

Annex 1: Action Fiche for Georgia AAP 2011

1. Identification

Title/Number	Support to the Criminal Justice Sector (ENPI/2011/022562)		
Total cost	EUR 18 million - EU contribution		
Aid method / Method of implementation	Sector Policy Support Programme: - Sector Budget Support (centralised management); - Project mode (direct centralised / joint management)		
DAC-code	15130	Sector	Legal and Judicial Development

2. Rationale and country context

2.1. Country context and rationale for SPSP

2.1.1. Economic and social situation and poverty analysis

Georgia is a small developing economy with a population of about 4.5 million people and a gross national income (GNI) per capita of USD 2560. Georgia undertook economic, social and governance reforms over the past seven years. These include impressive progress in reforming the role of the state vs. the private sector, dramatically reducing corruption, and strengthening the business environment. Sound fiscal and monetary policies supported by structural reforms to unleash the supply-side dynamics positively impacted economic growth in larger Georgian cities, e.g. Batumi and Tbilisi. The August 2008 conflict and the following global economic downturn have altered the dynamic. Despite sharp decrease of the foreign investments, economy is starting to recover. Current GDP growth projections are about 6.5% in 2010, and at about 4.5% in 2011. Current account deficit remains high, 12.7% of GDP. That, together with the fast growing foreign public debt may challenge fiscal stability in the medium term

Poverty and unemployment remains high in the country (about 27.8% and 16.7%). The situation worsened after the August 2008 conflict and the financial crises. In terms of the distribution of the poor and unemployed persons across urban and rural areas, rural rates are higher than urban ones, and the incidence of extreme poverty in rural areas is almost twice that in urban areas. While rural areas largely depend on agriculture to generate revenues, the farming sector in Georgia is still based on archaic production methods with low, if not negative, productivity rates, merely allowing for subsistence crops. As a result, agriculture output only accounts for 11%¹ of the GDP but employs almost 60% of the population. As a result, the consumer expenditures of 40% of the Georgian population - or over 1, 8 million people- were below the official minimum subsistence level. The average consumption of the poor was 14% lower than the subsistence level², with 60% of the poor living in rural areas.

2.1.2. National development policy

Reducing regional disparities within Georgia is recognised as a key objective by the Government of Georgia in both Government's programme "Georgia without Poverty," outlining the key policy directions for every sector and in Basic Directions and Data (BDD). The BDD outlines the medium term reform program and its objectives, provides a medium-term macroeconomic forecast, including

¹ Ministry of Economic Development of Georgia, Department of Statistics, Quarterly Bulletin 2009.I.

² According to the data of the first three quarters of 2008, *Regional Development in Georgia - Diagnostic Report*, June 2009.

the fiscal resources and allocations, and includes descriptions of the individual line ministry strategies. The latest draft Basic Data and Directions 2011-14 has been prepared and submitted to Parliament in November 2010. It stresses the linkage between growth and poverty alleviation.

Within the national priorities, improvements in the criminal justice system figure strongly to reduce the incidence of crime and improve the everyday security and living conditions of Georgian citizens through increased focus on rehabilitation.

2.2. Sector context: policies and challenges

Strengthening rule of law and the need for reforms in the justice sector are consistently addressed as a priority under all EU-Georgia cooperation documents (CSP 2007-2013, NIP 2011-2013). The European Neighbourhood Policy Action Plan (ENP AP) refers to the area of rule of law as "Priority area 1", placing special emphasis on the reform of judicial and penitentiary systems and on the respect for human rights and fundamental freedoms in compliance with international commitments of Georgia (Partnership and Cooperation Agreement - PCA, Council of Europe - CoE, Organisation for Security and Cooperation in Europe - OSCE and the United Nations - UN).

Georgia has made significant progress in reforming its Criminal Justice System since 2005, when the first Criminal Justice (CJ) Strategy, drafted with the assistance of the EU Rule of Law Mission (EUJUST Themis), was adopted. This document served as a baseline in formulating the first EU Sector Policy Support Programme (SPSP) in Criminal Justice in 2008. Since then, sector reforms have intensified under the leadership and management of the Criminal Justice Inter-Agency Coordinating Council (ICC) and its operational secretariat.

