia	900.000	ENI bilateral
D-023600	2012	Support for justice reform in Armenia – Phase II	20.000.000	ENI bilateral
D-032771	2014	Human Rights protection	15.700.000	ENI bilateral
D-039823	2016	Human Rights protection (Additional funding)	1.300.000	ENI bilateral
D-040664	2017	Consolidation of the Justice System in Armenia	4.000.000	ENI bilateral
Azerbaijan				
D-019901	2008	Justice Reform Support Programme	12.370.186	ENI bilateral
D-033799	2014	Support to the civil society working on human rights (2014 allocation)	2.000.000	ENI bilateral
D-023411 c-358159	2015	Support to the Chamber of Accounts of the Republic of Azerbaijan in preparation for a future Twinning project	96.000	ENI bilateral
D-023411 c-367882	2015	Support to the Strengthening of the Commissioner for Human rights (Ombudsman) of the Republic of Azerbaijan	1.360.000	ENI bilateral
Belarus				
D-025024	2014	Civil Society & Independence of the Media	5.082.117	ENI bilateral
Georgia				
D-022562 c-289278	2008	Support to the Reform of the Criminal Justice System in Georgia	14.500.000	ENI bilateral
D-022562	2011	Support to the Criminal Justice Sector in Georgia (AAP 2011)	17.928.670	ENI bilateral
D-024344	2012	Support to the Criminal Justice Sector in Georgia (EaPIC - scale-up)	6.000.000	ENI bilateral
D-023078 c-296516	2012	Improving the quality of CSO policy dialogue with the Georgian Parliament	225.802	ENI bilateral
D-023791 c-315234	2013	Communities for democratic elections	99.902	EIDHR
D-037376	2014	Support to the Justice Sector Reform in Georgia	50.000.000	ENI bilateral

¹⁴⁰ In most cases, this refers to the decision year, except when the intervention corresponds to a single specific contract.

<i>Decision / contract n°</i>	<i>Year¹⁴⁰</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
D-037382	2014	Human Rights for all in Georgia	10.000.000	ENI bilateral
D-023281 c-337190	2014	Strengthening the System of Parliamentary Democracy - Phase I	1.500.000	ENI bilateral
D-037575 c-371244	2015	Studies and Research of Media Election Coverage in Georgia for Parliamentary Elections 2017.	300.000	ENI bilateral
D-024706 c-374626	2016	Strengthening the System of Parliamentary Democracy - Phase II	1.500.000	ENI bilateral
D-038670 c-388508	2017	Combating torture and ill treatment in Georgia, Armenia and Ukraine	1.000.000	EIDHR
Moldova				
D-019020 c-212535	2009	Support to Prisons System upgrading and Penal Reform	850.500	ENI bilateral
D-022196 c-262074	2010	Upholding the Human Rights of Victims of Human Trafficking in Moldova and Transnistria: from Multi-disciplinary Assistance to Prevention	195.253	EIDHR
D-022680 c-315649	2011	Support to the Justice Sector Policy Reforms in Moldova	8.000.000	ENI bilateral
D-022810 c-299347	2011	Monitoring of justice sector reform for increased Government's accountability	274.105	EIDHR
D-023420 c-330109	2012	Support to the Justice Sector Reforms	24.800.000	ENI bilateral
D-025030 c-367559	2016	Promoting media freedom and pluralism in the Republic of Moldova	500.000	ENI bilateral
D-024403 c-387983	2017	Strengthening the capacities of the Parliament of Moldova for EU approximation process	1.500.000	ENI bilateral
Ukraine				
D-021849	2010	Support to the Justice Sector Reforms in Ukraine	10.000.000	ENI bilateral
D-018961 c-241814	2011	Twinning project "Increased Effectiveness and Management Capacities of Administrative Courts in Ukraine"	1.476.946	ENI bilateral
D-037396 c-346111	2014	Strengthening the role of civil society in protecting the human rights of vulnerable groups of offenders in Ukraine	287.618	EIDHR
D-037396 c-368780	2015	Human Rights Agenda for New Ukraine	285.000	EIDHR
D-023714 c-372292	2016	Rule of Law in Ukraine– policy and budgetary analysis in the area of police/law-enforcement reform	133.371	ENI bilateral
D-023714 c-374814	2016	Rada za Evropu: Capacity-Building in Support of the Verkhovna Rada of Ukraine	1.300.000	ENI bilateral
D-023714 c-379352	2016	Implementation of the best European practices with the aim of strengthening the institutional capacity of the Apparatus of the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) to protect human rights and freedoms	1.500.000	ENI bilateral
D-023714 c-380434	2016	Strengthening the Institutional Capacity of the Supreme Court of Ukraine in the Field of Human Rights Protection at the National Level	1.311.731	ENI bilateral
D-038058 c-374503	2016	Improvement of access to justice and defence of the right to a fair trial for vulnerable groups in Ukraine	259.999	EIDHR

