

# **'Evaluation of governance, rule of law, judiciary reform and fight against corruption and organised crime in the Western Balkans'**

LOT 2 – FINAL REPORT

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**Albania, Bosnia & Herzegovina, Croatia, Kosovo<sup>1</sup>, Former Yugoslav Republic of Macedonia, Montenegro, Serbia**

**The views expressed in this report are those of the Consultants and not necessarily reflect those of the Commission. This document has not been edited.**

*May 2012*

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

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## List of abbreviations

|          |  |
|----------|--|
| ACA/ACC  | Anticorruption Agency or Anticorruption Commission   |
| AI       | Amnesty International  |
| ABA ROLI | American Bar Association Rule of Law Initiative  |
| CIMAP    | Comparative Indicator-based Monitoring of Anti-corruption Progress Initiative                  |
| CSO      | Civil Society Organizations  |
| EC       | European Commission  |
| EUD      | Delegation of the European Union   |
| FIU      | Financial Intelligence Unit  |
| GRJCO    | Governance, Rule of law, Judiciary reforms and fight against Corruption and Organised crime    |
| GRECO    | Group of States against Corruption   |
| HRW      | Human Rights Watch   |
| ICRC     | International committee of the Red Cross   |
| INCB     | International Narcotic Control Board   |
| INCSR    | International Narcotic Control Strategies Reports  |
| IO       | International organisation   |
| IPA      | Instrument for Pre Accession Assistance  |
| JHA      | Justice and Home Affairs   |
| JLS      | Justice Liberty and Security   |
| LE       | Law Enforcement Agencies   |
| MIPD     | Multi-annual Indicative Planning Document  |
| NGO      | Non-governmental organisation  |
| NIS      |  |
| OSCE     | Organization for Security and Cooperation in Europe  |
| PR       | Progress report  |
| SAA      | Stabilisation and Accession Agreements   |
| SAP      | Stabilisation and Accession Programmes   |
| TI       | Transparency International   |
| OMCL     | Network of Official Medicines Control Laboratories (Council of Europe)                         |
| SMART    | Specific Measurable, Attainable, Result-oriented and Time-bound                                |
| SIGMA    | Support for Improvement in Governance and Management in Central and Eastern European Countries |
| TAIEX    | Instrument for Technical Assistance and Information Exchange                                   |
| UN       | United Nations   |
| UNCAC    | United Nations Convention against Corruption   |
| UNODC    | United Nations Office on Drugs and Crime   |
| WB       | World Bank   |

## Executive summary

The overall objective of this evaluation is to support EU's efforts for strengthening Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime (GRJCO) in the Western Balkans, namely in Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia in the context of EC enlargement policy.

The evaluation is divided into 3 lots, covering the following areas:

- Lot 1: An independent evaluation on the performance of financial assistance and supported reforms in the area of Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime, including reporting of lessons learned.
- Lot 2: Identifying and developing possible SMART objectives and indicators of measurement to support programming and monitoring of performance of financial assistance and reforms in the areas Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime.
- Lot 3: Providing operational recommendations to assist the European Commission, DG ELARG in the programming of future pre-accession assistance to candidate and potential candidate countries in the specific areas of Judiciary and Fight against Corruption and Organised Crime. This should include identifying good practices in other countries and how they could be applied to the enlargement countries.

This report covers Lot 2, commissioned by the European Commission, DG Enlargement, Operational Audit & Evaluation Unit in December 2010, aimed at the following purposes:

- Assisting the EC in further developing and strengthening its assessment tools in the area of Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime<sup>2</sup>;
- Providing recommendations for improving the assessment process and tools in the above areas, including providing recommendations on possible SMART objectives and indicators of measurement of performance of financial assistance and reforms in the above areas.

The ToR specified the following evaluation questions for Lot 2:

- Which are the weaknesses and strengths of the different sources and tools used by the Commission to assess the areas covered by this evaluation?
- Are there additional/available sources and tools which could be used?
- How reliable and relevant are the available tools and sources?
- How could the Commission improve and strengthen its current assessment approach?
- How can the tools be combined and weighed?
- How can these tools be better embedded into the programming, monitoring and evaluation of EU pre-accession assistance?

The evaluation team has followed a four steps approach:

1. Identify the most scope or coverage for each area of GRJCO.
2. Identify a comprehensive list of objectives for each area with attainable parameters or benchmarks
3. Identifying for each objective a “basket of indicators” that combines process indicators with performance indicators.
4. Identify the potential verification sources, on the basis of which the contribution to the objectives can be measured along the criteria that have been determined with the indicators.

This way, also the effects of EC mid-term financial assistance can be planned and monitored.

Chapter 1 contains the executive summary, background information and an explanation of the methodology applied by the evaluation team.

Chapter 2 presents the identification and development of possible SMART objectives and indicators, and reviews the use of available verification sources. The identification of objectives begins with a brief overview over the scope or coverage of the areas that represent the GRJCO. For the indicators and verification sources a suitable ‘basket’ has been proposed in order to create an appropriate instrument to support programming and performance monitoring. Objectives, indicators and verification sources are summarised in Annex 1. The annexes 2 to 4 present lists of parameters that define the scope or coverage for Judiciary Reform, the Fight against Corruption and against Organized Crime.

Chapter 3 reviews a number of international sources and tools relevant to additionally assess progress in the field of GRJCO. Further descriptions of these sources and tools are offered in Annex 5. The last section of chapter 3 presents operational recommendations to improve assessment process.

Chapter 4 presents main conclusions and recommendations in accordance the purpose of the Lot 2 assignment and the evaluation question.

Summary of the main findings:

1. So far the EU support to GRJCO is based on the EU *acquis communautaire*. The list of the *acquis* is available at [http://ec.europa.eu/justice/criminal/law/index\\_en.htm](http://ec.europa.eu/justice/criminal/law/index_en.htm). What is considered "acquis" summarized in the Opinion questions (see Opinion questions on Albania in Annex 6). The *acquis* on organised crime is limited: basically the main obligation is the signature and implementation of the UN conventions against organised crime, drugs and human trafficking
2. In accordance with the ToR the evaluation team identified and developed six mid-term objectives are proposed in the field of Judiciary Reform, six in the field of measures against corruption, and five objectives in the field of measures against organised crime. Mid-term refers to the period 2014 – 2020. Priorities and target values will have to be set in the follow-up of the Lot 2 assignment.

3. For each of the objectives, the evaluation team proposes a balanced basket of indicators. In addition, the evaluation team assesses the availability of each proposed indicator and recommends in which sources the indicators are to be found. The combination of indicators contains progress or law indicators and performance or achievement indicators. Process indicators concern the existence of an integrated legal framework for the areas consisting of legislation, by-laws, provisions and registers. Performance indicators contribute to verifying law adoption and enforcement by the executive and judicial powers of countries. Next to performance indicators based on registers and statistics, the use of qualitative or perceptive indicators have been proposed, some of these still have to be designed – including their verification sources – and implemented.
4. Subsequently the evaluation team examined the existing verification sources for all indicators. Available sources have been identified for all indicators. Core is the information available within the national administrations, and added with internationally available sources. Specifically the interpretation of other verification sources need to cross-checked with other sources with the aim to assess progress on the objectives of the EU financial assistance. However, further evaluation is required to check the availability of data sources for the proposed objectives and indicators. Such an evaluation should include the provision of coherent and comparable data across the countries, and should be provide base line information and target values.
5. The evaluation team concludes that all selected tools and sources are potentially relevant to assess progress but that all have limitations in terms of geographic and sector coverage and in terms of assessment methodology. In terms of methodology, most of the sources focus on a limited number of parameters and assess predominantly progress in terms of processes achieved instead of changes as experienced by the population. The review finds that the following seven sources are the most relevant to assess progress and therefore are more able to effectively assess progress in the field of GRJCO. Judicial Reform Index, MONEYVAL report, GRECO report, Global integrity index, CIMAP, INCSR reports and WJP Rule of law index.
6. The conclusions and recommendations follow the sequence on objectives, indicators and verification sources. The latter in response to the evaluation questions. The formulation of conclusion and recommendations mainly reflects programming and operational aspects for the upcoming EU pre-accession assistance.

# 1. Introduction

## 1.1 Objective and purpose

This report is the final report of Lot 2 of a thematic evaluation of the EU's efforts to support the strengthening of Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime<sup>2</sup> in the Western Balkans in the context of EC enlargement policy. It covers the following countries: in Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia<sup>3</sup>, Kosovo, Montenegro and Serbia.

The purpose of Lot 2 is defined in the TORs as follows: “to assist the EC in further developing and strengthening its assessment tools in the area of Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime; to provide recommendations for improving the assessment process and tools in the above areas, including providing recommendations on possible SMART objectives and indicators of measurement of performance of financial assistance and reforms in the above areas”.

Before evaluating the assessment process and tools it is necessary to set the reference criteria. For this reason the report begins with recommendations on possible SMART objectives and indicators.

The TORs indicate that when assisting the EC in further developing and strengthening its assessment tools and providing recommendations for improvement, the experts will:

1. identify and assess existing assessment tools and their use by the Commission;
2. assess the comprehensiveness, availability and reliability of the tools; and
3. make recommendations as to whether the Commission should use additional tools, how these tools should be combined and how they could be better embedded into the programming, monitoring and evaluation of pre accession assistance.

The TORs identify six evaluation questions:

1. Which are the weaknesses and strengths of the different sources and tools used by the EC to assess the areas covered by this evaluation?
2. Are there additional/available sources and tools which should be used?
3. How reliable and relevant are the available tools and sources?
4. How could the Commission improve and strengthen its current assessment approach?

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<sup>2</sup> GRJCO in the rest of the report

<sup>3</sup> FYROM in the rest of the report



5. How can the tools be combined and weighed?
6. How can these tools be better embedded into the programming, monitoring and evaluation of EU pre-accession assistance?

## 1.2 Scope of the evaluation

The TORs request to assess available data sources and tools in five areas of Governance, Rule of Law, Judiciary Reforms and Fight against Corruption and Organised crime (hereafter referred to as GRJCO). The TORs define these five areas as follows:

1. **Governance:** Governance related issues should be taken into consideration, as far as they influence the impact and sustainability of pre-accession assistance and the reform process in the areas Rule of Law, Judiciary Reform, Fight against Corruption and Organised Crime.
2. **Rule of Law:** any activity supporting the legal certainty and predictability of administrative actions and decisions, referring to the principle of legality as opposed to arbitrariness in public decision-making.
3. **Judiciary:** A functional and effective judiciary system requires that independence of judges and autonomy of prosecutors is assured to avoid political influence on their work and careers. Impartiality and independence of the judiciary system will be possible only with an adequate legal structure, institutional setting and political commitment. To be functional, the judicial system also needs sufficient capacity in terms of staff, skills, infrastructure and operational budget.
4. **Corruption:** A commonly used definition of corruption (EC, UN, World Bank) is 'the abuse of public office for private gain'. This definition does not include all kind of corruption but focuses on corruption where the public sector is involved.
5. **Fight against Organised Crime:** Organised crime can be defined as the unlawful activities of an organised, disciplined association. Organised crime's activities are difficult to be listed exhaustively but include a number of illicit activities such as illicit trafficking, counterfeit, fraud, bribery of public officials or money laundering.

## 1.3 Methodology

Prior to the evaluation of the assessment tools and sources it is necessary to 'identify and develop possible SMART objectives and indicators of measurement to support programming and monitoring of performance of financial assistance and reforms in the GRJCO areas'.

After proposing the possible objectives and indicators the availability of verification sources has been identified for each of the indicators. Core of this identification is the national administration in the receiving countries. With this identification the relevance and reliability has been assessed, paying attention to gaps and weaknesses. For these gaps and weaknesses proposals have been integrated in the report for additional verification sources.

Specifically for qualitative or perceptive indicators the design and development of surveys have been proposed.

This assessment focuses on tools and sources potentially useful to assess the impact of EC financial assistance on GRJCO. In the context of this evaluation, the concept of “**tools**” refers to the method designed by the EC to produce information potentially relevant to assess progress in the field of GRJCO. The concept of “**sources**” refers to information directly accessible by the EC in the field of GRJCO.

Based on the interviews with EUDs and EC/A1 the evaluation team identified 26 sources and 5 tools. It is observed that these sources have international origins, and should therefore be applied additional to the set of verification sources available in the national administrations. The sources and tools, referred to in the interviews, were selected on the basis of the following criteria:

- a) assessments/reports have to cover at least two Balkan countries,
- b) assessments/reports have to cover at least one area of GRJCO and
- c) assessments/reports have to be regularly updated

Each source and tool was assessed based on three main criteria:

- a) contribution to the objectives and indicators, including findings on availability, relevance and reliability (in chapter 2), and in chapter 3:
- b) the extent of its coverage of the sector of GRJCO,
- c) the extent of its geographic coverage and regularity of assessment and
- d) the type of indicators used to assess progress

As concerns the type of indicator used to assess progress, an important distinction is made between indicators focussing on **processes** and indicators focussing on **performance**. Process indicators<sup>4</sup> assess the existence of the necessary institutional framework and implementation capability. Typical process indicators include: strategies, plans, policies, legislations, regulations, operational budget, etc. Performance indicators<sup>5</sup> provide information about the practical consequences of efforts put in place by authorities. Performance indicators permit measuring to what degree new regulations resulted in, for example, better access to justice as experienced by the population.

Findings of this report are based on a review of relevant documents, European Union Delegation (EUD) responses to a questionnaire developed by the project team (attached in annex 10), and supplementary interviews with EUDs, EC and a number of other institutions. The list of interviews and meetings is attached as annex 7. The list of the main documents consulted is available in annex 8. A planning table of the evaluation is available in annex 9.

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<sup>4</sup> In the literature process indicators are sometimes referred as “legal indicators”, “input indicators”, “*de jure* indicators”, “commitment indicators”, or “responsibility indicators”.

<sup>5</sup> In the literature “performance indicators” cover the same concept as “output indicators”, “outcome indicators”, “*de facto* indicators” or “indicator in practice”.

## 2. Options to improve and strengthen the assessment approach and EU pre-accession assistance

### 2.1 Approach to improve assessment of EU pre-accession assistance

A challenge when assessing progress in the field of GRJCO is the lack of consensus on the exact scope of GRJCO<sup>6</sup>. This leads to a difficulty to identify consensual parameters against which progress can be assessed and therefore a difficulty in identifying relevant objectives and indicators suitable to measure progress against these parameters<sup>7</sup>.

By way of example below a brief overview of GRJCO related "objectives and indicators" for the Multi-annual Indicative Planning Document – MIPD of the Former Yugoslav Republic of Macedonia, Kosovo and Montenegro for 2009-2011:

The Former Yugoslav Republic of Macedonia: objectives are non-specific for the determination of achievement indicators:

- *The functioning of the judicial system and the police will have substantially improved;*
- *A professional public administration is substantially established, where administrative functions are separated from the political ones, career development is merit-based and the code of ethics is respected; and*
- *The key laws and organisational structures for sound public financial management have been established and are operational.*

This list of objectives is limited. The last one could lead to achievement indicators when referring to concrete benchmark values.

The MIPD of Kosovo leads to three objectives and indicators related to GRJCO (p17+18):

- *Good governance confirmed by inter alia an increased number of corruption cases detected and successfully prosecuted, an increase in the quality of policy formulation/legislation drafted (as measured by a reduction in the time spent on its adoption, international expert opinion) and the effects of its implementation (as measured by legislation-specific benchmarks), at all levels*
- *An increased number of criminal cases detected, prosecuted and judged, confirming a strengthened judicial system resulting from the further development of legal education and training, particularly for judges, prosecutors and administrative personnel, a reduced backlog of pending criminal cases resulting from a more efficient management of courts, prosecutor's offices and judiciary processes*

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<sup>6</sup> The UN Convention against Corruption (UNCAC or Merida Convention) and the UN Convention against Transnational Organised crime (Palermo Convention) both indicate the lack of definitional consensus on the concepts of "corruption" "justice reforms" and "organised crime". The exact scope of the concept of Rule of Law is also subject to intense debate.

<sup>7</sup> The lack of consensual definition on the scope of GRJCO also leads to a lack of relevant statistic and official data which further hampers the possibility to assess progress.

- *An increase in the number of cases of organised and financial crime detected prosecuted and judged, adoption of an action plan on integrated border management and signing integrated border management agreements with neighbouring countries, and relevant draft laws allowing for EU-compatible visa, asylum and migration policies drafted.*

The following indicators on GRJCO are included in the IMPD of Montenegro as concerns judicial reforms/corruption:

*Higher numbers of detected cases and final convictions, in particular in the area of financial crimes, organised crime and corruption; increased investigative capacity; increased effectiveness and confidence in the system."*

The MIPD of Montenegro mentions the "Results and indicators will have to be laid down in detail during the annual programming phase.

As concerns Police/corruption:

*Number of criminal cases processed and of international cases solved; number of trained police officers; improved perception of corruption rate; increased number of corruption cases opened and solved; improved cooperation among law enforcement bodies; legislation aligned with UN conventions.*

To propose a structured approach, the methodology presented by the evaluation team consists of four steps.

1. Specify the scope or coverage of areas for each sector of GRJCO.
2. Select among these areas the most relevant objectives with benchmarks for possible EC mid-term financial assistance.
3. Identify a comprehensive list of indicators for each objective (or a "basket of indicators") that combines process indicators with performance indicators. Process or law indicators refer to the existence of the legal frameworks, whereas the performance indicators refer to the extent in which targets are being reached.
4. Identify and assess for each indicator the required sources of verification.

### **2.1.1 Scope of GRJCO**

Specific objectives and indicators for GRJCO used by the EC are dispersed into different components and sub components that may present both gaps and overlaps. Assistance on GRJCO is made under components"

- Institution-building as concerns justice and police reform and
- Cross-border cooperation.

Before elaborating on objectives and indicators it is necessary to propose a further specification of the three areas. The list of these areas, indicated as parameters is presented in Table 6 and elaborated on the basis of the main parameters used in the international conventions.

Table 1: Possible parameters for each three main sectors:

| Rule of law (justice, police, prison)  |   |   |
|--|---|---|
| Judiciary reform   | Corruption  | Organised crime   |
| Performance <ul style="list-style-type: none"> <li>● Public confidence</li> <li>● Access to Justice</li> <li>● Effectiveness and efficiency</li> </ul> Integrity , transparency and accountability <ul style="list-style-type: none"> <li>● Integrity and independence</li> <li>● Transparency and accountability</li> </ul> Treatment of vulnerable groups<br>Capacity <ul style="list-style-type: none"> <li>● Material resources</li> <li>● Human resources</li> <li>● Administrative management</li> </ul> | Prevention aspects <ul style="list-style-type: none"> <li>● Legal and policy frame</li> <li>● Internal/external oversight</li> <li>● Political party funding</li> <li>● Human resource management</li> <li>● Whistle blowing</li> <li>● E-governance</li> <li>● Communication</li> <li>● International cooperation</li> <li>● Participation of civil society</li> <li>● Public procurement</li> <li>● Free media/access to info</li> </ul> Enforcement aspects <ul style="list-style-type: none"> <li>● Legal frame</li> <li>● Anti-corruption agencies</li> <li>● Conflict of interest</li> <li>● Assets reporting</li> <li>● Sanctions</li> </ul> | <ul style="list-style-type: none"> <li>● Legislation and institutional frameworks including regional cooperation</li> <li>● Measures against organised crime (including drugs and human trafficking)</li> <li>● Measures against money laundering</li> <li>● Confiscation and criminal asset recovery</li> <li>● Availability of criminal statistics</li> </ul> |

Based on the scope or coverage of each sub-sector of GRJCO, the evaluation team identified a limited number of relevant objectives. For each of these objectives the evaluation team identified a basket of indicators, leading to 10 to 15 indicators for each of these areas. The list of these indicators and areas is presented in annexes 2 to 4. This list of indicators is indicative and may be complemented with additional indicators based on the specificities of each country.

## 2.2 Intervention logic

### 2.2.1 Overall and programme objectives

The Copenhagen criteria are the rules that define whether a country is eligible to join the European Union. The criteria require that a state has the institutions to preserve democratic governance and human rights, has a functioning market economy, and accepts the obligations and intent of the EU. These membership criteria were laid down at the June 1993 European Council in Copenhagen, Denmark, from which they take their name. Excerpt from the Copenhagen Presidency conclusions:

“Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.”

Most of these elements have been clarified over the last decade by legislation of the European Council, the European Commission and the European Parliament, as well as by the case law of the European Court of Justice and the European Court of Human Rights.

The thematic programme concerns the governance themes specifically with regard to the Rule of Law. The Communication from the Commission to the European Parliament and the Council on the 'Enlargement Strategy and Main Challenges 2011-2012' stipulate concerning the rule of law: *Strengthening the rule of law remains a major challenge for most enlargement countries and is a crucial condition for moving towards EU membership. The Commission continues to prioritise judiciary and public administration reform, the fight against organised crime and corruption, including through its regular monitoring, structured dialogues, peer reviews, institution building, twinning, and financial assistance.*

The following overall objective is proposed:

**Overall objective:**

Contribute to the Copenhagen Criteria for Accession with regard to preserving democratic governance and the achievement of stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

The criteria concerning a functioning market economy are part of the objectives of other programmes. For this reason the evaluation team leaves the formulation of SMART indicators on the overall objective to the Commission.

For the EU support to GRJCO in the Balkan countries a thematic programme will be elaborated. The following is a proposal for a programme objective, in which two aspects for possible improvement are included. The first aspect concerns the assessment of the existing legal frameworks in each of the countries. The second refers to the adoption and enforcement of these legal frameworks.

**Programme objective:**

Contribute to the rule of law in the Balkan countries implying that – before the end of 2020 – government authority may only be exercised in accordance with documented laws, which were adopted through an established procedure. The principle is intended to be a safeguard against arbitrary rulings in individual cases.

The enforcement of the rule of law, notably through judicial reform and the fight against corruption and organised crime remains a major issue throughout the region.

Specific objectives for judicial reform and the fight against corruption and organised crime are proposed in the next section for the time frame 2014 – 2020.

### **2.3 Specific mid-term objectives for Judicial Reform and the Fight against Corruption and Organized Crime**

The evaluation team describes in the following section possible mid-term objectives for EC financial assistance in three sectors: judicial reforms, measures against corruption and measures against organised crime.

Then for each of the specific objectives, the evaluation team identifies indicators, distinguishing between process indicators that refer to the completeness of the legal frameworks and performance indicators that refer to the adoption and enforcement of these legal frameworks. The character of indicators is such that this distinction has also been introduced in the specific objectives.

In addition, the evaluation team rates the **availability of each indicator** recommended (High, Medium, Limited) and stipulates the relevant source(s) where the indicator is available in principle, or identifies the necessary action, where this is not the case.

In most cases these sources are available at national level, and will be marked in general terms, as specifications require further exploration in cooperation with the judicial systems in each country. Whenever possible, external verification sources will be indicated. These external sources will be further explained in a next chapter and with a brief description in Annex 5.