The initial Strategy and its Action Plans were reviewed throughout 2009-2010 in a consultative process. The Strategy objective is to improve and deliver quality public services in the area of Criminal Justice. The strategy includes 11 chapters³, out of which 5 will be supported through this SPSP (key aspects are provided between brackets):

- Juvenile Justice (prevention, fair trial and due process, alternatives to prosecution and detention, social reintegration);
- Penitentiary (implementation of new Code of Imprisonment, reduction of prison overcrowding, improvement of prison conditions, healthcare and legal protection);
- Probation (improvement of legal framework, institutional capacity building, individual sentence planning, rehabilitation);
- Legal Aid Service (increasing accessibility and capacities, quality of professional services, public awareness);
- Office of the Public Defender (increasing independence and accessibility, awareness, National Preventive Mechanism against Torture and ill-treatment).

Governmental reform policy and relevant interventions are generally in line with EU development objectives and policies, as assessed by the Delegation and confirmed by 2-expert team which visited Georgia in 2010⁴. Reforms do occur in line with policy and strategic plans, although with delays in limited circumstances (e.g. passing of key legislation). The results of a Georgian crime survey carried out in 2010⁵ state "Georgia has become one of the safest places in the Western world", but improvements are necessary in terms of crime underreporting and victims' satisfaction with treatment received by the police and other authorities. Continuous efforts are needed to ensure effective implementation of new legislation.

³ New Criminal Procedure Code; Legislation on Administrative Offence; Juvenile Justice; Penal System Reform; Probation; Legal Aid Service; Prosecution; Police; Judiciary; Legal Education; Office of the Public Defender; available at: http://www.justice.gov.ge/index.php?lang_id=ENG&sec_id=255

⁴ The team reviewed progress in Criminal Justice reforms under ENPI AAP2008 SPSP (2008-2010) and provided guidance in designing future EU Justice support programmes (See report annexed to the IF)

⁵ Carried out by GORBI-GALLUP International Centre with the EU financial support, published on: www.justice.gov.ge

Other shortcomings observed are high conviction rates resulting inter alia in high number of prison population (reaching over three-times the EU average), lack of independence and trust in the judiciary⁶, excessive use of force by law enforcement officers, inadequate detention/health conditions and high sanctions set by Criminal Code in spite of recent changes on sentencing policies. Despite clear progress in some areas achieved in the framework of the 1st EU Criminal Justice Reform (CJR) SPSP, comprehensive reforms of this sector require a long-term commitment. This justifies the need for continuing EU support to Government of Georgia (GoG) Criminal Justice (CJ) reforms, particularly in: sector management, juvenile justice, penitentiary, probation, legal aid and public defender⁷.

(1) *Main findings of the assessment of the sector budget and its medium term financial perspectives*

Criminal Justice is not a clearly delineated sector within the context of the budget and is covered under a number of different institutional budget lines:

- Policies and the Public Prosecutor under the Ministry of Justice (MoJ);
- Prisons, probation and legal aid under the Ministry of Corrections and Legal Assistance (MCLA);
- Judiciary under separate budget lines for the Supreme and General Courts (the latter also including the High Council and High School of Justice);
- The police under the Ministry of Internal Affairs (MoIA);
- The National Preventative Mechanism under the Office of the Public Defender.

Budgetary allocations for FY2011 are: Supreme Court (GEL 6.0mn); General Courts (GEL 30.9mn); MoJ (GEL 68.7mn); MCLA (GEL 105.5mn); MoIA (GEL 566.0mn) and the Office of the Public Defender (GEL 2.1mn)⁸. Although it is often difficult to trace particular expenditure items in the budget as approved by the Parliament, the ENPI AAP2008 SPSP CJ has promoted the definition of a budget for implementation of the CJ Reform Action Plan within each of the relevant agencies. The MoJ and the MCLA were pilot institutions for the introduction of programme budgeting, followed by other CJ institutions (Judiciary, MOIA, Public Defender's Office). As a consequence, FY2011 budget submission and FY2011-14 Basic Data Directions document (BDD) already present identifiable costed programmes for the implementation of CJ Action Plan and ensure availability of adequate funding from the budget.

In this context, the Inter-Agency Coordinating Council, in coordination with line ministries and the MoF, reviewed the medium-term budget for implementation of the CJR Action Plan. The total estimated cost for CJR for 2010-2013 was GEL80.2 million, increased to GEL 101.1 million⁹ for 2011-14. EU assistance to the CJ sector will continue strengthening the budget process and supporting an efficient allocation of resources, ensuring synergies with improvements promoted through the ongoing EU AAP2010 SPSP on Public Finance Management.