7.2 Neighbourhood South

<i>Decision / contract n°</i>	<i>Year¹⁴¹</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
Algeria				
D-019421	2007	Justice II - Programme d'appui à la réforme du système pénitentiaire	14.134.084	ENI bilateral
D-022856	2010	Renforcement des structures et du	1.145.000	ENI bilateral

¹⁴¹ In most cases, this refers to the decision year, except when the intervention corresponds to a single specific contract.

<i>Decision / contract n°</i>	<i>Year¹⁴¹</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
c-319047		fonctionnement du Centre de Recherche Juridique et Judiciaire (CRJJ) en vue d'une mise en œuvre optimale de ses missions de recherche et d'expertise pour mieux légiférer		
D-033657	2014	PASJA - Programme d'appui au secteur de la justice	9.000.000	ENI bilateral
D-024479 c-369280	2015	Renforcement des capacités institutionnelles de la cour des comptes en matière de contrôle juridictionnel, d'exécution de la loi de finances et de la qualité de la gestion	1.721.000	ENI bilateral
D-024299 c-374303	2016	Appui au renforcement de l'administration pénitentiaire en accord avec les normes internationales en vue de l'amélioration des conditions de détention et de la réinsertion des détenus	2.000.000	ENI bilateral
Egypt				
D-019607	2008	Promotion and protection of human rights	16.453.855	ENI bilateral
D-021867	2010	Justice and Security Modernisation	10.000.000	ENI bilateral
D-038279	2015	Citizen Rights Project	10.000.000	ENI bilateral
D-039542	2016	Advancing Women's Rights in Egypt	10.000.000	ENI bilateral
D-040688	2017	Support to Accountability and Democratic Governance	6.000.000	ENI bilateral
Jordan				
D-019569 c-381041	2008	Evaluation for Support to Justice Reform & Good Governance in Jordan	6.730.265	ENI bilateral
D-021931 c-337334	2010	Programme Estimate - Support to Democratic Governance	10.000.000	ENI bilateral
D-022196 c-280501	2010	Hemaya II – For girls and young women in Jordan	392.012	EIDHR
D-019569 c-276118	2011	Support the implementation of the Anti-Corruption Commission's Strategy in Jordan	1.376.192	ENI bilateral
D-023471	2012	Support to the justice reform in Jordan	27.000.000	ENI bilateral
D-024238	2012	Support to the justice sector in meeting the required criteria for sector budget support	2.613.056	ENI bilateral
D-024290	2012	Support to the Electoral Process in Jordan	2.000.000	ENI bilateral
D-023791 c-334210	2012	Empowering civil society to increase the protection of groups in Jordan vulnerable to discriminatory torture and ill treatment	200.000	EIDHR
D-024551 c-352334	2013	Strengthening the capacity of rural women and female municipal members to defend women's rights and participation in Jordan	388.867	EIDHR
D-024556 c-352336	2013	Combating violence and discrimination against women in East Amman through direct empowerment in the community	210.000	EIDHR
D-037396 c-352332	2014	Eliminating the administrative detention of women at risk by establishing just alternatives for their protection	344.400	EIDHR
D-039464	2016	Enhanced Support to Democratic Governance in Jordan	17.600.000	ENI bilateral
D-038669 c-377156	2016	Domestic Electoral Observation of the 2016 Parliamentary Elections in Jordan	300.000	EIDHR
D-040548	2017	Support to the Rule of Law in Jordan	18.000.000	ENI bilateral
Lebanon				
D-019622	2008	Projet de modernisation de la justice libanaise	9.998.774	ENI bilateral
D-020489	2009	Reinforcing Human Rights and Democracy in Lebanon	15.948.091	ENI bilateral
D-018881 c-250423	2010	Strengthening technical capacities of the Lebanese Parliament to perform effective legislative and budgetary oversight functions	450.000	ENI bilateral
D-022756	2011	Support to Judiciary Reform	9.000.000	ENI bilateral