The next section contains an overview of the specific objectives for the areas Judicial Reform, Fight against Corruption and Fight against Organized Crime. In this sequence it is understood that activities for Judicial Reform will also affect Fight against Corruption and against Organized Crime. Objectives and indicators will therefore be equally applicable to these last two areas.

#### **2.3.1 Specific objectives Judicial Reform**

For the verification with process indicators the objective is: To possess a complete and adequate legal framework:

- installing the conditions for increased integrity and independence of Justice
- installing the conditions for improved transparency and accountability of Justice
- ensuring and enhancing full access to Justice
- installing the conditions for improved effectiveness and efficiency of justice
- complying with the conditions for increasing public confidence in Justice as a result of integrity, accountability, effectiveness etc. (real or perceived)
- developing and applying up-to-date material and human resources of Justice

For the verification of the performance indicators concerning Judicial Reform the following objectives are proposed:

- Objective 1: To increase integrity and independence of Justice from ... to ...
- Objective 2: To improve transparency and accountability of Justice up to at least ...%
- Objective 3: To ensure and/or enhance perception of and experience with access to Justice up to at least ...%
- Objective 4: To improve the effectiveness and efficiency of justice with ...% during programme implementation
- Objective 5: To increase public perception of application rule of law from ... to ...
- Objective 6: To develop and apply up-to-date material and human resources of Justice

The improvement of the Justice Management and Administration is included in the objectives 3 to 6.

### **2.3.2 Specific objectives Fight against Corruption**

Anti-corruption is a function of the Copenhagen/Madrid criteria. Objective based on EC policy documents/benchmarks, e.g. *EC anti-corruption policy and 10 principles for candidate countries* (2005), and *Establishing an EU anticorruption reporting mechanism for periodic assessment* (2011).

This objective focuses on the adoption and implementation by national authorities of necessary legislative and institutional frameworks coherent with their obligations following the ratification of the United Nations Conventions and other international Treaties. The sources of international standards, although different in scope, contents and objectives, define a clear international obligation for the countries to ensure institutional specialisation in the area of corruption. The obligations on institutional specialisation under the Council of Europe Criminal Law Convention on Corruption and the UNCAC are mandatory. Further background information is provided in Chapter 2.3.2.

For the verification of the process indicators the proposed specific objective in this area is 'to adopt legislative and regulatory frameworks against corruption coherent with international practices by the beneficiary countries'.

For the verification of the performance indicators concerning the fight against corruption the following specific objectives are proposed:

- Objective 1: Full adoption and implementation of effective legislative and regulatory frameworks against corruption

According to the UNCAC, prevention needs to be addressed at the institutional level, by creation or dedication of a specialised body (or bodies) with anti-corruption prevention and co-ordination functions. Criteria on specialisation in the area of law enforcement, according to the UNCAC and the Council of Europe convention, can be fulfilled either by creation of a specialised body or by designation of an adequate number of specialised persons within existing institutions. The international standards also set basic benchmarks for specialisation: independence and autonomy, specialised and trained staff, adequate resources and powers. Hence:



Objective 2: To strengthen the capacity and improve the performance of the central coordinating anti-corruption institution with ...% during programme implementation.

Monitoring of the anti-corruption policy shall be based on an inter- and intra-ministerial planning system, supervised and coordinated by the ACA/ACC, with the aim to identify existing problems with corruption as well as in the anti-corruption policy framework, in terms vulnerable areas, of laws and practice that need specific response. It is important that the scope of anti-corruption policy monitoring is defined. This should follow the internationally endorsed approach that prevention of corruption is related to an integrity policy and plan, embracing corruption/ bribing, nepotism, cronyism, patronage, fraud and theft, conflict of (private and public) interest, improper use of authority, misuse and manipulation of information, discrimination and sexual harassment, waste and abuse of resources, private time misconduct. This leads to:

Objective 3: Full Adoption and implementation of an inter-ministerial planning system to monitor anti-corruption policy

Integrity audits or corruption risks analysis should be conducted regularly as a self-assessment of each public administrative structure (organisation).

Objective 4: To strengthen the capacity of the beneficiary country to conduct anti-corruption integrity audits in administrative structures in the Executive Power up to at least ...%

Prevention of anti-corruption implies the existence of a (legally based) division of responsibilities and tasks between the central and regional/local, based on the assumption that the regional/local level has a defined responsibility for prevention of corruption. The Convention also encourages State Parties to facilitate cooperation among public authorities and bodies investigating and prosecuting corruption, as well as to analyse in collaboration with experts trends in corruption and the circumstances in which corruption offences have been committed. Therefore:

Objective 5: To strengthen the capacity and improve performance of the beneficiary country to prevent corruption at the regional and local level

Objective 6: To increase effectiveness of enforcement measures against corruption. More cases finalized are an indication of efficiency or reduction of new reporting on corruption cases, and contributes to improving trust in the institutions.

The improvement of the capacity of the beneficiary country to enhance integrity in the public sector is included in the area of Judiciary Reform.

### **2.3.3 Specific objectives Fight against Organised Crime**

These objectives focus on the adoption and implementation by national authorities of necessary legislative and institutional frameworks coherent with their obligations following the signature of the United Nations International Conventions and other International Treaties, such as EUROPOL, International Narcotics Control Board, European Monitoring Centre for Drug and Drug Addiction, UNODC and the Committee on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism.

For the verification of the process indicators the proposed specific objective in this area is ‘to adopt legislative and regulatory frameworks against organised crime coherent with international practices by the beneficiary countries’.

For the verification of the performance indicators concerning the fight against organized crime the following specific objectives are proposed:

- Objective 1: Adoption and implementation by the beneficiary country of effective legislative and regulatory frameworks against organised crime coherent with international practices
- Objective 2: Increased effectiveness of measures against illicit drug trafficking
- Objective 3: Increased effectiveness of measures against human trafficking
- Objective 4: Increased effectiveness of measures against economic crime and money laundering
- Objective 5: To increase effectiveness of measures enabling confiscation of crime-related assets to more reporting, convictions, disciplinary sanctions in public sector

## **2.4 Indicators for the specific objectives in the areas of Judicial Reform and the Fight against Corruption and Organized Crime**

### **2.4.1 Introduction**

This section mainly refers to the indicators and limits the information on the availability of verification sources of these indicators to an indication of high, medium or low. Chapter 2.5 provides a further investigation of the availability and reliability of verification sources, including options for its development.

The evaluation team recommends a limited number of indicators for each objective and to combine these indicators into a balanced basket. The basket approach reflects the fact that indicators need to be combined in order to assess the level of achievement of an objective. As already mentioned, indicators used in isolation are insufficient to assess progress unequivocally. This is partly due to the complexity of the issues to be assessed.

For example complex concepts such as “transparency” or “accountability” are not SMART; as these cannot be measured unambiguously with one indicator, but need to be measured by cross-checking several indicators.

It is also due to the difficulty to obtain reliable and detailed statistics a difficulty which is particularly acute in the field of GRJCO since most of the intelligence activities are ‘secret’ in nature or not easily accessible.

For example, in the case of a project which objective is to reduce abuse in prison, the “number of deaths in prison” could be used as an indicator of abuse, but deaths in prison may also signal the presence of epidemic disease in prison, which represents a different kind of problem. Therefore “number of deaths in prison” is an ambiguous indicator and in order to reduce this ambiguity, needs to be combined with other indicators such as: formal complaints on abuse from prisoners and NGOs’ reports of abuse in prisons. Only when such a basket of indicators goes towards the same aim, it may be assumed that the objective of “reducing abuse in prison” is being achieved.

The evaluation team also recommends combining process indicators with performance indicators. It is important to observe that legislation alone cannot ‘install’ the integrity or effectiveness of the Judiciary. Process indicators can be misleading if used in isolation as progress in terms of laws and principles are not necessarily translated into practices.

Performance indicators are useful, but need to be carefully selected consisting of both quantitative and qualitative information. Qualitative information is mainly obtained from surveys.

Authorities responsible for managing justice and enforcement should be involved in the process of developing and applying these indicators. Their role is important in order to select which indicator and which data source are most relevant to assess progress and in interpreting results. Involvement of authorities is also important to have access to data especially as concerns sensitive data.

#### **2.4.2 Indicators Judicial reform**

The evaluation team recommends the following basket of indicators

##### **I. Adequate Legal Frameworks**

The following indicators refer to the following objective: ‘to possess a complete and adequate legal framework:

- installing the conditions for increased integrity and independence of Justice
- installing the conditions for improved transparency and accountability of Justice
- ensuring and enhancing full access to Justice
- installing the conditions for improved effectiveness and efficiency of justice
- complying with the conditions for increasing public confidence in Justice as a result of integrity, accountability, effectiveness etc. (real or perceived)
- developing and applying up-to-date material and human resources of Justice

The process or law indicators all refer to ‘existence’ of different aspects concerning the legal system and are verified with a *Yes/No* score. If the score is *No*, a clarification of flaws is needed:

1. Existence of **legal framework in place guaranteeing impartiality of the judiciary** and the respect of the principle of equality of the law regardless of ethnicity, religion, gender, social background or any other basis for non-equal treatment.
2. Existence of **legal guarantees of due process** in the laws guaranteeing the rights of all parties, including defendants and victims in court proceedings.
3. Existence of legal framework in place to ensure the **independence** of Judiciary.

4. Existence of a **judicial code of ethics**<sup>8</sup> that exists to address major issues such as conflicts of interest, ex parte communications, and inappropriate political activity, and judges, prosecutors, members of parliament and local administrators are required to receive training concerning this code both before taking office and during their tenure
5. Existence of Legal Framework providing for **legal aid** either through a *lex specialis* Law on legal aid or through provisions in various pieces of legislation providing for legal aid.
6. Existence of legal framework determining the **performance monitoring system** of judges and prosecutors.
7. Existence of legal provisions for a **judicial inspection unit**.
8. Existence of legal framework that guarantees that judges may be **removed from office or sanctioned** only for specified official misconduct and through a transparent process, governed by objective criteria.
9. Existence of legal framework and procedures in place for **assigning cases** to individual judges.
10. Existence of a **Budget and Expenditure Framework** for infrastructure, equipment (including IT infrastructure), supplies and human resources for the courts and prosecution
11. Existence of a legal framework ensuring equal **access to legal positions** of judges / prosecutors / lawyers and defining clear **promotion procedures**.
12. Existence of an open competition, merit based **recruitment system**, as well as decentralized recruitment procedures operational in ministries and executive agencies
13. **Competences** for all judicial staff and related areas are defined.
14. **Training priorities and programme** are developed, which include dilemma training and the prevention of conflicts of interest. Anti-corruption and organized crime reduction training (including control deliveries procedures) is part of the institutionalized general training programme for the civil servants.
15. Regulation in place to avoid **revolving door employment** which set restrictions, e.g. about engaging former civil servants as external contractor for a certain period .
16. Legal provisions and or practices in place or **staff rotation in administrative structures** with high corruption risk (e.g. customs. licenses/permits, urban planning, customs).
17. Although process or law indicators play an essential role in the following specific objectives for judiciary reform, they are measured with the use of achievement of performance indicators.

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<sup>8</sup> Normally the judiciary has one code of conduct for all judges. See Bangalore principles of Judicial Conduct [http://www.unodc.org/pdf/crime/corruption/judicial\\_group/Bangalore\\_principles.pdf](http://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf)

18. A questionable process indicator is about the existence of legal framework that guarantees the immunity of judges for actions taken in their official capacity. Cases of abuse of immunity are known in the Balkans. The international community has been trying to reduce extensive (excessive) immunities of judges (must never include the intentional breach of laws, whether in official capacity or not), which would also represent a challenge for EU programming.
19. Verification sources are of a strongly variable quality, and – in some cases – need to be developed. These sources, as well as the quality will be assessed for both the process and performance indicators in chapter 2.5.

## II. Integrity, Transparency and Accountability

The following objectives focus on reinforcing the integrity, transparency and accountability of justice.<sup>9</sup>

### Objective 1: To increase integrity and independence of Justice from ... to ...

1. Number of **judgements given against the Government** / the executive, and compliance rate or enforcement of such decisions.
2. This is an important indicator concerning the separation of powers (legislative, executive and judiciary).
3. Result of **public survey** assessing fair process and judicial independence.
4. Result of public survey of **experience of corruption** (bribery, nepotism, and cronyism) with judges, prosecutors or other court personnel.
5. Number of **complaints** about or reports of inappropriate appointments, undue processes and judgements.

### Objective 2: To improve transparency and accountability of Justice from ... to ...

1. Judicial decisions are generally a matter of **public record**, and significant appellate opinions (including dissenting opinions) are published and open to academic and public scrutiny.
2. Result of expert survey assessing if judges are assigned to cases by an objective method, (randomly or according to their specific areas of expertise), and if they may be removed only for good cause, such as a conflict of interest or an unduly heavy workload.
3. **Courtroom proceedings** are open to the public, and; courtrooms, and can accommodate the public and the media.
4. Result of expert survey assessing the **quality of court records** and completeness of information.

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<sup>9</sup> Based on the UN Rule of Law Indicators: Implementation Guide and Project Tools, First Edition, 2011, pg.10

### III. Performance of Justice

The following objectives focus on the ability of the institutions to provide efficient and effective judicial services accessible and responsive to the needs of the society.<sup>10</sup> For all objectives a limited number of the most relevant indicators are proposed, as follows:

#### **Objective 3: To ensure and/or enhance perception of and experience with access to Justice up to at least ...%**

1. Result of **surveys** assessing experience with **accessibility to courts** by general population;
2. Ratio between the fees to obtain access to courts and the proportion of average national income.
3. This indicator is related to a legal aid framework. Otherwise, some low-paid judges may expect additional payment, entering in conflict with their code of conduct.
4. Number of interpreters in courts.
5. This may also be considered an efficiency indicator, as it influences the length of trials.

#### **Objective 4: To improve the effectiveness and efficiency of justice with ...% during programme implementation**

1. Number of **pending cases** at the beginning and at the end of each year (input and output; clearance/congestion rate)
2. No of complaints against underperforming **judges and prosecutors investigated**.
3. Result of expert survey assessing if the adequately equipped judicial system operates its **caseload** in a reasonably efficient manner.

#### **Objective 5: To increase public perception of law enforcement from ... to ... (high, medium, low to be developed in surveys)**

As a prior remark it is observed that public confidence will not result from anything written in the law, but from the implementation of legislation.

1. Result of population and law experts surveys on their perception of the judicial system.
2. The existence of data on the number of violation reports.
3. Percentage of judges / prosecutors / lawyers that are women/ members of ethnic minorities or other vulnerable groups

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<sup>10</sup> Based on the UN Rule of Law Indicators: Implementation Guide and Project Tools, First Edition, 2011, pg.10

### III. Capacity of justice

The objectives below focus on the needed human capacity reflected in the administrative and management capacities as well as the material resources to perform their functions.<sup>11</sup> Adequate human resource management and capacity is an important tool for the fight against corruption and organized crime. This objective is related to human resource management of officials in the civil service of the beneficiary country at all administrative levels, subdivided into: Recruitment and promotion, Training, Codes of Conduct and Job rotation.

#### **Objective 6: To develop up-to-date material and human resources of Justice**

1. Enrolment for **refresher training** for judges / prosecutors / lawyers.
2. Number of **available job positions** for civil servants and information of the competing procedure announced publicly by the relevant administrative structure.
3. Number of **staff screened and refused** to avoid holding of incompatible offices/functions, within the framework of a recruitment and selection process.
4. Results of expert surveys and population on experience of **unfair recruitment procedure** in public administrations
5. Number of training needs assessments undertaken
6. Number of civil servants (judges, prosecutors, court support staff) that periodically moved from one administration (corruption risk area) to another.

#### **2.4.3 Indicators Fight against corruption**

##### **Objective 1: Full adoption and implementation by the beneficiary country of effective legislative and regulatory frameworks against corruption coherent with international practices**

The obligations on institutional specialisation under the Council of Europe Criminal Law Convention on Corruption and the UNCAC are mandatory. The UNCAC requires that countries ensure the specialisation in two areas, prevention (including education and public awareness) and law enforcement. States are therefore obliged to secure the existence of a) specialised bodies in charge of prevention of corruption; and b) specialised bodies or persons in charge of combating corruption through law enforcement.

Therefore the following process or law indicators are proposed:

1. A national multi-annual **anticorruption strategy is adopted** in alignment with international criteria, outlining the strategic goals, establishing corruption as a criminal offense, responsibilities and tasks on drafting and implementing anticorruption policies, priority areas/corruption prone sectors, related activities and available budget to implement the strategy, including a check on completeness of definitions.

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<sup>11</sup> Based on the UN Rule of Law Indicators: Implementation Guide and Project Tools, First Edition, 2011, pg.10

2. **Anti-corruption legislation is developed or in place** in, principally, applicable to each administrative structure in the public sector: ministries, state agencies, state commissions, and executive agencies, regional and local administrations, and specialized anti-corruption bodies or bodies to fight against corruption, as well as (inter-institutional) organisational structures, systems and processes in place.
  - a. Legislation includes an anti-corruption monitoring and evaluation system in the public sector, as well as:
  - b. A definition of the scope of anti-corruption monitoring in general and of public officials in particular.
  - c. A reporting structure in the implementation of the anti-corruption policy.
  - d. A system to conduct integrity audits and/or anticorruption risks analysis.
  - e. Assignments for regional/local authorities with specific anti-corruption responsibilities and tasks.
  - f. Legal protection of whistle-blowers and witnesses.
  - g. Measures in place to detect corruption in public and private institutions, as well in law enforcement agencies

*Performance indicators*

1. Results of evaluation reports and expert survey on the **adequacy of the anti-corruption strategy**, measured against international criteria.
2. **Number of public bodies** that have developed and implemented anti-corruption policy info on public institutions with anti-corruption policy.

**Objective 2: To strengthen the capacity and improve the performance of the central coordinating anti-corruption institution with ...% during programme implementation**

The international standards also set basic benchmarks for specialisation: independence and autonomy, specialised and trained staff, adequate resources and powers. These have to some extent been attended in the previous section on judiciary reform.

*Performance indicators*

1. Organisational structures, systems and (intern-institutional) processes are functioning according to benchmarks<sup>12</sup>; adequate number of staff and secure budget of the anti-corruption body or bodies.
2. Performance is viewed as good by donors.

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<sup>12</sup> Assessments of organisational structures could review whether job descriptions are in place and linked to an organogram, review on the recruitment and selection of staff process.



**Objective 3: Adoption and implementation of an inter-ministerial planning system to monitor anti-corruption policy**

*Performance indicators*

1. Number of ministerial monitoring reports.
2. Number of monitoring reports from territorial/local authorities.
3. Number of (published) corruption cases that are reported<sup>13</sup> and forwarded to the prosecutors' office.
4. Results of an expert survey on the transparency of the assessments and reports, participation of the relevant stakeholders and the civil society (NGO's) in the assessment.
5. This indicator is meant to ensure that government reports are based on various governmental and non-governmental sources, and maybe considered a quality indicator.

**Objective 4: To strengthen the capacity of the beneficiary country to conduct anti-corruption integrity audits in administrative structures in the Executive Power up to at least ...%**

Integrity plans, which include corruption risk analysis, are being introduced (by law) in the Balkans. Serbia used technical assistance on this from practices in Slovenia. In Bulgaria a start has been made.

The introduction and implementation of integrity plans is essential for identifying corruption prone positions, processes in an organisation, and is, as such, one of the best preventive measures, at the same time contributing to transparency and awareness-raising in the public administration.

Integrity audits or corruption risks analysis should be conducted regularly as a self-assessment of each public administrative structure (organisation), containing at least three stages:

- a. an inventory is made of vulnerabilities: the vulnerable activities should be identified;
- b. to assess whether the potential vulnerabilities identified are actually vulnerable, an insight is gained into the existing resistance capability against corruption of the organisation under review;
- c. if the vulnerability appears to surpass the resistance capacity, recommendations are made to enhance this capacity

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<sup>13</sup> Number of corruption reports can be disaggregated by: type of corruption (petty/grand), location in country, method of reporting, etc.

*Performance indicators*

1. Number of integrity audits and/or corruption risk detection instruments<sup>14</sup> developed and implemented in the public sector (identification and assessment of risks)
2. Number/percentage of public institutions at various administrative levels that have implemented the majority of recommended measures proposed by risks/integrity audits to enhance the resistance capability against corruption.

**Objective 5: To strengthen the capacity of the beneficiary country to prevent corruption at the regional and local level**

The Convention encourages State Parties to facilitate cooperation among public authorities and bodies investigating and prosecuting corruption, as well as to analyse in collaboration with experts trends in corruption and the circumstances in which corruption offences have been committed. Ensuring the protection of whistle-blowers and witnesses is important for gaining trust and maintaining cooperation with citizens.<sup>15</sup>

*Performance indicators*

1. Number of anticorruption and integrity evaluations and surveys conducted by regional/local authorities.
2. Number of available job positions and jobs created of staff involved in prevention of corruption in the administration of municipalities and territorial bodies.

**Objective 6: To increase effectiveness of enforcement measures against corruption**

*Performance indicators:*

1. Number of planned and ad-hoc checks in central, regional and municipal Law enforcement structures;
2. Number of active cases under investigation on an annual basis<sup>16</sup>; Number of corruption reports received and number of investigations on-going.
3. Number of criminal proceedings forwarded to the prosecutor's office.

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<sup>14</sup> Risk assessments are aimed at identification of corruption prone activities, processes, positions in the *organisation*, resulting in recommendations to enhance the resistance capability of the *organisation* against corruption. These assessments should be conducted at a regular basis.

<sup>15</sup> United Nations Convention against Corruption, Art 32 and 33

<sup>16</sup> Can be further disaggregated by type of crime according to legal definition/type of corruption or integrity breaches (e.g. improper use of authority, misuse/manipulation of information/waste and abuse of resources, private time misconduct)

#### 2.4.4 Indicators Fight against organised crime

##### **Objective 1: Full adoption and implementation by the beneficiary country of effective legislative and regulatory frameworks against organised crime coherent with international practices**

Proposed basket of process or law indicators of achievement for this objective:

1. Existence of **criminal law** in place that penalises *the participation* in an organised criminal group; including existence of dissuasive sanctions for individual convicted of participating into an organised criminal activity and existence of measures to ensure their implementation. This includes measures in compliance with international treaties against human trafficking as a criminal offense and organised crime, drug trafficking and money-laundering as a predicate offense. Legislation allowing for seizure and confiscation of proceeds of criminal activities (asset forfeitures) and allowing courts to seize bank/financial/business records and follow up of requests from third states.
1. Existence of regulations in place to ensure effective **operational coordination** among prosecutors, police, financial intelligence officers and other relevant law enforcement authorities working on suspected case of organised crime.
2. Existence of regulations allowing for **special investigations techniques** and regional enforcement cooperation.
3. Existence of **strategy and action plan** (backed by a specific budget) to prevent human trafficking.
4. Existence of measures in place to **facilitate the return of victims** of human trafficking (including dedicated housing).
5. Capacity of the **Financial Intelligence Unit** (number of staff, training and budget) and extent of its operational powers.
6. Existence of the specialised state body responsible for **management of the seized and confiscated assets**.