(2) *Description of the coordination process with the beneficiary country and other donors*

EU-Georgia policy dialogue on CJ and human rights issues is institutionalised at both political and technical level. Coordination with EU Member States is ensured through various means (e.g. monthly development counsellors meetings, ad hoc working groups or involvement in the drafting of the current SPSP). EU conducts regular consultation with (legal) national and international Civil Society Organisations.

⁶ <http://www.oecd.org/dataoecd/8/6/44997416.pdf>

⁷ see the attached draft policy reform matrix

⁸ The increase of the budget in the amount of GEL 23.4 million is mainly due to increase of non-financial assets for non criminal justice related areas such as the Data Exchange Agency LEPL by GEL 2 million, Civil Registry LEPL by GEL 17 million, for the Public Registry LEPL by GEL 10 million

⁹ Figures may not include all donor contributions and salaries for some staff categories

Criminal Justice sector coordination is led by the Government through its effective Inter-Agency Coordinating Council. This Council is co-chaired by the MoJ and MCLA and has a functional Secretariat in charge of advancing the CJR policy agenda. There are thematic working groups on all key areas of CJ reform on sub-sector level that regularly discuss policy and implementation/monitoring arrangements. Each working group is made up of representatives of justice institutions; local and international experts; donors and international organisations. The Inter-Agency Coordinating Council deliberates its decisions in an inclusive and participatory way and disseminates information widely¹⁰. The Sector management is in line with aid effectiveness agenda (Paris Declaration, Accra). A Memorandum of Understanding between the Government and key donors was signed in 2010 including the EU, UN and Norway (US, a major donor in the sector, also committed to apply its principles).

Effective sector management, inter-sector consultation and coordinated planning in criminal justice sector will be monitored through conditions under this SPSP.

(3) *Assessment of institutional capacity*

Since Criminal Justice (CJ) has been a priority for the Government, its line ministries have benefitted not only from strong political backing but also from infrastructural improvements and increases in budget and personnel. However, institutional and organisational limitations remain, in particular for MCLA, which has been created as an independent ministry only 2 years ago. Regarding decentralisation issues, there are great disparities between the capital and the regions, where similar structures to the Inter-Agency Coordinating Council at regional level exist since 2010.

Some of the goals common to many institutions are to minimise staff turnover, to enhance staff skills, to reinforce human resource management and monitoring capacities and to achieve closer integration between budget planning and policy management. Other institutional challenges are to increase access to services (e.g. Probation and Legal Aid) and to secure sufficient public funding. Penitentiary has to face the alarmingly growing prison population and the (positive) planned transfer of the Medical Care in prisons from the MCLA to the Ministry of Health by 2013.

Organisational and capacity weaknesses are and will continue to be addressed with EU TA support under this proposal or other means (e.g. Public Defender will benefit from the EU Comprehensive Institution Building programme).

(4) *Overall framework for performance monitoring for the implementation of sector policies and strategies*

The overall framework for performance monitoring for the implementation of sector policies and strategies is conducted by line ministries in coordination with the Ministry of Finance. The Inter-Agency Coordinating Council Secretariat is responsible for monitoring the implementation process of the Criminal Justice Strategy and Action Plans, which were amended in 2010 to reflect more detailed targets, actions and related expenditures on annual and medium term basis, with line agencies responsible for their own targets. The Inter-Agency Coordinating Council also consolidates and publishes semi-annual annual monitoring and Annual Progress reports covering all Strategy areas with inputs from focal points of working groups and donors (including EU).

Means of verification and baseline are generally available and of an acceptable quality. Monthly CJ statistics are available since May 2010 with efforts of key Ministries geared towards unified CJ statistics. The EU is also providing funding for a 2 year nation-wide crime survey initiated by the MoJ to serve as a complimentary data source (see first survey attached). Some areas may still require further progress, such as enhancing capacity to build and run systems concerning budgeting and financial management, and in particular strengthening capacities for strategy development, planning and monitoring of Action Plans.

(5) *Macroeconomic framework*

¹⁰ Transparency is ensured by posting ICC documents (strategies, Action Plans, reports, assessments, etc) on the MoJ website (www.justice.gov.ge)

The government of Georgia is following its economic policy priorities that imply gradual reduction of fiscal deficit and rebuilding investors' confidence. Tax revenues, a major source of state budget receipts, will be increased by 15%. The projections are based on the continuing economic recovery and enhancement of administrative tax measures. For further details, see IMF reviews.