<i>Decision / contract n°</i>	<i>Year¹⁴¹</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
D-024426	2012	Support to Electoral Reform and Democratic Participation Lebanon	6.000.000	ENI bilateral
D-025053	2013	Libya Electoral Assistance Project	2.000.000	ENI bilateral
D-023432 c-334931	2013	Support to Parliamentary Development	1.985.424	ENI bilateral
D-037555	2014	Support to the democratic transition at national and local level	9.600.000	ENI bilateral
D-039626	2016	Advancing Juvenile and Criminal Justice in Lebanon	9.000.000	ENI bilateral
D-040690	2017	Support to Electoral Reform and Democratic Participation in Lebanon	3.000.000	ENI bilateral
Morocco				
D-024433	2012	Protéger et promouvoir les droits de l'Homme au Maroc	2.600.304	ENI bilateral
D-037371	2014	Programme d'appui sectoriel à la réforme de la justice	75.500.000	ENI bilateral
D-037752	2015	Programme d'appui à la Réforme Pénitentiaire au Maroc	5.000.000	ENI bilateral
D-026489 c-372688	2016	Appui à la Chambre des représentants du Royaume du Maroc	1.198.386	ENI bilateral
D-037371 c-388874	2017	Appui pour la réforme institutionnelle et le renforcement des capacités de l'Institut Supérieur de la Magistrature	1.200.000	ENI bilateral
Palestine				
D-021835 c-266673	2009	Provision of Advisors to the Justice Sector - West Bank/Gaza	1.171.467	ENI bilateral
D-023131	2011	Support to the Rule of Law Sector – Security / Justice / Elections	19.987.587	ENI bilateral
D-023774	2012	Support to Governance/Rule of Law and Social Sector Institutions	19.217.019	ENI bilateral
Tunisia				
D-019073 c-279551	2011	Appui à la modernisation du Tribunal Administratif (Contrat de jumelage léger TU10/ENP-AP/JH23)	183.847	ENI bilateral
D-023558	2011	PASC - Programme d'Appui à la Société Civile (SPRING 2012)	5.000.000	ENI bilateral
D-023569 c-298306	2012	Appui au processus constitutionnel et parlementaire	1.809.778	ENI bilateral
D-024316	2012	PARJ - Programme d'Appui à la Réforme de la Justice	25.000.000	ENI bilateral
D-024215	2012	Programme d'Appui à la Société Civile - PASC TUNISIE (SPRING 2012)	2.000.000	ENI bilateral
D-037342	2014	PARJ II - Programme d'appui à la réforme de la Justice II	15.000.000	ENI bilateral
D-023569 c-370081	2015	Renforcement des capacités de l'Assemblée des Représentants du Peuple (jumelage TN/15/ENI/OT/48)	1.630.000	ENI bilateral
D-038058 c-370053	2015	Mobilisation de la société civile dans le suivi des relations entre la Tunisie et l'Union européenne – phase II	500.000	EIDHR
D-038058 c-370099	2015	Renforcement du monitoring et du plaidoyer des OSC pour faciliter l'accès à la justice des victimes de la torture et du mauvais traitement	500.000	EIDHR
D-040560	2017	Programmes d'appui à la société civile et aux instances constitutionnelles en Tunisie	20.000.000	ENI bilateral
D-040695	2017	PARJ III - Programme d'appui à la réforme de la Justice	60.000.000	ENI bilateral

7.3 Neighbourhood Regional

<i>Decision/ contract n°</i>	<i>Year¹⁴²</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
D-022480	2010	Euromed Justice III	5.000.000	ENI regional
D-037384	2014	Euromed Justice IV	10.000.000	ENI regional