Proposed performance or achievement indicators for this objective are:

1. Variation in the number of **investigation cases** against individuals and legal persons involved in organised criminal activities.
2. Variation in the number of **regional exchanges of information** on organised crime-related cases among police/enforcement services of neighbouring countries and between the country and Europol.
3. Variation of the number of **confiscation of proceeds** of organized crime.

The relevance of this indicator is high as confiscation of proceeds effectively impact on organized crime and corruption. An increased number confiscation cases combined with an increased number of proceeds from financial crime is a reliable indicator of effective anti-organized crime policies.

4. Variation in the number of **protection services** provided to judges, prosecutors and witnesses facing threats and intimidations from organised criminal networks.

### **Objective 2: Increased effectiveness of measures against illicit drug trafficking**

Illicit drug trafficking and human trafficking are two of the main profitable activities of organised crime networks. Usually measures against these illicit traffics are considered effective if these include seizures of criminal financial assets.

*Performance indicators/practice:*

1. Variation of the number of **drug seizures** (type of drugs, quantity and purity).
2. Variation of the number of **confiscation of proceeds** of drug trafficking crime.  
  
This indicator is relevant as drug arrests need to be combined with confiscation of proceeds to effectively impact on drug trafficking. An increased number of arrests combined with an increased number of proceeds from financial crime are a reliable indicator of effective anti-drug policies.
3. Variation of the number of **arrests for drug trafficking as percentage of overall number of arrests**.
4. Response of a population **survey on drug-related violence** as experienced by citizens living in the vicinity of drug markets.  
  
This indicator is relevant to assess the impact of anti-drug policies in countries or regions experiencing important internal demand for drugs<sup>17</sup>.

### **Objective 3: Increased effectiveness of measures against human trafficking**

*Performance indicators/practice*

1. Variation (y/y) in **the number of sentenced persons** for human trafficking.
2. Variation (y/y) of the **number of victim of human trafficking receiving dedicated services** (including housing)

### **Objective 4: Increased effectiveness of measures against economic crime and money laundering**

*Performance indicators/practice*

1. Number of **FIUs reports followed by prosecution**.
2. Number of **prosecution cases on money laundering followed by condemnation**.
3. Number of **prosecution cases on money laundering followed by confiscation**.

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<sup>17</sup> This indicator is a harm-based indicator. Several experts (see Garbor, 2003) call for harm-based measures of organised crime. Assessments of organised crime control efforts should be based on the extent to which physical, psychological, community and societal harms engendered by organised crime, have been mitigated.

## **Objective 5: To increase effectiveness of measures enabling confiscation of crime-related assets**

Confiscation of assets a central tool to effectively disrupt organised crime networks.

*Performance indicator:*

1. Variation (y/y) of the **monetary value of all asset forfeitures linked to organised crime.**

### **2.5 Identification of verification sources**

#### **2.5.1 Introduction**

Usually indicators are sourced from administrative data, documents and legislations, expert surveys, public surveys or media review. The level of availability among these sources may vary. The evaluation team recommends using indicators, for which verification sources are directly available or available at limited costs. Yet in some cases verification sources for relevant indicators are not available easily and their generation requires specific efforts. The evaluation team made specific recommendations on how to improve the availability of some of these indicators in chapter 3.3.

Indicators and verification sources need to be fine-tuned in cooperation with national authorities. In particular each indicator needs to be defined unambiguously in order to facilitate the identification of relevant verification sources to assess their possible dissimilarities. In some case alternative basket of indicators may have to be adjusted in function of the local situation.

#### **2.5.2 Verification sources Judicial reform**

The following verification sources refer to the process or law indicators are available via document review and/or observation at national level.

National legislation ensuring non-discrimination, the rights of the defendant/victim such as the Constitution, Non-Discrimination Laws, Laws on Equal Treatment, Laws on Court Procedures (Administrative, Civil, Criminal), Law on Criminal Procedure, Law on Civil Procedure, Law on Administrative Procedure, Law on Courts, Law on Free Legal Aid, Judicial Council, etc.

By-laws such as the Law on Judicial Council, Law on Courts, Court Rulebooks, Independence of the Judiciary, Budget Autonomy, annual state budget, autonomous court budgets

Provisions of relevant laws providing for legal aid, Academy on Judges and Prosecutors, Law Faculties, Tenure and Appointment Procedures, Judicial Council data, case law, transparency, publication of the data on the internet, open access to data and information, mandate for controlling public officials (e.g. assets declaration)

Review of existing judicial documents, national judicial records, public records, and significant appellate opinions open to academic and public scrutiny.

Information on human resources management, including staff rotation, is available at ministry or agency in charge of the civil service, via administrative data/documentation review and interviews with HR officials of courts and institutions such as ACA/ACCs. Other useful sources are CSO reports, Public Administration Reform Strategies.

The same institutions may provide information on material resources that may consist of electronic software for random assignment of cases to individual judges, as well as infrastructure, equipment and other material resources according to minimum requirements.

In some countries however parts of the issues covered by the Code of Ethics such as conflict of interests may be covered by Laws such as the Law on Conflict of Interests. Information is contained in external reports, for example presented by NIS, CIMAP, and GRECO IV round.

1. Evaluation needs to be incorporated in the management practices. Assessment needs external financing. The verification sources of these process or law indicators may be considered relevant and reliable. It is a part of the CIMAP project, implemented by the Transparency International chapters.
2. Verification sources concerning the achievement or performance indicators for Judicial Reform are:

#### **Objective 1 on Integrity and Independence of Justice**

Information on Codes of Conduct is available in the ACA/ACC, largely as part of integrity plans. There are few national assessment surveys assessing the public perception of **judicial independence**. However surveys are being regular implemented by external actors among other OSCE. In addition the fourth round of GRECO evaluation that has just started will provide relevant information in this regard.

Usually there are such general assessments surveys assessing the **corruption index in the judicial system** conducted by NGO's or by IO's (GRECO, Transparency International, etc.). Not all these surveys regularly cover all the Western Balkan countries regularly. The Judicial Reform Index and Rule of Law index used to implement such surveys but also with limitation in terms of coverage and frequency. These two sources may also be applied for the indicators on Access to Justice and Perception of public confidence.

Information on the **number of complaints** is available in Judicial Council data, case law, etc.).

#### **Objective 2 on Transparency and Accountability**

**Public records** are open for academic and public scrutiny.

1. **Assignment of cases:** This indicator could be completed with interview of local prosecutors and judges and data is available in Law on Courts, Rulebooks of Courts, existence of Electronic Software for random assignment of cases to individual judges, etc.

On **courtroom proceedings** information is available national legislation guaranteeing public presence, infrastructure and other material capacity of Courts, Statistical Data of Court Decisions Excluding the Public, etc. Information on the **quality of court records** could be assembled at limited costs.

### **Objective 3 on Access to Justice:**

Usually, there are no assessment surveys assessing experience/perceptions on **accessibility to courts** by the general public neither in national or regional level. There may be some ad hoc surveys conducted by NGO's or by IO's, but not on a continuous and comprehensive basis. Such surveys would imply limited cost and could be outsourced to the civil society sector.

**Information on Access to Court fees and income levels** is available in laws determining the various fees for access to Court on one side and the data by the National Statistic Offices that have the official data of average income which is transparent and accessible to the public.

### **Objective 4 on Effectiveness and Efficiency of Justice:**

On the number of **pending cases** (input – throughput – output and delays) information is in principle available in the national judicial records (e.g.: statistics available by Court Administration, possible Data Base Software on Management Information Systems – MIS by the Judiciary, data by the Ministry of Justice etc.). However, as standardised procedures are often missing (e.g.: when is a case concluded?) courts often give new file numbers arbitrarily after some time to pretend conclusion of cases.

1. Information on the number of **complaints** against judges and prosecutors is available in statistics of the Ministry of Justice, Judicial Council, Individual Courts and Courts Administration). It could be completed with interviews of local prosecutors and judges. However, these represent often unreliable figures, as judges and prosecutors regularly deny any knowledge of such complaints.

Surveys on equipment to handle **case load** usually do not exist but could be implemented at limited costs.

**Employment records for interpreters** working in Courts are available via the Ministries of Finance, Justice and Court Administration.

### **Objective 5 on perception**

There are no continuous assessment surveys on national or regional level determining the **perception of the judicial system** neither by lawyers nor the general population. There are some ad hoc surveys conducted by NGO's or by IO's (OSCE, Helsinki Committee, Open Society Institute) but no coherent, comprehensive and regular assessment on continuous basis is available. This indicator would require limited human and material resources and can be completed by separate surveys for judges and prosecutors and for the general public. The activity can be easily outsourced to the civil society sector.

The availability of data on the indicator of **violation reports** is low to medium primarily due to the lack of capacity of institutions to gather, analyze, disseminate and act upon such reports on regular basis. The second reason is the lack of general awareness and trust by the general public to report such violations. Some data is available through state institutions (e.g.: Public Ombudsman, Non Discrimination Committees, Judicial Councils and Ministries of Justice)

## Objective 6 on Up-to-date Material and Human Resources

Information on **refresher training** is available in Academies for Judges and Prosecutors, Law Faculties, etc. Data concerning the percentage of **equal employment opportunities** are available at the National Statistic Offices, Ministry of Finance, Ministry of Justice, Ombudsman, Equal opportunities committees, etc.

Administrative/documents study, NIS and CIMAP reports, CSO analysis and information provided by HR officials in the public sector inform about the number of available **job positions and recruitment procedures**. Screening information has a limited availability and access is restricted. Perception surveys on experiences with unfair recruitment procedures need additional funding.

Data on **training needs assessments** should be available within the HR units of the institutions in the judiciary sector. Information can be complemented via Technical Assistance projects on anti-corruption training.

Information on **job rotation** is not easy to obtain in case information is not centralised. Information can be complemented by a survey, which needs external financing.

### 2.5.3 Verification Sources Fight against Corruption

Information for the process or law indicators is to a great extent included in the analysis made in the previous section on legislations and legal frameworks, which apply to all aspects of the legal system, including the fight against corruption. Linkages to international conventions and practices take a prominent place in the objectives and indicators and have been put up front:

- At international level UNCAC, GRECO, CIMAP (Transparency International), NIS surveys, OECD evaluations.
- At national level all legislation and specifically provisions concerning ACA/ACC
- Additional information is to be obtained from interviews with ACA/ACC officials and with officials at regional and local level.

Information on the performance indicators for anti-corruption ...

1. On **adequacy of anti-corruption strategies**: There are international criteria for drafting an anticorruption strategy in UNCAC and Council of Europe conventions. In addition every NACS has an evaluation methodology incorporated and reports are published annually. Interviews and external evaluations are often available.
2. On **public bodies** informing involved in anti-corruption policies: Information depends on whether and to which extent bodies are obliged by law to report.



**Objective 2 on anti-corruption institutions:**

1. International standards set basic benchmarks for specialisation: independence and autonomy, specialised and trained staff, adequate resources and powers. These should be further specified concerning effectiveness and efficiency. Information can be obtained via peer reviews and surveys. Peer reviews are being organised by the EC via expert missions to the countries. CIMAP surveys are designed for assessing organizational performance. Audit reports generally attend organizational structures. Also internal audits are not established appropriately in the Balkan countries.
2. Information available via interviews and opinions expressed during (irregular) donor coordination meetings on anti-corruption. Performance assessments need external financing.

**Objective 3 on planning and monitoring:**

1. Ministerial reports are easily available via administrative data/documentation review and interviews with ACA/ACC representatives. Info from territorial / local authorities is not always available via document review. It could be obtained via interview with a representative sample of municipalities and CSO's. NIS and other external surveys need to be financed externally
2. On cases forwarded to prosecution information is to be obtained from ACA/ACC and/or Prosecutor's Office, Statistics Office. Cross-checking is useful. Indicator information depends on availability of reliable statistical data processing system.
3. According to UNCAC requirements NGO's and civil society will actively be involved in the evaluation processes (GRECO, MONEYVAL, and UNCAC) and the reports will be published. It can be done by the civil society.

**Objective 4 on integrity audits**

1. Information can be complemented by a survey on the availability and use of a risk assessment methodology. Sources are ACA/ACC, Inspectorates, ministries and other (selected) public administrations.

**Objective 5 on prevention**

1. Information on staff involved in prevention is required because of the UNCAC requirements, and is well available in the fact and figures Human Resource chapter in annual (budget) reports at ACA/ACC and ministries/territorial authorities/municipalities.

**Objective 6 on effectiveness**

1. Statistics, reports, national judicial and police records are maintained and available within national enforcement authorities. National statistics could be complemented with the results of interviews enforcement authorities of neighbouring countries as well as by statistics provided by the National Office of Statistics.

## **2.5.4 Fight against Organised Crime**

### **Objective 1 on legislative and regulatory frameworks**

1. This information is available via administrative data / documentation review which can be complemented by a survey of local experts on human rights / civil society.
2. On penalisation of participation in an organized criminal group information could be completed with interview of local prosecutors and judges and with a survey of specialists of organized crime (e.g.: UNODC legal affairs section).
3. On drug trafficking information can be completed with a survey of anti-drug experts (UNODC or INCB). In addition the INCSR report (see 23 in annex 1) describes legal and institutional developments for each country in the Balkans.
4. On strategies and action plans (backed by a specific budget) to prevent human trafficking and to facilitate the return of victims of human trafficking (including dedicated housing) additional information is available on the country pages of the International Organization for Migration.
5. On money-laundering information should be complemented by a survey of local or international experts (prosecutors/lawyers). The Volume II of the INCSR report also assesses legal framework on money laundering. In addition, MONEYVAL report provides in depth assessment of legal framework in most Balkan countries, of Financial Intelligence Units' capability for most countries, on seizures of proceeds (asset forfeiture). Info on the management of the seized and confiscated assets via administrative data or the results of the GRECO report (this was a standard for the 3th round of Greco evaluation).
6. Information for the performance or achievement indicators on the legal framework:
7. On the number of investigation cases (input – throughput – output) information is in principle available in the national judicial records, as already has been observed in the area of judiciary reform. It could also be obtained via interview with a representative sample of judges and prosecutors. Judicial statistics inform about the variation in the number of confiscation proceeds from organized crime. In principle data on protection services to judges are available from national services (prosecutors or ministry of Justice).
8. Statistics on regional exchanges of information on organized crime related cases are not always maintained /easily available within national enforcement authorities. National statistics could be complemented with the results of interviews enforcement authorities of neighbouring countries as well as by statistics provided by Europol (on the number of exchanges between the beneficiary country and Europol). These statistics could be complemented by the results of the monitoring mechanism of the Regional Cooperation Council which plans to measure regional cooperation on JHA among all Balkan countries.

### **Objective 2 on drug trafficking**

1. On drug seizures information is available in principle in police statistics. However at times statistics may not have the sufficient level of detail and therefore may need to be combined with interviews with police officers. The INCSR report is a relevant source as it lists recent drug seizure data for each country of the Balkan. Information on the confiscation of proceeds of drug trafficking crime is in principle available via judicial statistics.
2. Information for the indicator on the ratio drug trafficking / overall arrests will vary with the level of detail of judicial statistics. The INCSR reports and MONEYVAL reports (see Annexes 5.1.4 and 23) may complement national data as they provide regular data on drug trafficking arrests for most of the Balkan countries.
3. A population survey on drug-related violence needs to be conducted at regular intervals.

### **Objective 3 on human trafficking**

1. In principle data on the number of arrests for human trafficking is available at judiciary level. It can be complemented by survey of prosecutors/judge. The report "Trafficking in Persons" provide regular assessments of the evolution of this indicators in each country of the Balkan.
2. Information on the number of victim of human trafficking receiving dedicated services (including housing) is available at administrative levels. In some case interviews with responsible NGOs/ civil society may be necessary.

### **Objective 4 on economic crime and money-laundering**

1. On the number of FIU reports followed by prosecution should in principle be available via annual reports and interviews with FIUs officers and prosecutors office. The INCSR reports Volume 2 on financial crime: provide the number of convictions for anti-money laundering offences.
2. Statistics on the number of prosecution cases on money-laundering followed by condemnation and or confiscations are in principle available at prosecutor office.

### **Objective 5 on effectiveness of measures enabling confiscation of crime-related assets**

1. In principle this data on the monetary value of asset forfeitures linked to organized crime should be available within prosecutor office, but in some cases without distinction of type of crime. Therefore statistics should be complemented with interviews with prosecutor/judges in charge of such offences.

### 3. Assessment tools for the Commission

#### 3.1 Additional verification sources and tools

Core to the indicators are the nationally available verification sources. The quality of these sources (comprehensiveness, relevance, reliability) has described in the last sections of the previous chapter.

Apart from the identification of the need to design surveys for relevant indicators with relatively poor verification sources, it is also necessary to refer to the need to realize cross-checks in case information is taken from several sources. Both actions contribute to strengthen governance, specifically with regard to transparency and accountability at national level.

All sources and tools assessed in this report are potentially relevant to assess the impact of EC financial assistance. However, each of these sources has limitations in terms of geographic coverage, lack of frequency and type of indicator used.

Next to nationally available verification sources the evaluation team identified 26 sources and 5 tools. The selection of these sources and tools was made based on the selection criteria mentioned above (see “methodology”). A number of these sources appear in the previous chapter. This means that additional sources might be used.

*Table 2: List of main international sources relevant to assess progress in the field of GRJCO*

| Ref. | Implemented by             | Name of the source (report)  |
|------|----------------------------|--|
| 1    | American Bar Association   | Judicial Reform Index  |
| 2    | Amnesty International      | Amnesty International annual report  |
| 3    | Bertelsmann Foundation     | Bertelsmann Transformation Index   |
| 4    | Council of Europe          | Reports from the Committee of experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL report) |
| 5    | Council of Europe          | Report of the Group of States against Corruption (Greco reports)   |
| 6    | OECD                       | SIGMA reports  |
| 7    | EC agency EMCDDA           | Reports from the European Monitoring Centre for Drug and Drug Addiction (EMCDDA)   |
| 8    | EC agency EUROPOL          | Europol Threat Assessment annual Report (OCTA report)  |
| 9    | European Council           | Dublin Group Reports   |
| 10   | Freedom House              | Freedom in the World   |
| 11   | Freedom House              | Nations in Transit   |
| 12   | Global integrity           | Global Integrity Index   |
| 13   | Human Rights Watch         | Human Right Watch Annual report  |
| 14   | INCB                       | Reports from the International Narcotic Control Board  |
| 15   | Regional Coop Council      | Regional Cooperation Council   |
| 16   | Transparency International | Comparative Indicator-based monitoring of Anti-corruption Progress Initiative (CIMAP report)   |
| 17   | Transparency International | CRINIS reports   |
| 18   | Transparency International | Global corruption barometer (GCB)  |

| Ref. | Implemented by             | Name of the source (report)  |
|------|----------------------------|--|
| 19   | Transparency International | National Integrity System Assessment   |
| 20   | UNODC                      | The United nations Survey of Crime Trend and Operations of Criminal Justice system |
| 21   | UNODC                      | UNODC World Drug Report  |
| 22   | US Department of State     | Country reports on human right practices   |
| 23   | US Department of State     | International Narcotics Control Strategy Reports (INCSR reports)                   |
| 24   | US Department of State     | Trafficking in Persons Report  |
| 25   | World Bank Institute       | Worldwide Governance Indicator   |
| 26   | World Justice Project      | WJP Rule of law Index  |

Annex 5 presents a mapping review of the main features of each of these tools and sources, specifying type of indicators used, country coverage, assessment and links.

### 3.2 Strengths and weaknesses of current sources and tools

All international sources and tools assessed in this report are potentially relevant to assess the impact of EC financial assistance. However, each of these sources has limitations in terms of geographic coverage, lack of frequency and type of indicator used.

#### 3.2.1 Limited geographic coverage and GRJCO coverage of sources

Table 3 below compares the extent of the geographic coverage, the GRJCO coverage (or comprehensiveness) and the regularity of the reports provided by the main sources assessed. The value of the horizontal axis ranges from “inexistent or zero” to “all or completed”.

The first column of the table (geographic coverage) shows that **in general, sources covers all the countries of the Balkan** with the following exceptions (the number in brackets refer to the sources in the preceding section): MONEYVAL (4) and Greco (5) reports are not covering Kosovo; Europol (8) and INCB (14) reports have a regional focus only; Global Integrity Index (12) does not covers Croatia; Human Rights Watch report (13) does not cover Albania, Former Yugoslav Republic of Macedonia and Montenegro; CIMAP report (16) covers only Albania, Kosovo and Former Yugoslav Republic of Macedonia; CRINIS reports (17) does not cover Montenegro and Bosnia and Herzegovina; National Integrity System Assessment (19) covers only Bosnia Herzegovina, Serbia and Macedonia; WJP Rule of Law (26) index covers only Croatia and Albania.

The second column of table 3 shows that **most of the sources are covering only partially the sector of GRJCO**. Some sources cover several areas other sources focus on a very specific issues. This discrepancy in sector coverage implies that sources need to be combined and weighed.

The third column of the table shows that most of the sources are **available regularly** (on a yearly basis) at the exception of the following: the Judicial Reform Index (1), the GRECO report (5) the Global Integrity Index (12) and the CIMAP reports (16). The limited regularity of some sources is a weakness since assessments need to be conducted regularly to allow for cross-time comparison.

Table 3: Sector coverage and frequency of the assessments

|    | Implemented by             | Name of the source                                     | Extent of the <b>geographic</b> coverage ( Balkan countries) | Extent of the sub sector coverage ( <b>GRJCO</b> sector) | Regularity of the assessment |
|----|----------------------------|--|--|--|------------------------------|
| 1  | American bar association   | Judicial reform index**                                |  |  |                              |
| 2  | Amnesty International      | Amnesty International annual report                    |  |  |                              |
| 3  | Bertelsmann foundation     | Bertelsmann Transformation Index*                      |  |  |                              |
| 4  | Council of Europe          | MONEYVAL ***   |  |  |                              |
| 5  | Council of Europe          | GRECO reports**  |  |  |                              |
| 6  | OECD                       | SIGMA reports  |  |  |                              |
| 7  | EC agency EMCDDA           | EMCDDA reports   |  |  |                              |
| 8  | EC agency EUROPOL          | EUROPOL OCTA report                                    |  |  |                              |
| 9  | European Council           | Dublin Group Reports                                   |  |  |                              |
| 10 | Freedom House              | Freedom in the World                                   |  |  |                              |
| 11 | Freedom House              | Nations in Transit                                     |  |  |                              |
| 12 | Global integrity           | Global Integrity Index**                               |  |  |                              |
| 13 | Human Right Watch          | Human Right Watch Annual report                        |  |  |                              |
| 14 | incb                       | INCB reports   |  |  |                              |
| 15 | Reg Coop Council           | Regional Cooperation Council                           |  |  |                              |
| 16 | Transparency international | CIMAP report   |  |  |                              |
| 17 | Transparency international | Crisis reports   |  |  |                              |
| 18 | Transparency international | Global corruption barometer (GCB)                      |  |  |                              |
| 19 | Transparency international | National Integrity System Assessment                   |  |  |                              |
| 20 | UNODC                      | UNODC survey criminal justice system                   |  |  |                              |
| 21 | UNODC                      | UNODC World Drug Report                                |  |  |                              |
| 22 | US Department of State     | Country reports on human right practices               |  |  |                              |
| 23 | US Department of State     | International Narcotics Control Strategy Reports INCSR |  |  |                              |
| 24 | US Department of State     | Trafficking in People                                  |  |  |                              |
| 25 | World Bank Insitute        | Worldwide Governance Indicator                         |  |  |                              |
| 26 | World Justice Project      | WJP Rule of law Index***                               |  |  |                              |

### 3.2.2 Limited use of performance indicators

Most of the 26 sources base their assessment on indicators. The first column of table 4 below shows that most of the sources measure progress in terms of **processes**. The detailed assessment of each source shows that although most of the sources use process indicators, few do it comprehensively. Only GRECO reports (5) and MONEYVAL reports (6) are offering a comprehensive assessment of all required legislation and institutions in the field of measures against corruption and measures against money laundering respectively. All the other sources and tools offer only a partial assessment of required legislation and institutions.