(6) Public Financial Management

The expenditure priorities remain the same. Investing in large infrastructure projects remains the government priority in 2011. There is no major increase in financing of different sectors including social or healthcare. However, the slight budget increase of the Ministry of Agriculture can be considered as a positive step that the authorities will focus on agriculture development more in future. (See annexed note on State Budget 2011). For further details, see EU PFM Annual Monitoring Report.

2.3. Eligibility for budget support

Georgia already meets the eligibility criteria for budget support: (i) a well defined sector policy is in place; (ii) a sound macroeconomic policy; and (iii) a satisfactory trend in public financial management. Positive prospects regarding (i) and (ii) suggest that these conditions will remain at the end of formulation.

2.4. Lessons learnt

Based on the experts' findings, lessons learnt from EU-Georgia policy dialogue, other donors' experiences, and last Results Oriented Monitoring reports on the ongoing SPSP, and given the opinion of relevant Civil Society Organisations, we can conclude that there is a need for deepening EU's engagement in and support to the CJ sector reform. Support can be geared to reinforce implementation of new laws (Codes of Criminal Procedure and Imprisonment), strengthening institutional capacities and sector management (increased participation of Judiciary, Prosecution, Police and Civil Society Organisations/Non-State Actors at working groups). To sustain and further ensure results in the core justice areas, taking into consideration aid effectiveness agenda and programmes of the other major donors in the sector, SPSP will mainly focus on: Penitentiary, Juvenile Justice, Probation, Legal aid and Public defender's Office.

2.5. Complementary actions

TAIEX and Twinning operations may be used to complement the Technical Assistance provided to justice sector institutions under this SPSP Programme.

The EU is the main partner of the government in the CJ sector (with more than EUR 37 million committed since 2001 including complementary instruments like the European Instrument for Democracy and Human Rights¹¹). Other major donors are: USAID, USDOJ, UN agencies (namely, UNICEF, UNDP), Government of Norway (through a permanent legal advisors team) and the Council of Europe (involved mainly in international standards).

USAID provides long-term comprehensive assistance to the judiciary, with a USD 4 million programme for (1) Judicial Administration Reform and (2) Judicial Independence and Legal Profession Development Programme (USD 18 million). Some EU MS are also active in the sector (i.e. DK, DE, NL, FR, PL). Complementarity is ensured at all stages of programme identification, formulation and implementation by the Inter-Agency Coordinating Council and donors/EU's efforts.

2.6. Donor coordination

Coordination is ensured by Inter-Agency Coordinating Council and has been enhanced with the signature of the Justice MoU¹². According to the Memorandum, the Government hosts semi-annual coordination meetings with all donors and civil society with clear objectives of reporting on the progress in CJ reforms and planning actions for the subsequent year. These meetings have already taken place in 2009 and 2010. EU MS active in Georgia have followed closely the formulation of this

¹¹ see attached list of actions

¹² see section 2.2(2).

SPSP¹³.

An informal working group on penitentiary has been set up, an area of special relevance for most active EU Member States in CJ (DE, NL and FR). On policy dialogue issues, (interested) EUMS participate in bi-annual meetings with donors and CSO organised by the Inter-Agency Coordinating Council and other related fora (e.g. rule of law roundtables, EU human rights focal point meetings).

3. Description

3.1. Objectives

The overall objective of the SPSP is to strengthen the rule of law and human rights protection in Georgia¹⁴. The purpose or specific objective is to improve the criminal justice sector in Georgia by advancing reforms in line with international standards and by enhancing and sustaining results already achieved under the first SPSP (ENP AP 2008) in Criminal Justice.

3.2. Expected results and main activities

Building up on Georgian National Strategy and Action Plans for the reform of Criminal Justice Sector, as well as the results of the previous EU SPSP in Criminal Justice, the main results below are expected:

1. Sector management and consultative mechanism fully operational
2. Juvenile Justice improved in line with UN Convention of the Rights of the Child
3. Improved conditions in penitentiary institutions in terms of: promoting reduction of overcrowding, improved living standards, health and legal safeguards for inmates in closer compliance with European Prison Rules and recommendations from the relevant Council of Europe bodies
4. Improved compliance of the Georgian Probation service with European Rules on Community Measures and UN Standard Minimum rules for Non-Custodial Measures
5. Strengthened Capacity of the Legal Aid Service to effectively provide legal representation to those who qualify
6. A strong and independent Public Defender's Office acts as Georgia's primary domestic human rights watchdog
7. Increased public confidence in justice institutions (including the judiciary and law-enforcement authorities)
8. A new Criminal Code in line with CoE standards drafted