7.4 Western Balkans and Turkey

<i>Decision / contract n°</i>	<i>Year¹⁴³</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
Albania				
D-019353 c-249675	2007	Support to the Penitentiary Infrastructure	499.740	IPA bilateral
D-020116	2008	Support to the Penitentiary Infrastructure	366.600	IPA bilateral
D-021642 c-248025	2009	Assistance to Justice Reform - EURALIUS	2.300.000	IPA bilateral
D-021642 c-259265	2009	Reform of the Penitentiary in Albania, with special focus on Probation services	1.000.000	IPA bilateral
D-021642 c-259250	2009	Support to Witness Protection	555.000	IPA bilateral
D-022530 c-264451	2010	Support to the Penitentiary Infrastructure and improvement of training and accommodation capacities in the Police Education Centre	727.220	IPA bilateral
D-022530 c-314544	2010	Criminal Justice (design of case management system)	990.396	IPA bilateral
D-022530 c-287994	2010	Design revision of Tirana Justice Palace	193.520	IPA bilateral
D-023035 c-310587	2011	Construction of new pre-trial detention centre and prison in Shkodra, Albania	14.371.451	IPA bilateral
D-022810 c-278140	2011	Improving access to justice and access to rights of children and marginalized families with a special emphasis on Roma community	148.132	EIDHR
D-023036 c-329732	2012	Efficiency of Court management and administration	1.000.000	IPA bilateral
D-023036 c-357426	2012	Improvement of the enforcement system in Albania	800.000	IPA bilateral
D-023036 c-365534	2012	Alternative Dispute Resolution	700.000	IPA bilateral
D-024190	2013	Pilot Sector Programme for Justice and Home Affairs and Fundamental Rights	11.500.000	IPA bilateral
D-024190 c-346900	2013	EURALIUS IV (Consolidation of the Justice System)	3.954.894	IPA bilateral
D-024190 c-376569	2013	Support to the formulation, coordination and implementation of anti-corruption policies	3.000.000	IPA bilateral
D-024190 c-367018	2013	Enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination	1.500.000	IPA bilateral
D-024190 c-366939	2013	Support to the Penitentiary System and the Probation Service in Albania - AL 13 IB JH 01	1.000.000	IPA bilateral
D-037396 c-371951	2015	Civil Society in Action for Protection of Child Rights in Albania	50.027	EIDHR
D-038058 c-371555	2015	Civil Society in Action for Protection of Child Rights in Albania	499.864	EIDHR
D-038717	2016	Consolidation of the Justice System in Albania - EURALIUS V	12.500.000	IPA bilateral
Montenegro				
D-019300 c-168502	2007	Justice Reform (MN 07/ IB/ JLS/ 03)	1.489.727	IPA bilateral
D-019300 c-166025	2007	Juvenile Justice System Reform	471.659	IPA bilateral

¹⁴² In most cases, this refers to the decision year, except when the intervention corresponds to a single specific contract.

¹⁴³ Same as above.

Decision / contract n°	Year¹⁴³	Intervention Title	Planned EU contribution	Instrument/Financing mechanism
D-019300 c-200172	2007	Legal Harmonisation - MN 07 IB JLS	990.000	IPA bilateral
D-023173 c-309250	2011	Support Penitentiary Reform	630.000	IPA bilateral
D-023173 c-294832	2011	Justice for Children	500.000	IPA bilateral
D-023582 c-333932	2012	EUROL I	3.000.000	IPA bilateral
D-037803 c-384289	2014	EUROL II	3.000.000	IPA bilateral
D-037803 c- 383480	2014	Support to the Implementation of Integrity Measures	600.000	IPA bilateral
D-023583 c-351197	2014	Support the adoption of the Schengen acquis	1.000.000	IPA bilateral
D-037396 c-370248	2014	Fair Elections Free of Corruption	149.000	EIDHR
D-037396 c-370950	2014	Contributing to improvement of LGBT people's quality of life in Montenegro	146.703	EIDHR
D-037396 c-371202	2014	Strengthening capacities of Roma for public activism – United we reach more!	91.120	EIDHR
D-037803 c-372002	2015	Support to the anti-discrimination and gender equality policies	735.000	IPA bilateral
D-037803 c-369615	2015	PREDIM - Support to the National Institutions in Preventing Discrimination in Montenegro	700.000	IPA bilateral
D-037803 c-387496	2016	Result Oriented Review on Delivery of Justice	300.000	IPA bilateral
Serbia				
D-019322 c-227793	2007	Improve the efficiency and transparency of the Judiciary System, Republic of Serbia	3.000.000	IPA bilateral
D-019322	2007	Improvement of the Penalty System	5.000.000	IPA bilateral
D-019322 c-249089	2007	Standardized System for Judiciary Education and Training	2.000.000	IPA bilateral
D-020406 c-282495	2008	IT for Improvement of Transparency and Efficiency (Prosecutors and Penal system)	2.382.359	IPA bilateral
D-020406 c-290313	2008	Improvement of Transparency and Efficiency (Prosecutors and Penal system)	1.891.517	IPA bilateral
D-21765	2010	Further alignment of Penalty system of Republic of Serbia with EU standards and strengthening alternative sanction system	5.500.000	IPA bilateral
D-022585	2011	Strengthening the Rule of Law in Serbia	9.750.000	IPA bilateral
D-022967	2012	Support to the Rule of Law System	13.400.000	IPA bilateral
D-023621	2013	Justice	9.720.000	IPA bilateral
D-038440	2015	Support to Justice Sector	12.100.000	IPA bilateral
D-039801	2016	Support to the Justice Sector	5.000.000	IPA bilateral
D-038058 c-375488	2015	Towards Safer Environment for LGBT	36.395	EIDHR
D-038669 c-380160	2016	Improving the equality legal and policy framework in Serbia and monitoring implementation of equality norms and policies	172.341	EIDHR
D-038058 c-380282	2015	Creating a New Public View on Women	44.063	EIDHR
Turkey				
D-070218	2007	Dissemination of Model Prison Practices & Promotion of Prison Reform	8.200.000	IPA bilateral
D-080102	2008	Strengthening the Court Management System	5.500.000	IPA bilateral
D-080101	2008	Enhancing the role of Supreme Judicial Authorities in respect of European Standards	3.700.000	IPA bilateral
D-013604	2009	Improved Efficiency of Turkish Criminal	3.200.000	IPA bilateral