The second column of table 4 shows that **most of the sources use only few performance indicators**, which limits their capacity to assess progress in practice. In addition, the detailed assessment shows that when performance indicators are used, they are used in isolation, which can lead to ambiguous results.

Table 4: Process indicators and indicator of performance used in the main sources

|    | Implemented by             | Name of the source                                     | Range of indicators of process used to assess progress in the selected sector | Range of the indicators of performance used to assess progress in the selected sector | Average |
|----|----------------------------|--|---|---|---------|
| 1  | American bar association   | Judicial reform index**                                |   |   |         |
| 2  | Amnesty International      | Amnesty International annual report                    |   |   |         |
| 3  | Bertelsmann foundation     | Bertelsmann Transformation Index*                      |   |   |         |
| 4  | Council of Europe          | MONEYVAL***  |   |   |         |
| 5  | Council of Europe          | GRECO reports**  |   |   |         |
| 6  | OECD                       | SIGMA reports  |   |   |         |
| 7  | EC agency EMCDDA           | EMCDDA reports   |   |   |         |
| 8  | EC agency EUROPOL          | EUROPOL OCTA report                                    |   |   |         |
| 9  | European Council           | Dublin Group Reports                                   |   |   |         |
| 10 | Freedom House              | Freedom in the World                                   |   |   |         |
| 11 | Freedom House              | Nations in Transit                                     |   |   |         |
| 12 | Global integrity           | Global Integrity Index**                               |   |   |         |
| 13 | Human Right Watch          | Human Right Watch Annual report                        |   |   |         |
| 14 | incb                       | INCB reports   |   |   |         |
| 15 | Reg Coop Council           | Regional Cooperation Council                           |   |   |         |
| 16 | Transparency international | CIMAP report   |   |   |         |
| 17 | Transparency international | Crisis reports   |   |   |         |
| 18 | Transparency international | Global corruption barometer (GCB)                      |   |   |         |
| 19 | Transparency international | National Integrity System Assessment                   |   |   |         |
| 20 | UNODC                      | UNODC survey criminal justice system                   |   |   |         |
| 21 | UNODC                      | UNODC World Drug Report                                |   |   |         |
| 22 | US Department of State     | Country reports on human right practices               |   |   |         |
| 23 | US Department of State     | International Narcotics Control Strategy Reports INCSR |   |   |         |
| 24 | US Department of State     | Trafficking in People                                  |   |   |         |
| 25 | World Bank Insitute        | Worldwide Governance Indicator                         |   |   |         |
| 26 | World Justice Project      | WJP Rule of law Index***                               |   |   |         |

Recent research<sup>18</sup> recommends using a mix of process indicators and performance indicators to effectively assess progress in the field of GRJCO. The third column of table 4 above shows that seven sources combine a wide range of performance and process indicators and therefore are potentially relevant to assess progress. Yet each of these sources has limitations in terms of coverage and/or frequency.

<sup>18</sup> Botero, Juan Carlos and Ponce, Alejandro, Measuring the Rule of Law (November 30, 2011) Available at SSRN: <http://ssrn.com/abstract=1966257> or <http://dx.doi.org/10.2139/ssrn.1966257> United Nations (2011), "Rule of Law indicators, Implementation guide and project tools, Department of Peacekeeping operations", J. Agoglia and al. "Measuring progress in Conflict Environment: A metric framework." United States Institute of Peace Press, 2010 [http://www.usip.org/files/resources/MPICE\\_final\\_complete%20book%20\(2\).pdf](http://www.usip.org/files/resources/MPICE_final_complete%20book%20(2).pdf)

These sources are:

1. **The Judicial Reform Index (1)** which assesses progress in the field of justice reforms. This source assesses progress in terms of justice reforms based on a combination assessment of legislation (process indicator) that it combines with results of surveys assessing changes as experienced by the population (performance indicator).
2. Limitation: the JRI reports are not regularly published.
3. **MONEYVAL reports (4)** focus on measures against money laundering and financial crime. MONEYVAL reports are in-depth assessments of progress in term of process and to a lesser extent in terms of performance involving closely national authorities.
4. Limitation: MONEYVAL reports are not regularly published and Kosovo is not included (as it is not part of the Council of Europe).
5. **GRECO reports (5)** are detailed reports assessing measures against corruption focusing mostly on process indicators (regulation required to implement the Council of Europe anti-corruption standards) and performance indicators (number of arrest, etc.).
6. Limitation: Greco reports are not regularly published and Kosovo is not included.
7. **The Global Integrity Index (12)** assesses progress in the field of corruption and integrity. The Index compares progress in terms of new law and legislation and in terms of new practices.
8. Limitation: GIR reports are not regularly published and Croatia is not included.
9. **CIMAP (16)**: a unique approach assessing in detail process and performance with focus on anti-corruption. The methodology based on a set of process and performance indicators was developed in cooperation with EC officers.
10. Limitation: the report is an EC-funded initiative covering only three Balkan countries in 2011 and it is unclear if this initiative will be renewed in 2012.
11. **National Integrity System Assessment (19)**: a detailed assessment report on anti-corruption and integrity based on indicator of process and to a lesser extend indicator of performance.
12. Limitation: lack of frequency and geographic coverage.
13. **WJP Rule of Law Index (26)**: is assessing progress in the field of rule of law. The index is based on an innovative methodology (supported by the EC Research Centre) able to track progress and to identify areas in need of support.
14. Limitation: WJP reports are not regularly published and only 2 Balkan countries are covered.

The following table lists the most relevant reports. For each report the country coverage, GRJCO coverage and regularity of the assessment are shown. The number next to the name of the source refers to the detailed assessment of the source in the core of the text.



Table 5: Most relevant sources to assess progress

|                                | Justice reform | Corruption | Organised crime | Yearly reports | Albania | Croatia | FYROM | Kosovo | Montenegro | Serbia |
|--------------------------------|----------------|------------|-----------------|----------------|---------|---------|-------|--------|------------|--------|
| Judicial Reform Index (No 1)   | xxx            | x          |                 | No             | x       | x       | x     | x      | x          | x      |
| MONEYVAL report (No 4)         |                | x          | xxx             | No             | x       | x       | x     |        | x          | x      |
| GRECO report (No.5)            |                | xxx        |                 | No             | x       | x       | x     |        | x          | x      |
| Global integrity index (No 12) | xxx            | x          |                 | No             | x       |         | x     | x      | x          | x      |
| CIMAP (No 16)                  | x              | xxx        |                 | No             | x       |         | x     | x      |            |        |
| INCSR reports (No 23)          |                |            | xx              | yes            | x       | x       | x     | x      | x          | x      |
| WJP Rule of law index (No 26)  | xxx            | xxx        | x               | yes            | x       | x       |       |        |            |        |

### 3.2.3 Use of tools

The main tools applied by the Commission to assess progress in the field of GRJCO are listed in table 6.

Table 6: List of the main tools relevant to assess progress in the field of GRJCO

| Ref. | Implemented by | Name of the source (report)                         |
|------|----------------|---|
| 27   | EC             | Inputs from the conclusion of the JLS Sub-committee |
| 28   | EC             | Inputs from the Opinion reports                     |
| 29   | EC             | Contribution from National Authorities              |
| 30   | EC             | Data from IOs and NGOs                              |
| 31   | EC             | Data from EU experts                                |

The evaluation team also revised the methodology of five tools.

JLS sub-Committees and the Opinion reports are potentially relevant: both tools are based on an extensive list of questions, process indicators and (to a lesser extent) performance indicators and from direct inputs from authorities. However the actual relevance of these reports is limited to assess the impact of the EC financial assistance on GRJCO due to the limited geographic coverage (only potential candidate countries in the case of the Opinion) and due to the limited availability and frequency of these reports.

The assessment of the Contributions from National Authorities, International Organizations and NGOs and from EU experts has been commented in Chapter 2.5.

### 3.3 Recommendations to improve availability of indicators

Several of the most relevant sources (see chapter 3.2) face limitations in terms of geographic coverage or frequency of their assessments or timing of their reports. As a consequence often these sources cannot be used and therefore the variation of several indicators cannot be assessed. Three options are proposed to improve the availability of indicators: a) to negotiate with source providers to adjust the scope and frequency of their assessment; b) to develop new assessment tools and c) to develop specific performance indicators such as public surveys.

#### 3.3.1 To negotiate with source providers to extend existing assessment tools/sources

The first option consists in negotiating directly with some of the most relevant source provider with a view to extend the geographic coverage or scope of their assessments. The most relevant sources are listed below with their main sector of focus and areas for improvement. In some case some resource provider may agree to adjust their assessment framework at no or limited costs for the EC, but most cases such adjustment would imply additional costs for the sources providers. Therefore the evaluation team recommends assessing the cost effectiveness of this option.

Table 7: Relevant sources and area for improvement

| Source                               | Sector covered   | Suggested adjustments   |
|--------------------------------------|--|---|
| Judicial Reform Index (1)            | Independence of judiciary                                | - to extend coverage to all western Balkan countries;- to ensure yearly country assessments;  |
| Global Integrity Index (12)          | Corruption and integrity                                 | - to extend coverage to Croatia; - to ensure yearly country assessment;   |
| WJP rule of law Index (26)           | Rule of law  | - to extend coverage to FYROM, Montenegro, Serbia, Kosovo and Bosnia and Herzegovina;   |
| CIMAP (16)                           | Anti-corruption  | - to extend coverage to Montenegro, Serbia, Croatia and Bosnia and Herzegovina  |
| MONEYVAL (Council of Europe) (4)     | Money Laundering (major), Corruption and Organised Crime | - to ensure yearly assessment or yearly update  |
| Bertelsmann Transformation Index (3) | Good Governance Democracy                                | - to define clearer parameters and indicators<br>- to disclose methodology<br>- to ensure coherence with EC <i>aquis</i>  |
| GRECO (Council of Europe) (5)        | Corruption   | - to ensure yearly assessment or yearly update<br>- to ensure yearly assessment or yearly compliance report   |
| Europol                              | - Regional cooperation on criminal matters               | - to obtain number of exchange of information between Balkan countries and Europol since this non confidential data could be a relevant indicator of regional law enforcement cooperation |
| Regional Cooperation Council (15)    | - Regional police cooperation                            | - to encourage the implementation of the regional assessment mechanism as the results of this mechanism could be a relevant indicator of regional law enforcement cooperation             |

| Source      | Sector covered                      | Suggested adjustments   |
|-------------|-------------------------------------|---|
| CRINIS (17) | Political financing                 | - to extend assessment to Montenegro and Bosnia and Herzegovina |
| INCSR (23)  | Drug trafficking<br>Financial crime | - To develop performance indicators                             |

### 3.3.2 To envisage the creation of new assessment tools

The evaluation team recommends developing new assessment tools focussing on specific GRJCO parameters and indicators. This approach is not new and has already been implemented by the EC with Transparency International when launching the CIMAP report. As a result the CIMAP report is a very relevant source to assess progress on measures against corruption in three Western Balkan countries. The evaluation team recommend to consider to continue supporting CIMAP reports and to extent CIMAP assessment to other Balkan countries.

The evaluation team recommends envisaging the development of similar assessment tools on measures against organised crime and on judiciary reform. This would imply identifying possible source providers and negotiating with them parameters and indicators as well a country coverage and frequency of the assessments. For example in the field of measures against organised crime UNODC may be a possible partner. In the field of Judiciary Reforms, the ABA foundation, the Bertelsmann foundation, the Council of Europe or OSCE are relevant potential partners. Alternatively, the sections on GRJCO assessment of the SIGMA report of CIMAP report could be extended. Similar assessments already exist but they are usually focussing on one county only and are not regular which limit their relevance to assess progress<sup>19</sup>.

The advantage of such an approach would be to obtain regular and harmonised studies on specific sub sectors of GRJCO coherent with the indicators identified in the mid-term objectives of EC financial assistance. These studies would therefore be directly relevant to assess progress and impact of the EC assistance on GRJCO.

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<sup>19</sup> In Albania the Council of Europe developed a scheme to facilitate the assessment of justice system efficiency: [http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2010/2010\\_Albania.pdf](http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2010/2010_Albania.pdf) In Serbia the Council of Europe assessed the justice sector "Support of the Reform of the Judiciary in Serbia in the light of the Council of Europe Standards": [http://www.coe.int/t/dghl/cooperation/capacitybuilding/Source/judic\\_reform/supportReformJudiciarySerbia\\_final\\_Report.pdf](http://www.coe.int/t/dghl/cooperation/capacitybuilding/Source/judic_reform/supportReformJudiciarySerbia_final_Report.pdf)

### **3.3.3 To envisage the funding of population surveys or GRJCO performance assessments at country level**

The evaluation team also recommends the EC to consider the development of few relevant performance indicators such as population surveys. Performance indicators such as public survey on experience or perception are usually not available and yet are relevant to assess progress as experienced by the population. Such surveys focussing on experience and perception are often missing in the various assessment tools/sources assessed in the preceding part of this report. Such surveys should focus on issues directly relevant to the EC financial assistance on GRJCO. Their implementation could be outsourced locally at limited costs under the condition of close surveillance.

Several EUDs are already funding regular public opinion surveys, some of these focussing on issues related to GRJCO<sup>20</sup>. The evaluation team recommends extending this approach to all beneficiary countries and to adjust it to the objective and indicators of the EC financial assistance.

This recommendation is narrower in scope than the preceding one as it focuses on one indicator only instead of developing a whole set of parameters and indicators.

### **3.3.4 To continue efforts to improve GRJCO statistics**

The evaluation team also recommends continuing the prioritization of the development of judicial statistics. Currently when statistics on GRJCO are available, there are sometimes fragmented among several enforcement agencies and based on different methodologies with the result that overall law enforcement and criminal justice system performance in these areas is difficult to measure. The importance of obtaining reliable statistical data on complex crime such as organized crime and corruption was also underlined in the *acquis communautaire* and standards of the European Union and the United Nations. The research and recommends to focus on the development of an agreed 'minimum' set of core indicators and system standards that can be implemented and monitored over time. The EC already support efforts in this area<sup>21</sup>. Efforts should continue and be extended.

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<sup>20</sup> For example World Bank implemented a survey of perceptions and experiences of justice system in Serbia which present several relevant indicators, <http://serbiamdtf.org/Resources/Justice%20in%20Serbia-Survey%20Report.pdf>; UNDP implemented a survey on perception on corruption also in Serbia [http://www.undp.org.rs/index.cfm?event=public\\_publicationsDetails&revid=0E60B769-EB6D-662E-C949956889479FCD](http://www.undp.org.rs/index.cfm?event=public_publicationsDetails&revid=0E60B769-EB6D-662E-C949956889479FCD); In addition

<sup>21</sup> "Development of Monitoring instruments for judicial and law enforcement institutions in the Western Balkans 2009-2011 (UNODC)". The project assesses the capacity of all Balkan countries to generate and use reliable statistic on criminal justice. Most sub sectors are covered: police statistics, prosecution, court statistics, money laundering, trafficking of persons, international reporting, migration, asylum, visa, and victimization surveys. The country reports produced by the project can serve as baseline to asses future progress. [http://www.unodc.org/documents/southeasterneurope//Technical\\_Assessment\\_Report\\_Albania\\_2010-06-30\\_final.pdf](http://www.unodc.org/documents/southeasterneurope//Technical_Assessment_Report_Albania_2010-06-30_final.pdf) and others

### 3.3.5 Other tools

- **Media assessment:** all EUDs are regularly reviewing media (directly or via third party such as OSCE). This permits to collect information on specific cases and inform relevant stakeholders. However most of EUDs do not consider media coverage as a main source of information to assess progress in the field or GRJCO.
- **Head of Mission meetings:** most EUDs organize weekly meetings for Heads of Mission. These meetings may be useful to coordinate and exchange views on a range of topics. Currently these meetings play a limited role as a tool to assess progress on GRJCO despite their potential as relevant source of information (Heads of Mission have often in-depth knowledge of on-going processes in the countries).
- **Liaison Officers meetings:** every three to four months some EUDs organise a meeting for Police (or magistrate) Liaison officers. During these meetings LOs exchange information on on-going initiatives and coordinate their approach. Currently Police Liaison officers play a limited role in assessing progress on GRJCO.
- (Informal) **donor coordination meetings:** some EUDs participate in regular donor coordination meetings in their capitals on GRJCO. During these meetings information is being exchanged on bilateral, multilateral and (comments on) government initiatives.

## 4. Main conclusions and recommendations

The Terms of Reference specified the following purpose for the assignment in Lot 2:

'Identifying and developing possible SMART objectives and indicators of measurement to support programming and monitoring of performance of financial assistance and reforms in the areas Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime.

### Conclusions

#### *Concerning objectives*

1. Governance and Rule of Law have a coverage that go beyond Judiciary Reform and Fight against Corruption and Organised Crime
2. It is a challenge for the international community to reach a definitional consensus on the concepts of 'judiciary reforms', 'corruption' and 'organised crime'. The exact scope of the concept of Rule of Law is also subject to intense debate.
3. Programme objectives and specific objectives per area need to refer to an overall objective related to the Copenhagen accession criteria.
4. A part of the existing country objectives for GRJCO complies with SMART features.
5. Specific objectives have been proposed on the basis of concepts contained in international conventions. A problem analysis has preceded these conventions.
6. Judiciary reform should lead to increased public confidence, which will be the outcome of actions to improve integrity and independence of the judicial system, to increase transparency and accountability, to improve accessibility to justice, to increase effectiveness and efficiency and based on adequate human and material resources.
7. Actions related to Judiciary Reform equally apply to the areas Fight against Corruption and Organized Crime
8. Objectives concerning the Fight against Corruption and Organized Crime focus on the adoption and implementation by national authorities of necessary legislative and institutional frameworks coherent with their obligations following the ratification of the United Nations Conventions and other international Treaties
9. Specific objectives concerning the Fight against Corruption concentrate on the performance of Anti-Corruption bodies in the Balkan countries. Integrity audits are being introduced in a few countries.
10. Specific objectives concerning the Fight against Organized Crime concentrate on the effectiveness of measures against human trafficking, drug trafficking, money-laundering and the confiscation of crime-related assets.

### *Concerning indicators*

1. Interpretation SMART: Specific (relates to objectives), Measurable (indicates the kind of progress expected, so far mainly quantitative; qualitative or perceptive indicators to be measured with surveys), Attainable (to be further developed when base line information is known and priorities have been set), Result-oriented (targets to be set when priorities and resources are determined), Time frame (2014 – 2020)
2. Distinction process or law indicators verifying existing legal framework and performance indicators verifying adoption and implementation legal frameworks and outcomes of financial assistance aimed at achieving progress
3. A set of indicators is proposed for every objective
4. Proposed combination of indicators must be proofed in practice and adjusted on a regular basis
5. Weighing of indicators depends upon the interpretation of indicators in each country and the quality of verification sources
6. The value of the 'Judgements given against the government' is subject to the 'independence of Justice', and has political connotations in some of the countries
7. There is a need to develop qualitative indicators to prevent corruption
8. Indicators on confiscation of crime-assets are central to effectively disrupt organised crime networks

### *Concerning verification sources*

1. Core of the monitoring of financial assistance lays in national administrations and consists of national legislation, by-laws, provisions and registers
2. Quality of information must still be verified
3. Seven verification sources listed by the EC are the most relevant concerning area and country coverage, and frequency.
4. See evaluation questions:

### *Concerning evaluation questions*

1. Which are the weaknesses and strengths of the different sources and tools used by the EC to assess the areas covered by this evaluation?  
On comprehensiveness conclusions are: The tools used by the EC cover all areas. Its application to proposed objectives and indicators can be confirmed to a great extent. Although the assessment included all directly available data sources, it is not yet possible to provide coherent and comparable data across the countries. Other strength/weaknesses are answered with question 3.
2. Are there additional/available sources and tools which should be used?  
The report contains several suggestions to include surveys to comply with qualitative or perceptive indicators.

3. How reliable and relevant are the available tools and sources?  
 On reliability further in-depth assessment is required.  
 On relevance: The assessment tools focus on clear parameters within JCO, but not always produce data in a systematic and operational fashion. The assessment on the information on the scale of the problem or on measures of prevention needs to be completed.
4. How could the Commission improve and strengthen its current assessment approach?  
 The ToR put a certain emphasis on the assessment tools and sources. These can best be evaluated in function of its reference framework.
5. How can the tools be combined and weighed?  
 A set of indicators is proposed for each of the specific objectives. Every indicator can be measured with several verification sources. However, weighing – at present – might be speculative.
6. How can these tools be better embedded into the programming, monitoring and evaluation of EU pre-accession assistance?  
 See answer to question 4.

## **Recommendations**

### *Concerning objectives*

1. The EU is to elaborate the overall and programme objectives with regard to Governance and Rule of Law
2. The international community, including the EU, is to continue its efforts to reach a definitional consensus on the concepts of 'Rule of Law', 'Judiciary Reforms', 'Corruption' and 'Organised Crime'
3. Relevance of the proposed specific objectives must be assessed against the agreed upon overall and programme objectives
4. The MIPD in the Balkan countries should comply with SMART features, e.g. in accordance with the proposed specific objectives
5. An updated problem analysis may lead to fine tuning of the specific objectives and the target values contained in these objectives
6. The selection of specific objectives for Judiciary Reform is to be assessed against the findings in the problem analysis
7. Actions for the areas Judiciary Reform, Fight against Corruption and Organised Crime are to be coordinated with a sound collaboration between parties involved in order to avoid duplication of efforts
8. Achievement of objectives may be enhanced with a structured donor coordination
9. Anti-corruption bodies operate independent from the government, while covering the enforcement of the entire legal frameworks. Introduction and enforcement of integrity audits are recommended for all Balkan countries.