Activities will be geared to achieve conditions/indicators of the attached policy matrix, indicatively they will entail:

- Strengthening of capacities of the justice sector institutions, Inter-Agency Coordinating Council and other relevant stakeholders;
- Increasing compliance of legislative framework and policies with international/Council of Europe standards (as well as Georgia's own commitment)s;
- Strengthening sector-wide consultation and participatory process for updating policies/action plans (i.e. Torture);
- Implementing effectively the new Criminal Procedure Code and Code of Imprisonment;
- Improving access to justice and to quality defence for all those who qualify (i.e. women, minorities);
- Strengthening comprehensive juvenile justice system (including provision of education);
- Promoting decrease in prison population through i.a. liberalization of criminal policies, increased use of non-custodial sentences, community orders, reinforced use of probation and early release through parole;

¹³ regular updates at EU development counsellors' meetings, ad hoc presentations and e-mail exchanges

¹⁴ For the objectives and key elements of the sector programme, please refer to section 2.2.(1).

- Improving detention conditions (including medical treatments) in line with the recommendations of the Council of Europe Committee for the Prevention of Torture (CPT) and implementation of policies designed for rehabilitation and social integration;
- Reinforcing of monitoring functions of Public Defender Office and its capacity to act under NPM;
- Foster deeper engagement of Inter-Agency Coordinating Council with non-state actors (including academia), Regions and Local Authorities in policy formulation process and in structured monitoring of CJ Reforms.

3.3. Risks and assumptions

Risks: (1) Geopolitical tensions in the Caucasus or economic crisis divert Government's focus and resources allocated to Criminal Justice reform; (2) Increase of crime rates hinder government efforts in reduction of prisons overcrowding; (3) Ineffective implementation of new Codes; (4) lack of commitment to engage with key NSA and (5) high turnover of staff might jeopardise CJ reforms and policy dialogue; (6) Polarisation of society deepens and human rights situation deteriorates.

The Delegation will closely monitor and react to mitigate the occurrence of any of above-mentioned risks by, among others, allocating human, financial and diplomatic resources to (1) minimise geopolitical tensions, (2) keep CJR and implementation of new Codes high on EU-Georgia political dialogue and (3) prioritise Non State Actors active in legal issues in upcoming calls for proposals under the EIDHR and NSA programmes.

Assumptions: Government's ownership of CJR and increases state budget allocation to the Criminal Justice sector; predictable and sustained engagement from international partners continues, hence increasing sustainability of the SPSP.

3.4. Stakeholders

The main State Institutions involved in the Criminal Justice Reform are the Ministry of Justice (MOJ) and the Ministry of Corrections and Legal Assistance (MCLA). The former includes the State's Prosecutors Office, while the latter oversees: Penitentiary, Probation and Legal Aid services. At government level, other stakeholders are the Ministry of Interior (MOI), the Ministry of Education and Science and the Ministry of Finance (MoF). Other state authorities and institutions, such as the Judiciary, the Public Defender's Office (PDO) of Georgia and the Georgian Bar Association (a mandatory association for all practicing lawyers) is yet another important stakeholder of SJ reforms.

The current involvement of Non-State Actors in the CJ reforms will continue being fostered under this SPSP with reinforced engagement of academia and professional associations (Bar and Judges' association). Civil society partners are both international and national NGOs assisting in CJ reforms implementation, in policy-making and as service providers operating inter alia on EU funding (through EIDHR).

3.5. Crosscutting Issues

Gender equality, good governance and human rights are mainstreamed and indeed make integral part of the proposed SPSP.

4. Implementation issues

4.1. Methods of implementation

Methods of implementation: direct centralised management and joint management

The **budget support** will be untargeted (channelled into the Unified Treasury Account of the Government of Georgia).

The **Complementary Technical Assistance** will be implemented through several contracts.

Complementary Technical Assistance (TA) has been foreseen to accompany reforms under the Government strategy, as it proved successful and useful under the ENPI2008 SPSP in Criminal Justice. The indicative content and allocation of the TA component has been discussed with and endorsed by the relevant services within the Government.