<i>Decision / contract n°</i>	<i>Year¹⁴³</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
		Justice System		
D-013608	2009	Improved capacity of Civil Enforcement Offices	1.800.000	IPA bilateral
	2010	Improvement of Enforcement Services in Prisons	5.300.000	IPA bilateral
D-022518	2010	Towards an effective and professional Justice Academy	1.500.000	IPA bilateral
D-022518	2010	Improved Relations Between Mass Media and Judiciary	1.600.000	IPA bilateral
D-022985	2011	Support to establishment of the Ombudsman Institution	1.500.000	IPA bilateral
D-023405	2012	Justice and Home Affairs component of 2012 national programme	7.100.000	IPA bilateral
D-023651	2013	Judiciary and Fundamental Rights	22.600.000	IPA bilateral
D-031874	2014	Fundamental Rights	13.600.000	IPA bilateral
D-031874	2014	Judiciary	28.700.000	IPA bilateral
D-038404	2015	Fundamental Rights	18.900.000	IPA bilateral
		Several interventions (non-disclosed)		EIDHR

7.5 Western Balkans and Turkey Regional

<i>Decision / contract n°</i>	<i>Year¹⁴⁴</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financing mechanism</i>
Albania				
D-031609	2014	(Horizontal Facility) Increase the efficiency of the Albanian justice system, in line with European standards (SEJ)	1.150.000	IPA regional
D-031609	2016	(Horizontal Facility) Protection of HR of Prisoners	700.000	IPA regional
D-031609	2016	(Horizontal Facility) Supporting effective domestic remedies and facilitating the execution of ECtHR judgments	700.000	IPA regional
Bosnia & Herzegovina				
D-031609	2016	Enhancing human rights protection for detained and sentenced persons	1.100.000	IPA regional
D-031609	2016	Strengthening the Human Rights Ombudsman to fight discrimination	800.000	IPA regional
Kosovo				
D-031609	2016	Strengthening the Quality and Efficiency of Justice in Kosovo	900.000	IPA regional
D-031609	2016	Enhancing the Protection of Human Rights of Prisoners in Kosovo	600.000	IPA regional
Republic of North Macedonia				
D-031609	2016	Enhancing human rights policing	600.000	IPA regional
D-031609	2016	Increasing capacity of the judiciary to safeguard human rights and combat ill-treatment and impunity	700.000	IPA regional
D-031609	2016	Strengthening the protection of the rights of sentenced persons	1.000.000	IPA regional
D-031609	2016	Support to legal aid reforms in "the former Yugoslav Republic of Macedonia"	300.000	IPA regional
Montenegro				
D-031609	2016	Accountability of the Judicial System in MNE	800.000	IPA regional
D-031609	2016	Enhancing human rights protection for detained and sentenced persons in MNE	800.000	IPA regional
D-031609	2016	Fighting ill-treatment and impunity and enhancing the application of ECtHR case law on national level (FILL)	800.000	IPA regional
Serbia				
D-031609	2016	Enhancing human rights protection for detained and sentenced persons	900.000	IPA regional
D-031609	2016	Strengthening legal guarantees for independent and impartial tribunals	700.000	IPA regional

¹⁴⁴ In most cases, this refers to the decision year, except when the intervention corresponds to a single specific contract.

<i>Decision / contract n°</i>	<i>Year 144</i>	<i>Intervention Title</i>	<i>Planned EU contribution</i>	<i>Instrument/Financi ng mechanism</i>
D-031609	2016	Supporting effective remedies and mutual legal assistance SEMA	400.000	IPA regional