10. Cross-border aspects of Organised Crime emphasize above recommendations on coordination and collaboration

*Concerning indicators*

1. Base line information and priority setting are required to conclude the target setting of the objective and subsequently the definition of the relevant indicators. The development and use of qualitative or perceptive indicators is recommended next to the indicators that can be measured on the basis of existing registers.
2. The EU should support legislative authorities with the completion of legal frameworks according to the findings of the process or law indicators, and the executive and judiciary authorities with law adoption and enforcement based on the findings of performance or achievement indicators, and monitor progress based on the agreements of financial assistance.
3. A set of indicators is proposed for every objective. The EU should permanently monitor the relevance of these indicators and propose new indicators when circumstances so dictate
4. The EU should validate the combination of indicators on the basis of its outputs and outcomes
5. The EU should enhance a singular interpretation of the indicators, as well as the quality of the verification sources to enable weighing the relevance of indicators in their contribution to one or more objectives.
6. The EU should address political connotations in the executive and judicial powers to increase the validity of indicators as part of transparency and accountability measures
7. The EU should follow trends in corruption and circumstances of its occurrence to enable the development of additional indicators, initially qualitative indicators
8. The EU should stimulate research on the ratio confiscated crime-assets versus dimensions of organised crime

*Concerning verification sources*

1. The EU must continue supporting the strengthening of national available verification sources as a part of the transparency and accountability objectives.
2. As part of this support it should also verify the quality of information, specifically with regard to interpretation and cross-validation
3. In the application list of sources and tools it is recommended to cross-validate information with the origins of information within the national administrations
4. See evaluation questions:

### *Concerning evaluation questions*

1. Which are the weaknesses and strengths of the different sources and tools used by the EC to assess the areas covered by this evaluation?  
On comprehensiveness: Further evaluation is required to check the availability of data sources for the proposed objectives and indicators. Such an evaluation should include the provision of coherent and comparable data across the countries, and should be provide base line information and target values.
2. Are there additional/available sources and tools which should be used?  
The EU should stimulate the design and implementation of surveys to comply with qualitative or perceptive indicators. Reliable surveys can be carried out with cost-effective approaches.
3. How reliable and relevant are the available tools and sources?  
On reliability as part of the programming phase further in-depth assessment should be included.  
On relevance: Programming should also include the elaboration of proposals to produce data in a systematic and operational fashion, preceded by the completion of the assessment on the information on the scale of the problem or on measures of prevention or reduction.
4. How could the Commission improve and strengthen its current assessment approach?  
The Commission should base its assessment approach on the reference framework, which consists of the structure of objectives (overall > programme > specific), base line information, priority setting and target values. With the proposed measures it will be possible to assign the most relevant and effective set of assessment tools and sources.
5. How can the tools be combined and weighed?  
The EU should permanently monitor the validity of the set of tools and indicators in function of the objectives to be achieved. Weighing – at present – might be speculative. Therefore, the quality of verification sources needs to be verified as outputs is interpreted several ways, due to which the same information may lead to contrary conclusions depending upon the setting.
6. How can these tools be better embedded into the programming, monitoring and evaluation of EU pre-accession assistance?  
See answer to question 4.

## Annex 1: Objectives, Indicators and Verification sources GRJCO

|  | Programme description   | Objectively verifiable indicators   | Sources of verification   |
|--|---|---|---|
| Development Objective                                | Contribute to the Copenhagen Criteria for Accession with regard to preserving democratic governance and the achievement of stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.  |   |   |
| Programme objective                                  | Contribute to the rule of law implying that - before the end of 2020 - government authority may only be exercised in accordance with documented laws, which were adopted through an established procedure. The principle is intended to be a safeguard against arbitrary rulings in individual cases.   | <ol style="list-style-type: none"> <li>1. Legal Framework complete and adequate for all process indicators specified below</li> <li>2. Law adoption and enforcement</li> </ol>  |   |
| Specific objectives Judiciary Reform Legal Framework | <p>To possess a complete and adequate legal framework. Judiciary Reform:</p> <ol style="list-style-type: none"> <li>1. installing the conditions for increased integrity and independence of Justice</li> <li>2. installing the conditions for improved transparency and accountability of Justice</li> <li>3. ensuring and enhancing full access to Justice</li> <li>4. installing the conditions for improved effectiveness and efficiency of justice</li> <li>5. complying with the conditions for increasing public confidence in Justice</li> <li>6. developing and applying up-to-date material and human resources of Justice</li> </ol> | <ol style="list-style-type: none"> <li>1.a Legal framework Independence Judiciary</li> <li>1.b Legal framework Immunity of judges</li> <li>1.c Legal framework on sanctions</li> <li>2.a Procedures cases assignment</li> <li>2.b Existence Judicial Code of Ethics</li> <li>3.a Legal Aid framework and provisions</li> <li>3.b Court Interpreters (# and fees) legal framework</li> <li>4.a Performance monitoring judges and prosecutors</li> <li>4.b Provisions Judicial Inspection Unit</li> <li>5.a. Legal framework in place guaranteeing impartiality of the judiciary</li> <li>5.b. Legal guarantees of due process</li> <li>6.a Budget &amp; Expenditure framework for infrastructure, equipment, supplies and human resources</li> <li>6.b Access to legal position and promotion procedures</li> <li>6.c Approved annual budgets</li> </ol> | <p>Legislation</p> <p>Court Rule Books</p> <p>National Judicial documents</p> <p>Annual budgets and accounts</p> <p>Official publications</p> |

|   | Programme description   | Objectively verifiable indicators  | Sources of verification   |
|---|---|--|---|
| Specific objectives Judiciary Reform Law Adoption and Enforcement | <p><u>Judiciary reform</u></p> <p>1. To increase integrity and independence of Justice from ... to ...</p> <p>2. To improve transparency and accountability of Justice from ... to ...</p> <p>3. To ensure and/or enhance of perception of and experience with access to Justice up to at least ...%</p> <p>4. To improve the effectiveness and efficiency of justice with ...% during programme implementation</p> <p>5. To increase public perception of application Rule of Law from ... to ... (low/medium/high: to develop in surveys)</p> <p>6. To develop and apply up-to-date material and human resources of Justice</p> | <p>1.a # judgements against government</p> <p>1.b Survey on fair process and judicial independence</p> <p>1.c Experience of corruption</p> <p>1.d # of complaints</p> <p>2.a Public records on decisions</p> <p>2.b Application cases assignments</p> <p>2.c Open courtroom proceedings</p> <p>2.d Audited court records</p> <p>3.a Survey court accessibility</p> <p>3.b Ratio access fee / income</p> <p>3.c # Interpreters in court</p> <p>4.a # pending cases (throughput/year + delays)</p> <p>4.b # complaints against judges and prosecutors</p> <p>4.c Case load and delays</p> <p>5.a. Perception of law application</p> <p>5.b. Reports on violation</p> <p>5.c % of equal opportunities gender and minority groups</p> <p>6.a # Enrolment for refresher training</p> <p>6.b # available job positions</p> <p>6.c # staff screened and refused</p> <p>6.d Survey unfair recruitment procedures</p> <p>6.e # training needs assessments undertaken</p> <p>6.f # staff moved to corruption risk area</p> | <p>1.a OSCE, GRECO in few countries</p> <p>1.b GRECO, TI</p> <p>1.c MIS Court Administration</p> <p>2.a National Judiciary Records</p> <p>2.b MIS Court Administration</p> <p>2.c Statistics on decisions excluding the public</p> <p>2.d Audit reports</p> <p>3.a JRI, WJP partial coverage / irregular + surveys</p> <p>3.b National Statistics</p> <p>3.c Court Administration</p> <p>4. MIS Court Administration</p> <p>5. JCI, IO, OSCE + additional surveys</p> <p>6.a Legal academies</p> <p>6. Annual reports on social management legal system</p> |
| Specific objective s Fight against Corruption Legal Framework     | <p>To adopt legislative and regulatory frameworks against corruption coherent with international practices by the beneficiary countries (UNCAC art 69.3 "Each State Party shall consider monitoring its policies and actual measures to combat corruption and making assessments of their effectiveness and efficiency").</p>   | <p>1. Multi-annual anticorruption strategy adopted</p> <p>2. Anti-corruption legislation in place, including</p> <p>a. Anti-corruption monitoring and evaluation system in the public sector</p> <p>b. Definition of scope anti-corruption monitoring in general and of public officials in particular.</p> <p>c. Reporting structure on implementation anti-corruption policy.</p> <p>d. System to conduct integrity audits and/or anticorruption risks analysis.</p> <p>e. Assignments for regional/local authorities with specific anti-corruption responsibilities and tasks.</p> <p>f. Legal protection of whistle-blowers and witnesses.</p> <p>g. Measures to detect corruption in public and private institutions, as well in law enforcement agencies</p>   | <p>At international level UNCAC, GRECO, CIMAP (TI), NIS surveys, OECD evaluations</p> <p>At national level all legislation and specifically provisions concerning ACA/ACC</p> <p>Additional information to be obtained from interviews with ACA/ACC officials</p>   |

|  | Programme description  | Objectively verifiable indicators   | Sources of verification  |
|--|--|---|--|
| Specific objective s Fight against Corruption Law Adoption and Enforcement | <p><u>Fight against corruption</u></p> <p>1. Full implementation of effective legislative and regulatory frameworks against corruption</p> <p>2. To strengthen the capacity and improve the performance of the central coordinating anti-corruption institution with ...% during programme implementation</p> <p>3. Full implementation of an inter-ministerial planning system to monitor anti-corruption policy</p> <p>4. To strengthen the capacity of the beneficiary country to conduct anti-corruption integrity audits in administrative structures in the Executive Power up to at least ...%</p> <p>5. To strengthen the capacity and improve performance of the beneficiary country to prevent corruption at the regional and local level with ...% during programme implementation</p> <p>6. To increase effectiveness of enforcement measures against corruption with ...% during programme implementation</p> | <p>1. # public bodies involved in anti-corruption policies</p> <p>2.a Compliance with anti-corruption functions</p> <p>2.b Institutional performance parameters</p> <p>2.c Donor perception</p> <p>2.d Media coverage on results</p> <p>3.a # Ministerial monitoring reports</p> <p>3.b # Monitoring reports from local authorities</p> <p>3.c # Corruption reports submitted to prosecutor</p> <p>3.d Transparency and participation in reports</p> <p>4.a # integrity audits and/or risk detection instruments developed and implemented</p> <p>4.b #/% of institutions with integrity/risk audits (surpassed)</p> <p>5.a # surveys conducted</p> <p>5.b # prevention jobs created at regional/local level</p> <p>6.a # planned and ad-hoc checks</p> <p>6.b # active cases (on yearly basis) (+input/output)</p> | <p>1. ACA/ACC</p> <p>2.a Surveys to be developed</p> <p>2.b Peer reviews surveys (audits)</p> <p>2.c Donor coordination meetings</p> <p>2.d Media analysis</p> <p>3.a ACA/ACC</p> <p>3.b Municipalities and CSO</p> <p>3.c ACA/ACC, prosecutor offices</p> <p>3.d NIS surveys (to be financed)</p> <p>4.a + b ACA/ACC</p> <p>5.a Surveys to be developed</p> <p>5.b ACA/ACC</p> <p>6. Law Enforcement agency reports</p> |
| Specific objective s Fight against Organized Crime Legal Framework         | <p>Full Adoption by the beneficiary country of legislative and regulatory frameworks against organised crime coherent with international practices</p>   | <p>1.a Legislation penalizing participation in organized crime</p> <p>1.b Regulations operational coordination</p> <p>1.c Regulations special investigations techniques</p> <p>2.a Legal framework + regulations against drug trafficking</p> <p>3.a Legal framework human trafficking as criminal offense</p> <p>3.b Strategy and action plan (including budget)</p> <p>3.c Facilities return of victims (including housing)</p> <p>4.a Legal framework criminalisation laundering proceeds</p> <p>4.b Set capacity Financial Intelligence Units</p> <p>5. a Legislation seizure and confiscation of proceeds</p> <p>5.b state body managing seized and confiscated goods</p>  | <p>1.a Legislation</p> <p>1.b and c By-laws; INCSR</p> <p>2.a Legislation, UNODC, INCB, INCSR</p> <p>2.b and 2.c Legal and police academies</p> <p>3.a to 3.c Administrative data</p> <p>4.a Administrative data + MONEYVAL, INCSR</p> <p>4.b MONEYVAL</p> <p>5.a Legislation, MONEYVAL</p> <p>5.b Administrative data and GRECO</p>   |

|  | Programme description   | Objectively verifiable indicators  | Sources of verification  |
|--|---|--|--|
| Specific objectives Fight against Organized Crime Law Adoption and Enforcement | <p><u>Fight against organized crime</u></p> <p>1. Full implementation of effective legislative and regulatory frameworks against organised crime</p> <p>2. Increased effectiveness of measures against illicit drug trafficking with ...% during programme implementation</p> <p>3. Increased effectiveness of measures against human trafficking with ...% during programme implementation</p> <p>4. Increased effectiveness of measures against economic crime and money laundering with ...% during programme implementation</p> <p>5. To increase effectiveness of measures enabling confiscation of crime-related assets with ...% during programme implementation</p> | <p>1.d # Investigation cases (input/output)</p> <p>1.e # regional exchanges of information</p> <p>1.f # confiscation of proceeds</p> <p>1.g # protection services</p> <p>2.d # drug seizures</p> <p>2.e # arrests for drug trafficking = % overall arrests</p> <p>2.f # confiscation of proceeds</p> <p>2.g Survey on drug related violence</p> <p>3.d # sentenced persons for human trafficking</p> <p>3.e # victims receiving dedicated services</p> <p>4.c # FIU reports followed by prosecution</p> <p>4.d # cases followed by conviction</p> <p>4.e # cases followed by confiscation</p> <p>5.c monetary value asset forfeitures from organised crime</p> | <p>1.d National Judicial Records</p> <p>1.e JHA, Europol, Regional Cooperation Council</p> <p>1.f Judicial statistics</p> <p>1.g National Judicial Services</p> <p>2.d Police reports, INCSR</p> <p>2.e Judicial statistics, INCSR, MONEYVAL</p> <p>2.f Judicial statistics</p> <p>2.g NGO surveys on drug related violence</p> <p>3.d Judiciary docs + Trafficking in Persons Report</p> <p>3.e Judicial data + info from NGO/CSO</p> <p>4.c FIU, Prosecutors, UNCSR</p> <p>4.d and 4.e Statistics prosecutor offices</p> <p>5.c Prosecutor offices</p> |

## Annex 2: List of parameters and indicators relevant to assess efforts and progress in the field of measures on Justice Reforms and Rule of Law<sup>22</sup>

### 1) Justice

#### 1. Performance of Justice

| 1.1 Public confidence   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Legal framework in place guaranteeing impartiality</li> <li>● Legal guarantees of due process in the laws</li> </ul> | <ul style="list-style-type: none"> <li>● Result of survey of lawyers and the general population assessing level of confidence in justice ;</li> <li>● No of complaints about or reports of deficiencies</li> <li>● No of complaints about or reports of violations</li> <li>● No of successful appeals</li> </ul> |

| 1.2 Access to justice  |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Fee scales</li> <li>● Survey of lawyers' fees</li> <li>● Number and fees of court interpreters</li> <li>● Law on legal aid</li> <li>● Availability of free legal assistance for indigent defendants ;</li> <li>● Availability of interpreters</li> <li>● Law regulation in place ensuring affordable legal advice and representation for vulnerable groups</li> </ul> | <ul style="list-style-type: none"> <li>● Result of survey assessing accessibility of court by general population;</li> <li>● Fees to obtain access to courts as a proportion of average income;</li> <li>● No of interpreters in courts;</li> <li>● Percentage of accused person legally represented at court appearance ;</li> <li>● Number of successful applications for free legal aid;</li> <li>● Percentage of all case involving small claim (the proportion of minor cases in a proxy for both confidence and accessibility of the judiciary)</li> </ul> |

<sup>22</sup> Based on the UN Rule of Law Indicator (2011) op.cit

| <b>1.3. Effectiveness and efficiency</b>  |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Performance monitoring system for judges and prosecution in place;</li> <li>● Existence of legal provisions for a judicial inspection unit;</li> <li>● Legal provision for to provide to each judge the basic human resource support necessary to do his or her job;</li> <li>● A system exists so that new judicial positions are created as needed allowing for reasonable caseload and case clearance ratio in the judiciary.</li> <li>● The judicial system maintains a case filing and tracking system that ensures cases are heard in a reasonably efficient manner.</li> <li>● A system exists whereby all judges receive current domestic laws and jurisprudence in a timely manner</li> </ul> | <ul style="list-style-type: none"> <li>● Number of pending cases at the beginning and at the end of each year (input and output; clearance/congestion rate)</li> <li>● Length of trial (disaggregated by types of cases), of pre-sentence detention and of prosecution proceeding</li> <li>● Result of a public survey assessing level of perception /experience with undue delays;</li> <li>● Variation of clearance rate<sup>23</sup></li> <li>● Ratio of investigations versus convictions</li> <li>● No of complaints against underperforming judges and prosecutors investigated</li> </ul> |

## 2. Integrity transparency and accountability of Justice

| <b>2.1. integrity and independence</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Legal framework in place to ensure independence of Judiciary</li> <li>● Legislative, executive, and other governmental authorities are legally bound by court decisions</li> <li>● Judges have immunity for actions taken in their official capacity.</li> <li>● Judges may be removed from office or otherwise punished only for specified official misconduct and through a transparent process, governed by objective criteria.</li> </ul> | <ul style="list-style-type: none"> <li>● Percentage of judges who are appointed for fixed terms;</li> <li>● No of complaints about or reports of inappropriate appointments</li> <li>● No of complaints about or reports of undue influence</li> <li>● Result of public survey on judicial independence</li> <li>● Result of public survey of experience of corruption with judge, prosecutors or other court personnel</li> </ul> |

<sup>23</sup> caseload quotient is the ratio of incoming cases to the number of judges; case clearance ratio is the ratio of completed cases to new filings



| <b>2.2. Transparency and accountability</b>   |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Legal framework and procedures in place for assigning cases to individual judges;</li> <li>● Increase in number of publically accessible copies of the laws;</li> <li>● Rules establishing a performance monitoring system for prosecution/judges assessing compliance with performance guidelines;</li> <li>● A judicial code of ethics exists to address major issues such as conflicts of interest, ex parte communications, and inappropriate political activity, and judges are required to receive training concerning this code both before taking office and during their tenure.</li> <li>● A meaningful process exists under which other judges, lawyers, and the public may register complaints concerning judicial conduct.</li> <li>● Judicial decisions are generally a matter of public record, and significant appellate opinions are published and open to academic and public scrutiny.</li> <li>● Regulation exist to publish regularly report on court spending</li> </ul> | <ul style="list-style-type: none"> <li>● No of complaints about or reports of inappropriate assignment procedure;</li> <li>● No of complaints about or reports of incomprehensible or ambiguous laws</li> <li>● No of complaints about or reports of refused or unfair public hearings</li> <li>● Public accessibility of reports on misconduct against judges or other court personnel;</li> <li>● Result of expert survey assessing the transparency of court decision (no undue influence from senior judges (e.g., court presidents), private interests, or other branches of government)</li> <li>● Result of expert survey assessing if judges are assigned to cases by an objective method or according to their specific areas of expertise, and if they may be removed only for good cause, such as a conflict of interest or an unduly heavy workload.</li> <li>● Courtroom proceedings are open to, and can accommodate, the public and the media.</li> <li>● Report on court spending available</li> </ul> |

### 3. *Treatment of vulnerable groups (justice)*

Vulnerable groups include minorities, victims, and children in need of protection or in conflict with the law, internally displaced persons, asylum-seekers, refugees, returnees and stateless, mentally ill individuals and drug addicts. Assessment frameworks should include specific indicators assessing treatment of these vulnerable groups. The assumption is that if a system makes progress in terms of the benefit it offers to the most vulnerable members of the society, it is also likely to make progress in terms of benefits it provides to those who are wealthier and less vulnerable (see also United Nations (2011) page 4, op cit.)

| Process indicators / law  | Performance indicators / practice   |
|---|---|
| <ul style="list-style-type: none"> <li>● Legal framework ensuring equal application of the law by judges</li> </ul> | <ul style="list-style-type: none"> <li>● Result of expert survey assessing treatment by the courts of children and other vulnerable groups</li> <li>● Percentage of judges who are members of minorities</li> <li>● No of convictions and decrease of number of dismissals in cases of gender-based or inter-ethnic violence</li> <li>● No of complaints about or report of inappropriate treatment of children</li> <li>● No of judges per population for wealthy versus poor areas</li> </ul> |

#### 4. Capacity of Justice

| <b>4.1. Material resources</b>  |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Law on court and prosecution records</li> <li>● Budget for material resources of the courts and prosecution (including IT infrastructure)</li> <li>● Number of courthouse police officers</li> <li>● Number of close-protection officers assigned to judges and prosecutors</li> <li>● Budget for safety measures in court houses</li> <li>● Means to protect court personnel</li> </ul> | <ul style="list-style-type: none"> <li>● Increased quality (completeness and clarity) of records</li> <li>● Result of surveys on improvement in facilities and equipment as perceived by expert groups</li> <li>● Results of pool/surveys on increased sense of safety and security by court staff</li> <li>● Judicial buildings are conveniently located and easy to find, and they provide a respectable environment</li> </ul> |

| <b>4.2. Human resources</b>   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Existence of continuing education programmes and on-the-job training programmes for judges, prosecutors and lawyers;</li> <li>● Existence of regulations/ procedure defining procedure to promote judges on the basis of objective criteria such as ability, integrity, and experience.</li> <li>● Regulation ensuring sufficient salaries<sup>24</sup> of judges and prosecutors</li> </ul> | <ul style="list-style-type: none"> <li>● Surveys of local and international experts on perception of competence of judges, prosecutors, defence counsels and lawyers;</li> <li>● Survey of local and international experts on perception that judges are appointed based on objective criteria ( such as passage of an exam, performance in law school, other training, experience, professionalism, and reputation in the legal community</li> <li>● Percentage of judges who are woman</li> <li>● Number of judges, prosecutors and support staff per 100.000 inhabitants</li> <li>● Number of lawyers per 100.000 inhabitants</li> <li>● Table of salaries</li> <li>● Result of surveys of judges and prosecutors assessing salary levels</li> </ul> |

<sup>24</sup> Sufficient to attract and retain qualified judges, enabling them to support their families and live in a reasonably secure environment, without having to have recourse to other sources of income.