TA will provide expertise in sector management and CJ strategy sub-areas, including legislative drafting. It will facilitate the provision of training, seminars, workshops, studies/services, education of CJ staffs, visibility and other actions related to capacity-development of key justice institutions, in order for them to implement CJ reforms effectively. Contracts with Non-State Actors might also be foreseen to promote their engagement in the CJ reforms.

Following a request from the beneficiary, and given a positive cooperation experience with UNICEF in the domain of Juvenile Justice under the previous SPSP, a follow-up contribution agreement with UNICEF is envisaged (see section 4.3 below).

Additional Technical Assistance will be contracted according to beneficiary and programme needs applying EU procedures for procurement and award of grants (direct centralised management mode) or through signature of Standard Contribution Agreements (under joint management mode) with an international organisation (e.g. UNDP, UNICEF, UNODC, Council of Europe, International Management Group), including the possibility of full financing.

4.2. Procurement and grant award procedures

1) Contracts

All contracts implementing the action must be awarded and implemented in accordance with a) the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question or b) procedures and standard documents laid down and published by the International Organisation concerned in the case of joint management.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by ENPI. Further extensions of this participation to other natural or legal persons by the concerned authorising officer shall be subject to the conditions provided for in articles 21(7) ENPI.

2) Specific rules for grants

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions. The maximum possible rate of co-financing for grants is 80%. Full financing may only be applied in the cases provided for in Article 253 of the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget of the European Union.

3) Joint management

All contracts implementing the action are awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

4.3. Budget and calendar

The EUR 18 million allocated to this action are indicatively broken down as follows:

Untargeted budget support: EUR 15.5 million to be disbursed in 3 instalments: the first and the second ones of maximum EUR 5 million each, and the third one of maximum EUR 5.5 million. Tentatively, the 3 instalments will be paid on a yearly basis over the 3-year duration of this programme.

All budget support tranches will be composed of a Fixed and a Variable Tranche, the Fixed Tranche will be linked to conditions on: a) Sound macroeconomic framework; b) Sound Public Finance and Fiscal Management; c) Fully operational sector management and consultative mechanism. The Variable tranche will be disbursed following compliance with specific conditions linked to sub-sector priorities and will be paid provided that at the time of the review all general conditions are met. The amount of each instalment allotted to variable and fixed tranches is currently under negotiation with the relevant services of the Government of Georgia and will be detailed in the Technical and Administrative Provisions (TAPs) to be annexed to the Financing Agreement.

If some specific conditions or indicators for year 1 and 2 are not fulfilled at the time of their planned review, their evaluation could be carried over to the subsequent year(s) and the attached allocations

disbursed once those conditions/indicators are met. This will apply only to certain predetermined indicators (to be detailed in the TAPs and Policy Reform Matrix).

Complementary Technical Assistance: EUR 2.5 million out of which a tentative breakdown will be: EUR 1.9 million for Technical Cooperation Support and Capacity Building; EUR 150,000 for signature of a contribution agreement with UNICEF; EUR 350,000 for independent experts' reviews throughout 3 years, audit (if Commission decides to exercise its right to undertake audits) and ex-post evaluation; EUR 100,000 for visibility/ promotion of wide- scale sector policy consultations. All these allocation are tentative and will be adapted to Partner Government needs and requests in line with the provisions of the Backbone strategy and Commission Technical Cooperation guidelines.

Foreseen operational duration is 36 months as from signature of Financing Agreement for the budget support component and from the signature of the contracts/contribution agreement for the complementary technical assistance.

4.4. Performance monitoring and criteria for disbursement

The proposed budget support programme will be subject to a number of conditions and benchmarks at present still under discussion with relevant Government Services and presented in the draft Policy Reform Matrix in Annex. Most of the Conditions and Indicators have been drawn from existing Government Strategy and Action Plan for Criminal Justice Reforms and are linked to results in the areas listed under section 3.2.

As most of EuropeAid Standard Indicators in the area of Good Governance refer to elections, civil society and decentralisation they are not considered relevant to the area of Criminal Justice covered under the proposed SPSP. However, EuropeAid instructions and indicators methodology have inspired the attached draft policy matrix, especially the emphasis on enhancing cooperation with NGOs in policy consultations.

4.5. Evaluation and audit

The SPSP will be subject to annual reviews to assess compliance with conditions/indicators before the disbursement of any instalment.

4.6. Communication and visibility

Communication and Visibility plan will be drafted and coordinated between the EU Delegation and the Government of Georgia in the first semester after signing of the Financing Agreement.