| <b>4.3. Administrative management capacity</b>  |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Existence of an annual budget for the courts and the judiciary (infrastructure, equipment, salaries)</li> <li>● Existence of administrative procedure to support court management (financial management and human management)</li> <li>● Resources are allocated to protect judges from threats such as harassment, assault, and assassination.</li> </ul> | <ul style="list-style-type: none"> <li>● Result of expert survey assessing level of salary/delays for judges and prosecutors and courts staff/ publicly funded defence counsels;</li> <li>● Result of expert survey assessing is the judicial system operates with a sufficient number of computers and other equipment to enable it to handle its caseload in a reasonably efficient manner.</li> <li>● Result of expert survey assessing the quality of court records and completeness of information</li> <li>● Result of expert survey assessing if the judiciary can influence the amount of money allocated to it by the legislative and/or executive branches;</li> <li>● Result of expert survey assessing if the judiciary has control over its own budget and how such funds are expended.</li> </ul> |

## 2) Police

### 1. Performance of Police

| <b>1.1. Effectiveness and efficiency</b>  |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Guidelines to improve processes within the Police</li> <li>● Rule regulation defining SOP</li> <li>● Budget for training and equipment</li> <li>● On-going training of police staff</li> </ul> | <ul style="list-style-type: none"> <li>● No of response to request of assistance</li> <li>● Average time between request of assistance and response</li> <li>● No of cases resolved by the police (homicide, robbery, kidnapping, extortion, bribery, organised crime)</li> <li>● No of cases forwarded to the prosecution service</li> <li>● No of police operations in response of citizens' requests</li> <li>● Response of public survey on satisfaction with police performance</li> <li>● No of police operations concerning domestic violence and sexual crimes against women and children</li> <li>● No of complaints against and reports of vigilantism</li> <li>● Ratio of no of resolved cases in relation to no reported cases of crime</li> </ul> |

| <b>1.2. Public confidence</b>   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Law /regulation on community policing</li> <li>● Existence of official records on crime reporting in general, detailed in sub categories</li> <li>● including vulnerable groups</li> </ul> | <ul style="list-style-type: none"> <li>● Results of victimization surveys</li> <li>● No of reports of crime</li> <li>● No and proportion of crime reporting by women and minorities</li> <li>● Result of survey/pools assessing citizens satisfaction with service provided by the police</li> <li>● No of complaints about and reports of police officers taking or demanding bribes</li> <li>● Result of population survey assessing experience with police corruption</li> </ul> |

## *2. Integrity transparency and accountability of Police*

| <b>2.1. Integrity and accountability</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Legal framework in place defining procedure to investigate and prosecute alleged police misconduct;</li> <li>● Procedure in place or citizens to trigger an investigation on alleged misconduct by the police;</li> <li>● Law on police powers restricting use of force to obtain confessions, banning torture</li> <li>● Existence of procedural guarantees i.e. Law regulation protecting suspects and detainees against arbitrary arrest, detention without trial, searches without warrants, torture and abuse, and excessive delays in the criminal justice system;</li> </ul> | <ul style="list-style-type: none"> <li>● No of complaints filled by citizens on police misconduct;</li> <li>● No of investigations on police misconduct (initiated and concluded)</li> <li>● No of prosecutions on police misconduct (initiated and leading to convictions)</li> <li>● Result of local lawyers and NGOs on experience with police misconducts (abuse of police power, use of force to obtain confession, etc.);</li> </ul> |

| <b>2.2. Transparency</b>  |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Freedom of information legislation;</li> <li>● Regulations defining procedures for publication by the police of budget and expenditure, reports on public complain and report on death in police custody.</li> </ul> | <ul style="list-style-type: none"> <li>● Public availability of reports on police complaints (frequency of publication; level of detail of the report)</li> <li>● Public reports on police budgets and expenditures (frequency of publication; level of detail of the report)</li> <li>● Public reports on deaths in police custody or as a result of police actions (frequency of publication; level of detail of the report)</li> <li>● Survey of local expert lawyers, prosecutors assessing perception of transparency of police force;</li> </ul> |

### 3. Treatment vulnerable groups

| Process indicators / law   | Performance indicators / practice   |
|--|---|
| <ul style="list-style-type: none"> <li>● Legal framework in place guaranteeing equal treatment of vulnerable groups;</li> <li>● Procedures in place regarding child-friendly interviewing and investigation practices;</li> <li>● Procedures and guiding practices in place for dealing with minors, mentally ill suspects or offenders;</li> <li>● No of officers aware/trained on these procedures;</li> </ul> | <ul style="list-style-type: none"> <li>● Proportional increase of women and minority police officers (disaggregated by rank and regional distribution)</li> <li>● No of complaints about and reports of discrimination</li> <li>● No of complaint about and reports of mistreatment of children</li> <li>● No of complaint about and reports of mistreatment of mentally ill people</li> <li>● Result of population survey on experience with discrimination by the police</li> </ul> |

### 4. Capacity of Police

| 4.1. Material resources   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Budget for police equipment and infrastructure</li> <li>● Budget for police records</li> <li>● Record management capacity</li> </ul> | <ul style="list-style-type: none"> <li>● Availability of equipment to perform police duties (transport, communication infrastructure)</li> <li>● Availability of forensic test capacity</li> <li>● Availability in police stations of private areas for receiving crime reports and holding cells</li> <li>● Results of survey of police officers and local enforcement experts assessing specific challenge in term of equipment and infrastructure</li> <li>● Results of a survey of international experts assessing national forensic capacity (UNODC and OMCL experts)</li> </ul> |

| 4.2. Human resources  |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Regulation on recruitment practices</li> <li>● Qualification requirements</li> <li>● Vetting process for police officers</li> <li>● Regulation on minimum skills to gather and protect physical evidence</li> <li>● On-going training</li> </ul> | <ul style="list-style-type: none"> <li>● No of police officers per 1000 population;</li> <li>● No of complaints against improper recruitment practices</li> <li>● No of complaints against and reports of improper or ineffective vetting procedures</li> <li>● Result of a survey of legal expert assessing the fairness of police recruitment procedure and level of qualification of police staff;</li> <li>● Percentage of police officer who are woman;</li> </ul> |

| <b>4.3. Administrative and management capacity</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Rules ensuring adequate level of salaries for police officers</li> <li>● Existence of strategic plan and budget projection;</li> <li>● Rules defining Police good managerial practices (including finance management, procurement, human resources management and human right standards);</li> <li>● Rules and budget for record keeping individuals held in police custody and information management;</li> <li>● Qualification requirements for police staff;</li> <li>● Rules ensuring regular inspection (audit)</li> </ul> | <ul style="list-style-type: none"> <li>● Level of salaries of police officers / frequency of payment</li> <li>● Extent of information contained in police file on individuals held in custody</li> <li>● No of police inspections / availability of audit reports</li> <li>● Result of survey of police officer on actual level of salary and delays in payment;</li> <li>● Result of survey of public confidence in police leader;</li> <li>● No of complaints about inadequate management</li> </ul> |

### **3. Prisons**

#### *1. Performance of Prisons*

| <b>1.1 Security safety and order</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Existence of rules and regulation on prison safety and order in line with international practices</li> <li>● No of training of prison officers</li> </ul> | <ul style="list-style-type: none"> <li>● No of prison escapes (per 1000 prisoners in the last 12 months)</li> <li>● No of assaults on prison officers (per 1000 prisoners in the last 12 months)</li> <li>● No of violent deaths (per 1000 prisoners in the last 12 months)</li> <li>● Pool on prisoners on level of safety in prison</li> <li>● Survey of lawyers and NGOS on perception of public management in prisons</li> </ul> |

| <b>1.2 Prisoner health welfare and rehabilitation</b>   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Existence of rules and regulations defining minimum standards on food/water and sanitary conditions;</li> <li>● Rule allowing for health care visit in prisons;</li> <li>● No of training of prison officers;</li> <li>● Rules allowing for family visit free of charge;</li> <li>● Budget on prison renovation</li> </ul> | <ul style="list-style-type: none"> <li>● Result of surveys of local expert assessing the quality of food and water; sanitary installations and health care services available in prisons;</li> <li>● Percentage of female prisoner held separated from male prisoners;</li> <li>● Variation of average Body Mass Index of prisoners</li> <li>● No prison with clean water and sanitation facilities</li> <li>● No of family visits;</li> <li>● No of health examination of prisoner;</li> <li>● No of prisoner per prison medical staff;</li> <li>● No of non-violent death (per 1000 prisoners in the last 12 months)</li> </ul> |

## 2. Integrity transparency and accountability (prisons)

| <b>2.1. Integrity</b>  |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Rule and regulation on integrity of prison officers;</li> <li>● Rule ensuring sufficient level of salaries for prison officers;</li> <li>● National legislation stipulating strict conditions for detention and for use of force</li> </ul> | <ul style="list-style-type: none"> <li>● Number of complains and investigations involving corrupted officers</li> <li>● Results of survey of experts on perception of corruption within prison officials</li> <li>● Table of salaries of prison officers;</li> <li>● Result of survey of prison officer on their actual level of salary and frequency of payment</li> <li>● Decrease in number of complaints about and reports of unlawful detention</li> <li>● Decrease in number of complaints about and reports of excessive use of force</li> </ul> |

| <b>2.2. Transparency and accountability</b>   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Law on freedom of information</li> <li>● Rules on publications of information</li> <li>● Rules authorising access of independent quality control authorities and or human right groups to prisons</li> <li>● Rules defining clear procedure for complaints</li> <li>● Rule defining performance monitoring systems that hold prison officers accountable for infractions of prison regulation</li> </ul> | <ul style="list-style-type: none"> <li>● No of publicly available accounts of prison spending</li> <li>● No of publicly available report on complains of misconducts against prison officials</li> <li>● No of publicly available report on number and cause of death in custody</li> <li>● No of visit of independent control authorities/ human right groups to monitor /inspect prison conditions</li> <li>● Survey of ex prisoner on the effectiveness of complain procedure</li> </ul> |

## 3. Treatment of vulnerable groups (prisons)

| Process indicators / law  | Performance indicators / practice   |
|---|---|
| <ul style="list-style-type: none"> <li>● Law granting equal treatment</li> <li>● Prison regulation granting separate detention/ service for vulnerable groups</li> <li>● Freedom to practise religion in prison guaranteed by law</li> <li>● Separate detention for children mandated by law</li> </ul> | <ul style="list-style-type: none"> <li>● no of complaints about and reports of discrimination of member of vulnerable groups;</li> <li>● percentage of separate detention facilities for children;</li> <li>● percentage of separate detention facilities for woman;</li> <li>● percentage of separate detention facilities for mentally ill prisoners</li> <li>● number of treatments services for drug addicts in prison</li> <li>● result of surveys on discrimination in prison by NGOs, defence lawyers and recently released inmates</li> </ul> |

#### 4. Capacity (PRISONS)

| <b>4.1. Material resources</b>  |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Rule on prison overcrowding</li> <li>● Rules on detention facilities for woman and children</li> </ul> | <ul style="list-style-type: none"> <li>● No of prisoner per meter square in all prisons;</li> <li>● No and quality of communication and transportation equipment per prison</li> <li>● No of detention facilities for children</li> <li>● Result of a survey of local experts on prison overcrowding</li> </ul> |

| <b>4.2. Human resources</b>  |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Rules on qualification requirement</li> <li>● Rule on training</li> <li>● Official records</li> <li>● Vetting process for prison officers in place</li> <li>● Budget capacity in place for training of prison officers</li> </ul> | <ul style="list-style-type: none"> <li>● No of prisoners per prison officer;</li> <li>● Level of remuneration of prison officers;</li> <li>● No of trainings offered to prison officers including training on human right</li> <li>● Decrease in number of complaints about vetting process</li> <li>● Results of survey of local NGOS and lawyers on levers of competence and skills of prison officers</li> </ul> |

| <b>4.3. Administrative and management capacity</b>   |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Existence of Strategic planning and adequate budgetary capacity</li> <li>● Rules on prisons defining good practices on prison management (including finance management, procurement, human resources management and human right standards);</li> <li>● Rules and budget for record keeping and information management;</li> <li>● Qualification requirements for prison managers</li> <li>● Rules ensuring regular prison inspection (audit)</li> </ul> | <ul style="list-style-type: none"> <li>● No of prison inspections / availability of audit reports</li> <li>● Result of survey of prison officer on delay in the payment of their salary</li> <li>● No of complaints about inadequate management and non-compliance with HR standards</li> <li>● No and quality of prison records</li> <li>● Results of a survey of prison managers on managerial efficiency.</li> </ul> |



## Annex 3: List of parameters and indicators relevant to assess efforts and progress in the field of measures against corruption

### 1. Prevention of Corruption

| 1. Legal instruments, strategy and action plans   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● National anticorruption legislation in place in compliance with international standards.</li> <li>● Number of anti-corruption relevant amendments to existing laws successfully adopted by parliament and implemented;</li> <li>● Independent anti-corruption body or bodies have contributed policy inputs<sup>25</sup> to the national agenda;</li> <li>● A national anticorruption strategy is adopted in alignment with international criteria<sup>26</sup>, outlining the strategic goals, objectives, priority areas/sectors, related activities and available budget to implement the strategy;</li> <li>● Action Plan is adopted and implemented in alignment with international criteria<sup>27</sup>;</li> </ul> | <ul style="list-style-type: none"> <li>● Results of an expert survey on the adequacy of the legal and institutional framework with international norms</li> <li>● Number of public bodies that have developed and implemented an anti-corruption policy.</li> </ul> |

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<sup>25</sup> Policy inputs can be defined as policy proposals, initiatives from parliament, local administrations, other public and private institutions

<sup>26</sup> International criteria include: a balance between preventive and repressive anti-corruption measures; all corruption prone sectors covered; priority setting; available budget for implementation; strategy is the result of an inter-institutional consultation and decision-making process.

<sup>27</sup> Such as for example the UN toolkit for drafting anti-corruption action plans.

| <b>2. Monitoring and evaluation of anti-corruption policy</b>  |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Anti-corruption (integrity) monitoring and evaluation system established and operational;</li> <li>● Legal framework to report on the implementation of the anti-corruption policy;</li> <li>● Scope of anti-corruption monitoring defined;</li> <li>● Scope of anti-corruption monitoring of public officials defined ;</li> <li>● Public oversight on the anticorruption policy and its implementation is ensured.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of ministerial monitoring reports;</li> <li>● Number of monitoring reports from territorial/local authorities;</li> <li>● Number of corruption/integrity breaches<sup>28</sup>;</li> <li>● Number of managerial initiatives implemented and/or prevention activities initiated on the basis of data from enforcement division;</li> <li>● Number of corruption cases that are reported<sup>29</sup> and forwarded to the prosecutors' office;</li> <li>● Results of an expert survey on the transparency of the assessments and reports, participation of the relevant stakeholders and the civil society in the assessment.</li> </ul> |

| <b>3. Internal and external Control of Public Administration</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Internal control of the administration set in the framework of the Public Administration and Civil Servants Act.</li> <li>● External control: Mechanisms for judicial control, Ombudsman supervision and Audit Office control in place;</li> <li>● Mechanism for public oversight of public administration in place.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of internal controls of public administration;</li> <li>● Number of external controls of public administrations;</li> <li>● Results of experts survey on effectiveness of mechanism for public oversight of public administrations.</li> </ul> |

<sup>28</sup> Integrity breaches comprise: Corruption: bribing; Corruption: nepotism, cronyism, patronage; Fraud and theft; Conflict of (private and public) interest; Improper use of authority; Misuse and manipulation of information; Discrimination and sexual harassment; Waste and abuse of resources; Private time misconduct.

<sup>29</sup> Number of corruption reports can be disaggregated by: type of corruption (petty/grand), location in country, method of reporting, etc.

| <b>4. Corruption risk audits and/or public integrity</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>Measures in place to conduct corruption risk audits and/or public integrity plans.</li> </ul> | <ul style="list-style-type: none"> <li>Number of integrity plans and corruption risk detection instruments<sup>30</sup> developed and implemented in the public sector;</li> <li>Number/percentage of public institutions that have implemented the majority of recommended measures proposed by risk audits/integrity plans within suggested time frame.</li> </ul> |

| <b>5. Political party funding</b>  |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>Law/measures in place to control political party financing<sup>31</sup>;</li> <li>Entity/body responsible for control/oversight over the political parties financing is determined by law;</li> </ul> | <ul style="list-style-type: none"> <li>Amount of money spent illegally on political party financing discovered;</li> <li>Number of audit reports from political parties, certified by external auditor;</li> <li>Number of published financial and (external) audit reports;</li> <li>Number of cases and sanctions for breaking the law;</li> <li>Results of the CRINIS reports on party financing</li> </ul> |

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<sup>30</sup> Risk assessments are aimed at identification of corruption prone activities, processes, positions in the *organisation*, resulting in recommendations to enhance the resistance capability of the *organisation* against corruption. These assessments should be conducted at a regular basis.

<sup>31</sup> Measures such as internal book-keeping; scope and depth of reporting; reliability of reporting; public disclosure; preventive measures; sanctions; state oversight; non-state oversight.

| <b>6. Recruitment and promotion</b>   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Open competition, merit based recruitment system established.</li> <li>● Decentralised recruitment procedures operational in ministries and executive agencies;</li> <li>● Rules for admittance to the Civil Service available, based on an integrity policy, e.g. on side-line activities that may impede the accomplishment of the official tasks or compromise the impartiality;</li> <li>● Mechanisms to assess the individual performance of civil servants exist and are implemented.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of available job positions for civil servants and information of the competing procedure announced publicly by the relevant administrative structure;</li> <li>● Number of staff screened and refused to avoid holding of incompatible offices/functions, within the framework of a recruitment and selection process;</li> <li>● Number of performance assessments on annual basis by the manager to whom the servant is directly subduced;</li> <li>● Number of promotions based on performance assessments<sup>32</sup>.</li> <li>● <b>Results of expert surveys and population on experience of unfair recruitment procedure in public administrations</b></li> </ul> |

| <b>7. Training / capacities</b>  |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Competence's for the anticorruption bodies' staff are defined;</li> <li>● Staff competence levels in anti-corruption related areas defined;</li> <li>● Anti-corruption training priorities and programme for developed, which include dilemma training and the prevention of conflicts of interest;</li> <li>● Systematic anticorruption training for judges and prosecutors;</li> <li>● Anti-corruption training priorities and programme for court administrative staff developed.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of training needs assessments undertaken;</li> <li>● Anticorruption training is part of the institutionalized general training programme for the civil servants;</li> <li>● Number of trainings undertaken and completed;</li> <li>● Number of staff who experience improved skill levels;</li> <li>● Number of staff who completed specialist certificate, diploma training in anti-corruption;</li> <li>● No of allegations/complaints against judges decreased.</li> </ul> |

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<sup>32</sup> Promotion in the civil service position is conducted by a competitive selection based on meeting the position requirements and high score assessment of the performance (attestation). The position is assigned to the candidate who meets best the requirements in comparison with the other.

| <b>8. Codes of conduct/ethics</b>   |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Ethical values or Code of Conduct incorporated in Law on Civil Servants and other Laws regulating the position and functioning of other categories of personnel, such as judges, prosecutors, members of parliament, local administrators;</li> <li>● Regulation in place to avoid revolving door employment which set restrictions, e.g. about engaging former civil servants as external contractor for a certain period<sup>33</sup>;</li> <li>● Other measures/guidelines in place to promote integrity</li> </ul> | <ul style="list-style-type: none"> <li>● Number of institutions that have developed and implemented Codes of Conduct;</li> <li>● Number of civil servants familiarised with the Code of Conduct;</li> <li>● Enforcement of the Code of Conduct in practice (cases, measures);</li> <li>● Number of revolving door offences.</li> </ul> |

| <b>9. Job rotation</b>   |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Legal provisions and or practices in place or staff rotation in administrative structures with high corruption risk (e.g. customs. licenses/permits, urban planning)</li> </ul> | <ul style="list-style-type: none"> <li>● Number of civil servants that periodically moved from one administration (corruption risk area) to another.</li> </ul> |

| <b>10. Whistle blowing /Reporting</b>  |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Legislation in place to enable reporting of any corruption act/integrity breach;</li> <li>● Legislation to protect whistle-blowers developed and adopted;</li> <li>● Organisational provisions and procedures for impartiality are in place.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of (individual) reports on corruption suspects/suspected cases;</li> <li>● Follow on of these reports;</li> <li>● Feedback on the reports;</li> <li>● Statistics;</li> <li>● Number of corruption signals investigated and cases; completed.</li> </ul> |

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➤ <sup>33</sup> There may be other situations such as a former public official responsible for one sector to become CEO in a private company that has been under his supervision.

| <b>11. E-Governance/ Public Services</b>  |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>E-services provided by the state and local government institutions are available.</li> </ul> | <ul style="list-style-type: none"> <li>Existence of e-services in the areas of licensing, permits, applications, collection of information and various service provisions in health, education, etc.</li> </ul> |

| <b>12. Public information and awareness raising</b>   |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>Anti-corruption communication strategy and action plan exists;</li> <li>Existence of proactive and continuous education, awareness raising to increase public support in the fight against corruption</li> </ul> | <ul style="list-style-type: none"> <li>Number of awareness raising campaigns to combat corruption;</li> <li>Number of publications, polls, opinions, public debates;</li> <li>Number of monitoring reports by civil society;</li> <li>Awareness level among population of negative consequences of corruption is shown in public opinion surveys.</li> </ul> |

| <b>13. International cooperation</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>Exchange of information takes place at the international level;</li> <li>Joint operations are developed and conducted at the international level;</li> <li>Level of compliance with international standards on the basis of the evaluation reports GRECO, OECD, MONEYVAL</li> </ul> | <ul style="list-style-type: none"> <li>Number of international requests to provide expertise abroad;</li> <li>Number of hosted delegations from abroad;</li> <li>Number of joint initiatives/operations/investigations developed and conducted;</li> <li>Number of requests for information related to corruption from other countries;</li> <li>Number of joint initiatives/operations developed and conducted with foreign anti- corruption institutions;</li> <li>Number of recommendations implemented.</li> </ul> |

| <b>14. participation civil society</b>  |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>Stipulation in various Laws to involve the public and NGO's in government consultation procedures (prior to the adoption of legal acts);</li> <li>Uniform system of how budget subsidies approved to NGO's are spent.</li> </ul> | <ul style="list-style-type: none"> <li>Number of NGO's with specialised capacity to analyse, monitor, and publicize government corruption;</li> <li>Number of NGO's that are publishing their donors, financial and audit reports;</li> <li>Number of audits performed by State Audit institution(s);</li> <li>Public consultations especially regarding the matters with huge effect on the population have become a regulated practice.</li> </ul> |

| <b>15. Public procurement</b>   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Law on public procurement in place;</li> <li>● Appeal procedure established with the law.</li> </ul> | <ul style="list-style-type: none"> <li>● Number/percentage of government contracts and procurements reviewed in the last financial year;</li> <li>● Number/percentage of government inspections of contracts and procurements that reveal inconsistencies;</li> <li>● Number/percentage of annulled contracts.</li> </ul> |

| <b>16. Free media/access to information</b>   |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Legal framework provides for independent and free media;</li> <li>● Government information websites/portals operational at various administrative levels;</li> <li>● The basic legal act that guarantees the free access of the public to information is in place, that outlines the proactive approach of the administration that is not only obliged to respond to information requests but to present some data (i.e. draft legislation texts, reports, statistics...) without explicit request from the public.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of corruption cases revealed and/or reported by the media;</li> <li>● Data published on the owners of the media;</li> <li>● Number of journalists harassed because of reporting on corruption;</li> <li>● Number of requests for information through the government website;</li> <li>● Number of requests to disclose information actively on all the branches of state power and entities funded by the state budget;</li> <li>● Number of (grounded) refusals of a request for access to information.</li> </ul> |

## II. Enforcement

| 1. Legal frame   |   |
|--|---|
| Process indicators / law   | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Measures in place to detect corruption in public and private institutions;</li> <li>● Legislation in place to establish corruption as a criminal offence in compliance with international standards;</li> <li>● Completeness of the definition(s);</li> <li>● Measures in place to detect corruption in the LE agencies;</li> <li>● Competences for the anticorruption unit staff are defined.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of planned and ad-hoc checks in central, regional and municipal administrative structures;</li> <li>● Number of active cases under investigation on an annual basis<sup>34</sup>;</li> <li>● Number of people convicted as a result of investigations by the anti-corruption institutions;</li> <li>● Number of cases dismissed or people acquitted due to procedural flaws or incompetent investigations;</li> <li>● Number of criminal proceedings forwarded to the prosecutor's office;</li> <li>● Number of investigations on-going;</li> <li>● Number of corruption reports received.</li> </ul> |

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<sup>34</sup> Can be further disaggregated by type of crime according to legal definition/type of corruption or integrity breaches (e.g. improper use of authority, misuse/manipulation of information/waste and abuse of resources, private time misconduct)



| <b>2. Anti-corruption agencies</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Legal framework of the anti-corruption body or bodies to fight against corruption in place;</li> <li>● Effective (inter-institutional) organisational structures, systems and processes in place;</li> <li>● Adequate number of staff and secure budget of the anti-corruption body or bodies;;</li> <li>● Internationally accepted anti-corruption functions<sup>35</sup> implemented;</li> <li>● Measures in place to assess capacities of management and staff of anti-corruption body or bodies;</li> <li>● Capacity in place to promote and implement cooperation between bodies involved in the fight against corruption</li> </ul> | <ul style="list-style-type: none"> <li>● Organisational structures, systems and (intern-institutional) processes are functioning well<sup>36</sup>;</li> <li>● Performance is viewed as good by donors;</li> <li>● Performance is viewed as good by population;</li> <li>● Public has trust in the anti-corruption institutions;</li> <li>● Media perceive the anti-corruption institutions to be competent and achieving results;</li> <li>● Number of revealed shortcomings in expert assessment report;</li> <li>● Number of other anti-corruption government (sector) policy documents per year;</li> <li>● Relevant and objective assessment of the anticorruption institutions is published;</li> <li>● Number of joint investigation/enforcement operations with other anti-corruption institutions.</li> </ul> |

| <b>3. Conflict of interest</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Comprehensive legal framework on conflict of interests in place<sup>37</sup>.</li> <li>● A system of detection, overcoming and repression of conflict of interests developed and operational</li> </ul> | <ul style="list-style-type: none"> <li>● Information on illegal obtained revenues by people due to breaking the laws on conflict of interest and additional employment enclosed;</li> <li>● Number of cases related to conflict of interest and related sanctions;</li> <li>● Efficiency of the system is perceived by the citizen as good.</li> </ul> |

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<sup>35</sup> Most common corruption prevention functions are Anti-Corruption Policy formulation; Conducting diagnostics and research on corruption; Development of implementation plans; Legislative drafting; Production of implementing guidelines; Monitoring the implementation of anti-corruption policies; Evaluating the effectiveness of anti-corruption policies; Coordinating the implementation of preventive policies; Promoting international cooperation; Disseminating knowledge; Enhancing civil society participation; Enforcement of preventive anti-corruption measures.

<sup>36</sup> Assessments of organisational structures could review whether job descriptions are in place and linked to an organogram, review on the recruitment and selection of staff process.

<sup>37</sup> Conflict of interest regulations comprise e.g. prohibition to accept gifts; imitation of the post-employment possibilities; membership of officials in trade companies or in Management and supervisory boards of trade companies; prevention of the conflict of interests arising from the activities of the official in citizen associations.

| <b>4. Assets reporting</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Law/measures in exist to control asset declarations.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of reports on asset declarations analysed;</li> <li>● Compliance rate for civil servants required to file assets declarations;</li> <li>● Value of assets seized as part of investigations;</li> </ul> |

| <b>5. Sanctions</b>  |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Disciplinary and penal sanctions are regulated by Law and Regulations.</li> </ul> | <ul style="list-style-type: none"> <li>● Number of civil servants/public officials penalised as a result of integrity breaches.</li> </ul> |

## Annex 4: List of parameters and indicators relevant to assess efforts and progress in the field of measures against organised crime

| 1. Adequacy of national legislation and regulatory frameworks with international norms and obligations on measures against organised crime (OC)   |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <p><u>National measures</u></p> <ul style="list-style-type: none"> <li>● Law and regulations penalising <u>the participation</u> in an organised criminal group are in place;</li> <li>● Completeness of the definition of OC (include the notion of serious crime) integrated into national legislation;</li> <li>● Existence of <u>dissuasive sanctions</u> for OC and measures to ensure their implementation such as limitation on release pending trial/appeal; limitation of early release/parole; extend limitation period.</li> <li>● Measures to ensure liability of <u>legal</u> person involved in OC activities.</li> <li>● Measures to ensure protection of <u>victims and witness</u> (strategy, regulations, etc.).</li> <li>● Law regulation in place to criminalise <u>obstruction</u> (force, intimidation, corruption) of justice;</li> <li>● Measures to encourage persons to provide information to LE for investigation on OC.</li> <li>● Measures to mitigate punishment/ or granting immunity in case of cooperation with Law Enforcement (Effective regret).</li> <li>● Establishment of channels for exchange of information and intelligence among competent Law Enforcement authorities.</li> <li>● Measures to ensure operational coordination among prosecutors, police, financial intelligence officers and other relevant LE authorities;</li> <li>● Regulation in place allowing for special investigative techniques (covert operations, electronic surveillance /wiretapping; controlled delivery of drugs, simulated bank accounts and witness protection programmes).</li> </ul> <p><u>Regional measures</u></p> <ul style="list-style-type: none"> <li>● Legal and regulatory frameworks in place allowing for regional enforcement cooperation;</li> <li>● Measures in place to facilitate coordination such as exchange of personnel and liaison officers.</li> </ul> | <p><u>National measures</u></p> <ul style="list-style-type: none"> <li>● *Number of police cases / investigations / trials /convictions against individual and legal persons member of organised criminal networks;</li> <li>● *Increase in the length of the sanctions against individuals/legal persons convicted of organised crime activities;</li> <li>● Variation of the ratio of OC convictions (sanctions)/implementation of the sanction;</li> <li>● *Number of protection services provided to judges, prosecutors and witnesses facing threats and intimidations;</li> <li>● Number of exchanges of OC related information among LE authorities;</li> <li>● *Result of a survey of legal experts on the compatibility of the national legal framework against OC with international norms.</li> <li>● Number of operations using special investigation techniques</li> </ul> <p><u>Regional measures</u></p> <ul style="list-style-type: none"> <li>● Number of exchange of operative information (Number of request answered) between countries;</li> <li>● Number of cross-border joint investigations and prosecutions;</li> <li>● Number of cross border activities including controlled deliveries, hot pursuit, surveillance, etc.</li> <li>● Number of DNA transmission, joint investigation teams;</li> <li>● Number of international asset recovery operations;</li> <li>● *Number of arrests/seizures following regional enforcement initiatives against organised crime;</li> <li>● Number of dismantled transnational OC groups following regional cooperation;</li> <li>● Number of intelligence related exchanges with Europol specialized databases supporting operations against OC in EU;</li> <li>● * Result of survey of institutions active at regional level (Europol, Interpol, RCC, UNODC, etc.) assessing the level of involvement of national authorities into regional enforcement initiatives</li> </ul> |

| <b>2. Statistics on organised crime</b>   |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● Rules and regulations in place to guide the development of statistics on organised crime<sup>38</sup>.</li> <li>● Consistency of the statistical data through different agencies (Police, prosecution, judiciary)</li> <li>● A national organisation is responsible for collecting crime statistics including money laundering and terrorism financing.</li> <li>● Existence of questionnaire for annual collection of data on crime.</li> <li>● Existence of methodology for survey on victimisation.</li> <li>● Existence of a national report in OC.</li> </ul> | <ul style="list-style-type: none"> <li>● Existence of administrative statistics and population-based survey statistics.</li> <li>● Crime statistics are timely (with respect of periodicity, time lag before publication, and year of most recent publication) and cover the whole country or territory.</li> <li>● Existence of performance-based statistics focusing on crime outcomes such as: <ul style="list-style-type: none"> <li>- percentage of reported crime solved by the police;</li> <li>- case burden: number of criminal offences (excluding traffic) per police officer (police);</li> <li>- proportion of crime resulting in charge; - average number of case per prosecutor; - time line of prosecution decisions and action;</li> <li>- average number of case per judge</li> </ul> </li> <li>● Statistics on average length of trial; average time spent on pre-trial detention (court).</li> <li>● Statistics on cases with pre-trial detention failed in court and reasons for failure</li> <li>● Existence of statistic on resource used by the law enforcement /justice system on number of staff, budget, expenditure</li> <li>● Existence of population census and surveys</li> <li>● Regular data exchange with international organisations (EMCDDA, Europol, UNODC, UN, Interpol and others)</li> </ul> |

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<sup>38</sup> EC communication “developing a comprehensive and coherent strategy to measure crime and criminal justice – An EU action plan 2006-2010” (COM 92006) 437 final and UNODC criminal justice assessment toolkit (2006)

| <b>3. a National measures against Drug trafficking</b>   |  |
|--|--|
| Process indicators / law   | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● *National authorities adhere to relevant international conventions against drug trafficking and have integrated the recommendation of these Conventions into national laws;</li> <li>● Existence of rules/regulations to foster coordination measures among law enforcement agencies fighting drug trafficking;</li> <li>● *Existence of continuous training programme for enforcement staff on specific issues related to measures against drug trafficking;</li> <li>● Existence of procedures for operational cooperation including data exchange among enforcement agencies responsible for the fight against drug trafficking;</li> <li>● Adequate anti-drug equipment and communication tools including maintenance budget for anti-drug enforcement authorities;</li> <li>● Training capacity in place for judges and prosecutors on issues related to drug trafficking (including control deliveries procedures)</li> <li>● Rules and facility for storage and destruction of seized drugs</li> </ul> | <ul style="list-style-type: none"> <li>● Number of coordination meeting among national enforcement agencies on drug issues;</li> <li>● Number (type /quantity/purity) of drug seizures;</li> <li>● Number of exchange of information at regional level;</li> <li>● Number of covert operations against drug trafficking;</li> <li>● *Number of arrest reports for drug trafficking as percentage of overall number of arrests;</li> <li>● Number of sentenced for drug-related crime as percentage of all ;</li> <li>● Number of custody of high-level dealers;</li> <li>● *Number of confiscation of proceeds of drug trafficking crime;</li> <li>● Impact of measures against drug trafficking on drug markets: <ul style="list-style-type: none"> <li>- evolution of drug consumption /abuse;</li> <li>- evolution of price of drugs;</li> <li>- variation of purity of drugs ;</li> <li>- purity-adjusted price of drugs;</li> <li>- size of the drug markets (volume, revenues, etc.);</li> <li>- profitability of the drug market (manufacturing, wholesale, retail)</li> </ul> </li> <li>● Number of money laundering cases related to drug trafficking as predicate offence;</li> <li>● *Result of public surveys on drug -related violence as experienced by citizen living in the vicinity of drug markets.</li> </ul> |

| <b>3. b National measures against <i>Human trafficking (HT)</i></b>   |  |
|---|--|
| Process indicators / law  | Performance indicators / practice  |
| <ul style="list-style-type: none"> <li>● National authorities put in place a legal framework establishing HT as a criminal offence;</li> <li>● National authorities adopted a strategy and action plan against HT;</li> <li>● National authorities implement regular measures to prevent HT;</li> <li>● National authorities put in place measures to facilitate the return of the victims of HT.</li> <li>● National authorities adopted a system for on-going training of law enforcement personnel on HT issues.</li> <li>● National authorities or civil society put in place measures to assist victims of HT and obtain compensations.</li> <li>● National authorities or civil society put in place of dedicated housing system for victims of HT.</li> <li>● National authorities or civil society put in place a counselling information system and offer m support for victim of HT.</li> </ul> | <ul style="list-style-type: none"> <li>● Year to year variation of the number of operations against HT carried out by national authorities;</li> <li>● Year to year variation of the number of new cases of human trafficking;</li> <li>● Year to year variation of the number of prevention messages;</li> <li>● Result of public opinion on change of perception of human trafficking;</li> <li>● Year to year variation of the number of sentenced traffickers by charge (disaggregated by gender, age, nationality, country of birth and type of exploitation) and by sentences (type and severity of punishment);</li> <li>● Year to year variation of the number of HT victims filing claims for compensation, by charge, and by claims honoured/denied</li> <li>● Year to year variation of the number of HT victims testifying in court, by charge.</li> <li>● Year to year variation of the number of victims of HT living in dedicated housing;</li> <li>● Year to year variation of the number of victim of HT receiving dedicated services (health, education, etc.);</li> </ul> |

| <b>4. Measures against economic crime and money laundering</b>  |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Extent of the criminalisation of the laundering of the proceeds of crime (transfer of proceed of crime, concealment of nature of property proceed from crime, acquisition of such property; participation in association whose goals are above, laundering of own proceeds) and compliance with international treaties<sup>39</sup></li> <li>● Extent of the regulatory regime for banks and financial institutions (on customer identification, record keeping, training of staff, obligations to report suspicious transactions);</li> <li>● Existence of a mechanism to monitor cross border movement of cash;</li> <li>● Effectiveness of rule and guidelines for the exchange of anti-money laundering-related information at national and international levels (cooperation between FIUS and prosecution and law enforcement services);</li> <li>● Existence of legal protection of whistle-blowers;</li> <li>● Extent of the operational capacity of the Financial Intelligence Unit (number of staff, training and budget) and extent of its operational powers;</li> <li>● Extent of measures to cooperate at national and international level among judicial, law enforcement and financial regulator authorities</li> </ul> | <ul style="list-style-type: none"> <li>● Number of declarations of suspicious transactions from bank and financial institutions to FIUs;</li> <li>● Number of reports on suspicious cases of AML processed by the FIUs (collection of data, analysis and reporting);</li> <li>● Number of FIUs report followed by prosecution;</li> <li>● Number of investigations/ arrests/ prosecutions/ convictions on ML;</li> <li>● Number of inspection of financial entities;</li> <li>● Number of unsuspended custodial sentences by length;</li> <li>● Number of freezing procedures (based on a court order);</li> <li>● Number of confiscation procedures concerning money laundering convictions;</li> <li>● Number of exchange of information at national and international levels;</li> <li>● Number of requests received for <i>freezing / confiscation</i> orders concerning money laundering cases from another EU Member State and the value of frozen / confiscated assets;</li> <li>● Amounts recovered following money laundering convictions;</li> <li>● Average delays for FIU to respond to a request for financial information.</li> </ul> |

| <b>5. Measures enabling the confiscation of crime-related assets</b>  |   |
|---|---|
| Process indicators / law  | Performance indicators / practice   |
| <ul style="list-style-type: none"> <li>● Legislation and regulation in place allowing for <ul style="list-style-type: none"> <li>- confiscation of proceeds of crime (Asset forfeitures);</li> <li>- seizure and confiscation of OC derived proceeds;</li> <li>- courts to seize bank/financial/business records;</li> <li>- follow up of requests from third states.</li> </ul> </li> <li>● Extension of the definition “proceed of crime” (properties, benefits, etc);</li> <li>● Offender to demonstrate lawful origin of alleged proceed of crime (reversal of burden of proof).</li> </ul> | <ul style="list-style-type: none"> <li>● Number of financial investigations</li> <li>● Number of seizures of financial assets per type of crime;</li> <li>● Monetary value during a period of time (last year) of all asset forfeitures linked to organised crime;</li> <li>● Number of trace, freeze, seize and confiscate based on a third states request;</li> <li>● Percentage of request received in each categories follow up by practical action;</li> <li>● Percentage of requests with return of the confiscated proceed of crime to third states</li> </ul> |

<sup>39</sup> See also Directive 2005/60/EC on the prevention and use of financial system for the purpose of money laundering and terrorism financing

## Annex 5: Review of assessment tools and sources

The evaluation team identified 26 sources and 5 tools. The selection of these sources and tools was made based on the selection criteria mentioned above (see “methodology”).

*Table 1: List of main sources relevant to assess progress in the field of GRJCO*

| Ref. | Implemented by             | Name of the source (report)  |
|------|----------------------------|--|
| 1    | American Bar Association   | Judicial reform index  |
| 2    | Amnesty International      | Amnesty International annual report  |
| 3    | Bertelsmann Foundation     | Bertelsmann Transformation Index   |
| 4    | Council of Europe          | Reports from the Committee of experts on the Evaluation of Anti-Money laundering Measures and the Financing of Terrorism (MONEYVAL report) |
| 5    | Council of Europe          | Report of the Group of States against Corruption (Greco reports)   |
| 6    | OECD                       | SIGMA reports  |
| 7    | EC agency EMCDDA           | Reports from the European Monitoring Centre for Drug and Drug Addiction (EMCDDA)   |
| 8    | EC agency EUROPOL          | Europol Threat Assessment annual Report (OCTA report)  |
| 9    | European Council           | Dublin Group Reports   |
| 10   | Freedom House              | Freedom in the World   |
| 11   | Freedom House              | Nations in Transit   |
| 12   | Global integrity           | Global Integrity Index   |
| 13   | Human Rights Watch         | Human Right Watch Annual report  |
| 14   | INCB                       | Reports from the International Narcotic Control Board  |
| 15   | Reg Coop Council           | Regional Cooperation Council   |
| 16   | Transparency International | Comparative Indicator-based monitoring of Anti-corruption Progress Initiative (CIMAP report)   |
| 17   | Transparency International | CRINIS reports   |
| 18   | Transparency International | Global corruption barometer (GCB)  |
| 19   | Transparency International | National Integrity System Assessment   |
| 20   | UNODC                      | The United nations Survey of Crime Trend and Operations of Criminal Justice system   |
| 21   | UNODC                      | UNODC World Drug Report  |
| 22   | US Department of State     | Country reports on human right practices   |
| 23   | US Department of State     | International Narcotics Control Strategy Reports (INCSR reports)   |
| 24   | US Department of State     | Trafficking in Persons Report  |
| 25   | World Bank Institute       | Worldwide Governance Indicator   |
| 26   | World Justice Project      | WJP Rule of law Index  |



*Table 2: List of the main tools relevant to assess progress in the field of GRJCO*

| <b>Ref.</b> | <b>Implemented by</b> | <b>Name of the source (report)</b>                  |
|-------------|-----------------------|---|
| 27          | EC                    | Inputs from the conclusion of the JLS Sub-committee |
| 28          | EC                    | Inputs from the Opinion reports                     |
| 29          | EC                    | Contribution from National Authorities              |
| 30          | EC                    | Data from IOs and NGOs                              |
| 31          | EC                    | Data from EU experts                                |

## Mapping of sources and tools

The following sections describe the sources and tools identified in greater detail.

### 1. Judicial Reform Index (JRI)

ABA's Judicial Reform Index (JRI) has been developed by the American Bar Association's Rule of Law Initiative (ABA ROLI) to assess judicial reform and judicial independence in emerging on democracies and transitioning states. It focuses on judicial reform programmes and monitors progress towards establishing more accountable, effective and independent judiciaries.

|                         |  |
|-------------------------|--|
| Scope of GRJCO sector   | Justice reform and judicial independence   |
| Type of indicators used | The index is based on an assessment of several parameters of the judiciary: quality, education and diversity of judges; judicial powers; financial resources; structural safeguards; transparency and efficiency. For each parameter, the method identifies a limited number of indicators (measuring processes and performance) and assesses their variation via surveys of judges, lawyers, journalists, and outside observers. In-depth country reports are then elaborated (50-60 pages) with specific recommendations. A progress assessment (trend assessment) is proposed for each parameter. |
| Country coverage        | All seven Balkan countries/territories are or were covered, but some not recently: Albania (2004-2006-2008), Bosnia (2001-2006), Croatia (2002), Kosovo (2004-2007-2010), FYROM (2002-2003), Montenegro (2002), Serbia (2002-2003-2005)  |
| Overall assessment      | The JRI is based on an innovative approach allowing to precisely assessing progress in the field of judiciary. Its main shortcoming is its limited coverage of Balkan region.  |
| Link/contact            | <a href="http://apps.americanbar.org/rol/publications/regional_publications.shtml#europe">http://apps.americanbar.org/rol/publications/regional_publications.shtml#europe</a>  |

### 2. Amnesty International's Annual Report

Amnesty International seeks to expose human rights abuses accurately. It carries out a wide range of human rights educational activities and it encourages intergovernmental organizations, individuals, and all organs of society to support and respect human rights.

|                         |   |
|-------------------------|---|
| Implemented by          | Amnesty International (AI)  |
| Scope of GRJCO sector   | Freedom of expression, discrimination, counter-terror and security, torture and other ill-treatment, violence against women, justice and impunity   |
| Type of indicators used | Each country report is based on process indicators (e.g.: new law passed) but most focuses on anecdotal evidences based on <b>individual cases</b> . There is no performance indicator. AI reveals little about its data collection and evaluation methods. The 2006 'Global Accountability Report' by One World Trust came to the conclusion that Amnesty International had no formal policy to guide its evaluation processes; AI's transparency capabilities rank sixth among the ten assessed NGOs. |
| Country coverage        | Yearly coverage of all seven Western Balkan Countries/Territories: Albania – Bosnia and Herzegovina, Croatia, FYROM, Montenegro and Serbia (which includes Kosovo)  |
| Overall assessment      | AI country reports are relatively brief and can be useful to stress specific shortcoming in term of human rights. However, due to the lack of performance indicators, AI's reports are of limited significance in terms of assessing progress.  |
| Link/contact            | <a href="http://www.amnesty.org/en/annual-report/2011/europe-central-asia">http://www.amnesty.org/en/annual-report/2011/europe-central-asia</a>   |

### 3. Bertelsmann Transformation Index (BTI)

The Bertelsmann Transformation Index (BTI) is a survey of political, social and economic transformation around the world.

|                         |  |
|-------------------------|--|
| Implemented by          | Bertelsmann Foundation   |
| Scope of GRJCO sector   | Good governance including the rule of law and the separation of legislative, executive and judicial powers with checks and balances.   |
| Type of indicators used | The BTI is a quality aggregate index ranking 127 countries in terms of their good governance performance (three main parameters are assessed: democracy, market economy and political management). As an aggregate index this source has the limitations noted the introduction of this report. This aggregate index is based on country assessments revising 17 criteria subdivided into 52 questions. The BTI questionnaire is not shared with external sources. It is therefore unclear on which basis information collected is being assessed. Each country report (about 20-30 page each – see link below) is drafted by an external expert and reviewed by a local experts. Country reports are relatively detailed but because there is not a clear grid of indicators, their usefulness to assess progress is limited. |
| Country coverage        | All seven Balkan countries/territories are covered every two years.  |
| Overall assessment *    | The BTI is a widely cited index. The country reports of the Balkan region offer an in-depth description of the situation but the lack clarity regarding data collection method limits its capacity to assess progress. However, the BTI are a useful supplementary tool.   |
| Link/contact            | <a href="http://www.bertelsmann-transformation-index.de/462.0.html?&amp;L=1">http://www.bertelsmann-transformation-index.de/462.0.html?&amp;L=1</a>  |

### 4. MONEYVAL reports (Council of Europe)

MONEYVAL<sup>40</sup> is an independent monitoring mechanism within the Council of Europe focussing on measure against money laundering. Evaluation carried by MONEYVAL are based on a system of peer review (based on the FATF<sup>41</sup> model) each member being entitled to appoint up to three representatives. Evaluations are based on information collected via an in depth questionnaire followed by on-site country visit by a team of experts. The evaluation report is shared with the country and adopted in plenary. There is also a compliance procedure to encourage country to adopt recommendations.

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<sup>40</sup> MONEYVAL stands for “Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism”

<sup>41</sup> FATF stands for Financial Action Task Force. The evaluation team does not assess this organisation that also conduct evaluation and produce country report since none of the 7 Western Balkan countries are member of the FATF See [http://www.fatf-gafi.org/pages/0,2987,en\\_32250379\\_32235720\\_1\\_1\\_1\\_1\\_1,00.html](http://www.fatf-gafi.org/pages/0,2987,en_32250379_32235720_1_1_1_1_1,00.html)

This process of adoption of the recommendation is monitored in successive “progress reports”. These progress reports permit to assess precisely progress and are based on process and performance indicators.

|                         |   |
|-------------------------|---|
| Implemented by          | Council of Europe   |
| Scope of GRJCO sector   | MONEYVAL evaluations reports focus extensively on situation and progress money laundering aspects. The reports also provide information on measure against corruption and organised crime.  |
| Type of indicators used | Country evaluation reports are extensive (from 250 to 400 pages) covering all relevant process indicators in the field of measure against money laundering (legal systems, institutional measures, preventive measures within financial institutions, business and NGOs and international cooperation). The reports assess the compliance of national legislation with FATF 40+9 Recommendations and with the Third AML/CFT EU Directive. The report also contains several performance indicators of various types (number of arrests, drug seizures, number of cases of ML including arrests and convictions) that permit to assess some of the impact of the measures adopted.  |
| Country coverage        | Country evaluations are not taking place every year but progress reports permit an updated evaluation of all Balkan countries: Albania was evaluated in April 2011. Croatia was evaluated in 2008 but first progress reports were adopted in 2009 and in 2011. Bosnia Herzegovina was evaluated in 2009. Serbia was evaluated in 2009 and a first progress report was adopted in 2010; FYROM was evaluated in 2008 and progress reports were adopted in 2009 and 2011. No assessment took place for Kosovo.   |
| Overall assessment ***  | Overall MONEYVAL evaluation reports are a very relevant and complete tool to assess progress on measure against money laundering in Balkan countries; reports also contain relevant information on measures against corruption and organised crime. The use of performance indicators is limited.   |
| Link/contact            | <a href="http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/Albania_en.asp">http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/Albania_en.asp</a><br><a href="http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/BH_en.asp">http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/BH_en.asp</a><br><a href="http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/Croatia_en.asp">http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/Croatia_en.asp</a><br><a href="http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/Montenegro_en.asp">http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/Montenegro_en.asp</a><br><a href="http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/MK_en.asp">http://www.coe.int/t/dghl/monitoring/MONEYVAL/Countries/MK_en.asp</a> |

## 5. GRECO report (Council of Europe)

The Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States' compliance with the organisation's anti-corruption standards<sup>42</sup>.

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| Scope of GRJCO sector                          | Anti-corruption assessment with specific focus such as "Incriminations" or "Transparency of party funding".   |
| Type of indicators used                        | Assessments are being carried out on the basis of clear benchmarks and process indicators avoiding perception-based assessments. Assessments focus mostly on process indicator such as the existence of rules and regulations required for the implementation of Council of Europe anti-corruption standards. Performance aspects are revised to a much lesser extent.  |
| Geographic coverage/ regularity of assessments | Six out of the seven beneficiaries in Western Balkan are covered but not regularly: assessments are implemented every four years only with two consequent compliance reports after 18/36 months. Assessment in Albania took place in 2008 (with a compliance report in 2011); Assessment took place in Bosnia and Herzegovina in 2011; in Croatia 2009; in Montenegro in 2010; in Serbia in 2010; and in FYROM in 2010. No assessment took place in Kosovo. |
| Overall assessment                             | A very relevant tool but with limitations: assessment reports are very detailed but not always assessing performance. There is a lack of regularity since evaluations take place every 4 year on average. Assessments are partial in term of scope since GRECO works in cycles which means that only specific themes are covered from time to time. However, interestingly, countries need to report compliance with the recommendations.                   |
| Link/contact                                   | <a href="http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp">http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp</a>   |

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<sup>42</sup> GRECO's objective is to improve the capacity of its members (Greco counts 49 member state including all the Balkan countries covered by this evaluation except Kosovo) to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards<sup>42</sup> through a dynamic process of mutual evaluation and peer pressure. (The GRECO currently monitors the following instruments: Twenty Guiding Principles in the Fight against Corruption (1997), Council of Europe Criminal Law Convention (1999), Additional Protocol to the Criminal Law Convention on Corruption, Council of Europe Civil Law Convention (1999), Recommendation on Codes of Conduct for Public Officials (2000), Recommendation on Common Rules against Corruption in the Funding of Political Parties). GRECO evaluation procedures involve the collection of information through questionnaire(s) and on-site country visits enabling evaluation teams to solicit further information during high-level discussions. The recommendations of each evaluation report are subsequently assessed by GRECO under a separate compliance procedure.

## 6. Support for Improvement in Governance and Management in Central and Eastern European Countries (SIGMA) reports

SIGMA's assessments<sup>43</sup> cover a broad scope: Civil Service, Administrative Procedures, Administrative Justice, Public Internal Financial Control, External Audit, Budgeting and Public Expenditure Management, Public Procurement and Policy Making Systems. A limited part of SIGMA assessments is covering the aspect of governance, rule of law and judicial reform. Every year, the EC prioritises the sectors to be assessed.

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|-------------------------|---|
| Implemented by          | OECD  |
| Scope of GRJCO sector   | The report cover the sectors of governance, rule of law and judicial reforms. These reports do not cover organised crime issues.  |
| Type of indicators used | The assessments concerning aspect of "Democracy and Rule of Law" are relatively brief and focus mostly on processes.  |
| Country coverage        | All Balkan countries, yearly  |
| Overall assessment      | Reports are regular covering all Balkan countries but the assessments of the GRJCO sector remain general. The potential value of these reports as a tool to assess progress and identify weaknesses is limited. |
| Link/contact            | <a href="http://www.sigmaweb.org/document/37/0,3746,en_33638100_34612958_35550053_1_1_1_1,00.html">http://www.sigmaweb.org/document/37/0,3746,en_33638100_34612958_35550053_1_1_1_1,00.html</a>                 |

## 7. Report from European Monitoring Centre for Drug and Drug Addiction (EMCDDA)

EMCDDA reports mostly focus on drug indicators for the 27 Member States of the Union. However, for several years now, they also cover drug-related statistics for candidate counties and potential candidate countries.

These data can be used as performance indicators as long as other sources of information link these with specific policies. Because data are coherent with EU categories, the report permit some regional comparison. There is also a narrative report presenting progress in the field of legislation and police cooperation.

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<sup>43</sup> SIGMA is a Division of the OECD's Directorate for Public Governance and Territorial Development funded mostly (95 %) by the EU. SIGMA provides expertise in the field of public administration reform and management of public funds. It particularly aims at strengthening implementation of Community legislation and alignment with the Acquis. Data is collected through SIGMA field experts, through a pool of external experts from the region and through brief field missions. In-depth report' (20 to 30 pages) are drafted at alternating intervals once every three years for each country. When no in-depth report is due, a so-called "update report" (3 to 5 pages) is prepared. For verification purposes, the 'facts part' of the draft report (without analysis) is sent to the government who is invited to correct data if found incorrect..

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|-------------------------|--|
| Implemented by          | EMCDDA   |
| Scope of GRJCO sector   | Coverage is limited to drug-related data with a focus on drug abuse  |
| Type of indicators used | Mostly performance indicators derived from national statistics covering issues such as drug abuse, drug price, drug purity and number of drug-related arrests which are all relevant indicators to assess impact of measures put in place by governments to tackle the drug problem. Data are collected from Ministry of Health, Ministries of Interior and National Statistics Offices, selected NGOs and are revised by a panel of local senior experts (working group). |
| Country coverage        | All 7 Balkan countries/territories are covered on a yearly basis   |
| Overall assessment      | EMCDDA report is a relevant source of information for issues related to drug abuse or drug trafficking. It uniquely permits to assess impact of anti drug issue on drug market (with indicators such as drug price, drug purity, etc.) but is limited by the availability of statistical data.   |
| Link/contact            | <a href="http://www.emcdda.europa.eu/publications/country-overviews">http://www.emcdda.europa.eu/publications/country-overviews</a>  |

## 8. Organised crime threat assessment OCTA and AWF (Europol)

The OCTA report assess on threat of organised crime as perceived by main stakeholders.

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|-------------------------|---|
| Scope of GRJCO sector   | OCTA reports focus on several aspects of organised criminality: drug trafficking, illegal immigration, human trafficking, fraud, illicit smuggling (cigarette and arms) and counterfeiting  |
| Type of indicators used | <p>The public version of the OCTA report focuses on identifying the threat in general terms as well as possible future developments<sup>44</sup>. OCTA report are based on perception and experience. In addition, Europol produces reports focussing on regional issues such as the Balkan "Danube threat assessments" and the "Western Balkan Threat Assessment". The level of threat from countries in the Balkan countries is an indirect indicator of performance.</p> <p>Europol also manages the Analysis Work Files (AWF) which provides support through intelligence analysis to investigations carried out by the competent authorities of the European Union Member States. Competent authorities in the Western Balkan region are encouraged to share relevant intelligence with Europol<sup>45</sup>. While the information exchanged remains strictly confidential, the number and frequency of such exchanges can be an indicator of the actual capacity and willingness of Balkan authorities to engage in regional cooperation (indicator of performance).</p> |
| Country coverage        | All Balkan countries  |
| Overall assessment      | Europol threat assessment reports could be used as indirect assessment of the efforts put in place by Balkan countries to fight organised crime.  |
| Link/contact            | <a href="https://www.europol.europa.eu/sites/default/files/publications/octa_2011.pdf">https://www.europol.europa.eu/sites/default/files/publications/octa_2011.pdf</a>   |

<sup>44</sup> The "restricted" version of the report goes more in detailed in terms of profile of criminal groups and modus operandi. This version is sent to all countries with which Europol as a strategic cooperation agreement to EC/DG Home and to other organisations: Cpol, Emcdda, ESDP, Eurojust, Frontex, Olaf, Citcen, Interpol, Unodc and WCO. Europol also produces the SCAN notice on specific issues such as Outlaw Motorcycle Gangs (OMCGs).

<sup>45</sup> Europol signed a strategic cooperation agreement with all Balkan countries; operational cooperation agreement are signed with FYROM and Croatia and are in preparation with Moldova, Albania and Bosnia

## 9. Dublin Group Regional report on Western Balkan

The Dublin Group Meeting aimed at deepening mutual understanding on issues such as drug-related assistance policies and coordinating these policies among the major industrialized nations<sup>46</sup>. In the first half of 2011 Mini-DG meetings took place in Tirana, Belgrade, Pristina, Sarajevo, Zagreb, Skopje and Podgorica. The findings of these meeting are presented in a 53 pages report on Western Balkan.

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|-------------------------|---|
| Implemented by          | Council of the European Union   |
| Scope of GRJCO sector   | The report focuses on measure against illicit drugs in a broad sense: it includes aspects of police, judiciary, border management The report is divided in country report. However each country report does not follow the same structure making comparison uneasy.   |
| Type of indicators used | Information is derived from interview and meetings hold with representatives of EU and international embassies in each country. The report includes a situation analysis for each country as well as a review of measures put in place and progress made by the authorities in the field of legal and institutional framework. Interestingly the reports present the main anti drug programme currently implemented in each country. It also presents recommendations. It is based on both process and performance indicators (including list of seizure statistics). |
| Country coverage        | All 7 Balkan countries/territories are covered on a yearly basis  |
| Overall assessment      | The Regional Dublin Group report on the Balkan is a useful and relevant source of information for issue related to illicit drug situation and responses by the international community. The report presents a detailed overview of the situation as perceived by the international community. However the tool is partial as concerns the GJCO sector and needs to be complemented with other indicators.   |
| Link                    | <a href="http://register.consilium.europa.eu/pdf/en/11/st11/st11791.en11.pdf">http://register.consilium.europa.eu/pdf/en/11/st11/st11791.en11.pdf</a>   |

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<sup>46</sup> The Dublin Group Meetings were inaugurated in Dublin in June 1990 and consist of 15 European Union (EU) countries, the European Commission, the Secretariat of the Council of the European Union, Japan, the United States of America, Canada, Australia, the Kingdom of Norway and the UNDCP. Information is exchanged and discussion held for the harmonization of drug-related assistance policies and other issues at the plenary meetings twice yearly. Meetings termed Mini-Dublin Group Meetings are being held in various drug-producing nations and other countries.



## 10. Freedom in the World (FIW)

The 'Freedom in the World' survey provides an annual evaluation of the state of global freedom as experienced by individuals.

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| Scope of GRJCO sector   | Political rights and civil liberties.   |
| Type of indicators used | <p>This perception-based survey assesses the level of political rights and civil liberties. The survey on political rights assesses Electoral Process, Political Pluralism and Participation, and Functioning of Government. The survey on civil liberties assesses Freedom of Expression and Belief, Associational and Organizational Rights, Rule of Law, and Personal Autonomy and Individual Rights. While surveys assess the presence of legal rights (indicator of process), greater emphasis is placed on whether these rights are implemented in practice (indicator of performance).</p> <p>Ratings are based on assessment by analysts and advisers based on a broad range of sources of information (e.g. foreign and domestic news reports, academic analyses, NGOs, individual contacts, and country visits). Country score is supplemented by a brief country assessment summarizing main findings in each of the main categories (see link below).</p>   |
| Country coverage        | Reports are covering all seven Balkan countries/territories are covered on a yearly basis.  |
| Overall assessment      | Despite an element of subjectivity inherent in the survey findings, the ratings are a valuable supplementary tool; the harmonised approach permits comparability at regional level. The interest of the approach is to focus specifically on performance indicators listed in the list of questions <sup>47</sup> . It would be useful to make available the detailed response for each questionnaire in order to better identify areas of weaknesses.  |
| Link/contact            | <a href="http://www.freedomhouse.org/report/freedom-world/2011/albania">http://www.freedomhouse.org/report/freedom-world/2011/albania</a><br><a href="http://www.freedomhouse.org/report/freedom-world/2011/bosnia-herzegovina">http://www.freedomhouse.org/report/freedom-world/2011/bosnia-herzegovina</a><br><a href="http://www.freedomhouse.org/report/freedom-world/2011/croatia">http://www.freedomhouse.org/report/freedom-world/2011/croatia</a><br><a href="http://www.freedomhouse.org/report/freedom-world/2011/FYR of Macedonia">http://www.freedomhouse.org/report/freedom-world/2011/FYR of Macedonia</a><br><a href="http://www.freedomhouse.org/report/freedom-world/2011/montenegro">http://www.freedomhouse.org/report/freedom-world/2011/montenegro</a><br><a href="http://www.freedomhouse.org/report/freedom-world/2011/kosovo">http://www.freedomhouse.org/report/freedom-world/2011/kosovo</a><br><a href="http://www.freedomhouse.org/report/freedom-world/2011/serbia">http://www.freedomhouse.org/report/freedom-world/2011/serbia</a> |

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<sup>47</sup> Performance indicators are available at <http://www.freedomhouse.org/report/freedom-world-2011/checklist-questions-and-guidelines>.

## 11. Nations in Transit (NIT)

Nations in Transit is a Freedom House's comprehensive and comparative study of democratic development in 29 countries from Central Europe to Eurasia.

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|-------------------------|--|
| Scope of GRJCO sector   | Democratic development covering seven categories: electoral process, civil society, independent media, national democratic governance, local democratic governance, judicial framework and independence, and corruption  |
| Type of indicators used | Assessments are based on a list of questions covering the seven areas above and assessing mainly processes but also performance <sup>48</sup> . Ratings are established by Freedom House based on views from local and international experts. The response for each questionnaire is not available and therefore an assessment by sector is not possible. The 'NIT' ratings allow for comparative analysis of reforms among the countries examined and for analysis of long-term developments in a particular country. |
| Country coverage        | All seven Balkan countries/territories are covered on a yearly basis.  |
| Overall assessment      | Despite an element of subjectivity inherent in the survey findings, the relatively detailed NIT country reports are a valuable supplementary source of information.  |
| Link/contact            | <a href="http://freedomhouse.org/sites/default/files/inline_images/NIT-2011-Albania.pdf">http://freedomhouse.org/sites/default/files/inline_images/NIT-2011-Albania.pdf</a>  |

## 12. Global Integrity Index

Global integrity (GI) is an US NGOs supported by the US Department of State, the World Bank, UNDP and several philanthropic contributions.

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|-------------------------|--|
| Scope of GRJCO sector   | Anti-corruption and integrity in several sub sectors: Non-Governmental Organizations, Public Information and Media, Elections, Government Conflicts of Interest Safeguards & Checks and Balances, Government Oversight and Controls, Anti-Corruption Legal Framework, Judicial Impartiality, and Law Enforcement Professionalism.  |
| Type of indicators used | The methodology uses 150 indicators to assess the existence and effectiveness of anti-corruption mechanisms that promote public integrity. The approach typically pairs an indicator of process with an indicator of performance (legal framework indicators and practical implementation indicators also based on perceptions). This approach permit to make the important distinction between a "legal framework score" and an "implementation score" (for example Serbia scores 80 on 100 for legal framework but only 40 on 100 for implementation). |
| Country coverage        | All countries are covered except Croatia: Albania (2008 and 2010); BIH (2007, 2008, 2009), Kosovo (2009), Former Yugoslav Republic of Macedonia (2008,2009), Montenegro (2006,2009), Serbia (2006,2008,2009). It is unclear how many Western Balkan countries will be covered by the next assessments.   |
| Overall assessment      | A very relevant assessment approach making a clear distinction between achievement in term of processes and achievement in terms of performance and therefore to better assess the efforts made by authorities to prevent corruption. The approach also permits to identify problematic sectors/issues where anti-corruption measures should be directed.  |
| Link/contact            | <a href="http://www.globalintegrity.org/report/">http://www.globalintegrity.org/report/</a>  |

<sup>48</sup> See list of question available at [http://freedomhouse.org/sites/default/files/inline\\_images/NIT-2011-Methodology.pdf](http://freedomhouse.org/sites/default/files/inline_images/NIT-2011-Methodology.pdf)

### 13. Human Right Watch's World Report

Human Rights Watch is an international NGO that conducts research and advocacy on human rights. The George Soros Open Society Foundation is the primary donor of the Human Rights Watch.

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| Scope of GRJCO sector   | The report covers human rights issues including media freedom, human right defenders, ethnic and religious discriminations, refugee, war crime, etc.  |
| Type of indicators used | Country reports are based on anecdotic evidence (specific cases) and process indicators (adoption of national plans and strategies, etc.). There are no benchmarks or performance indicators and therefore actual progress is difficult to estimate. Findings are based on a broad range of sources: interviews with victims and witnesses, interviews with local and international experts, with representatives of civil society and with government officials. |
| Country coverage        | Only four Western Balkan countries/territories: Croatia – Bosnia and Herzegovina – Kosovo – Serbia (on a yearly basis).   |
| Overall assessment      | An informative tool for a general overview of the HR situation in a county.   |
| Link/contact            | <a href="http://www.hrw.org/sites/default/files/reports/wr2012.pdf">http://www.hrw.org/sites/default/files/reports/wr2012.pdf</a>   |

### 14. Report from the International Narcotics Control Board (INCB)

INCB is the independent and quasi-judicial monitoring body for the implementation of the United Nations international drug control conventions. INCB identifies weaknesses in national and international control systems and assists Governments to comply with their obligations<sup>49</sup>.

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| Scope of GRJCO sector   | INCB's reports focus on measures against illicit drug trafficking and control of precursors   |
| Type of indicators used | Reports are based mostly on process indicators (adoption of international convention, establishment of relevant national control institutions, etc.) with few performance indicators (drug seizure and arrests).  |
| Country coverage        | All countries/regions of the world are covered by the INCB annual report. Specific country mission were implemented in October 2011 in Serbia, in 2010 in Croatia and in 2007 in Bosnia-Herzegovina.  |
| Overall assessment      | INCB reports are a relevant source of information to measure progress by governments to fight illicit drugs. Reports are of high standards but too general for country level assessment. INCB findings should be complemented with other indicators focussing specifically on the Western Balkan countries. |
| Link/contact            | <a href="http://www.incb.org/incb/en/annual-report-2010.html">http://www.incb.org/incb/en/annual-report-2010.html</a>   |

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<sup>49</sup> INCB publishes **annual reports** providing a comprehensive survey of the drug control situation in all countries of the world. These reports identify trends and suggest necessary measures to be taken. Reports are supplemented by a technical report on precursors which contains an analysis of measures Governments have taken against the diversion of precursors and trends in trafficking in these substances. These reports are drafted by a board of independent international drug experts selected by the UN Economic and Social Council (ECOSOC) and supported by a secretariat located in Vienna.

## 15. Regional Cooperation Council

The Regional Cooperation Council (RCC) was launched in 2008 as the successor of the Stability Pact for South Eastern Europe. RCC provides operational capacities to and works under the political guidance of the South-East European Cooperation Process (SEECF).

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| Scope of GRJCO sector   | Regional cooperation in the field of Justice and Home Affairs (JHA).  |
| Type of indicators used | The monitoring mechanism will cover all aspects of <i>regional</i> cooperation on justice and home affairs including; measures against organised crime, police cooperation, migration, anti-corruption and judicial cooperation. The mechanism will assess gaps and identify needs at regional level only. It is therefore not adapted to assess progress at country level. The mechanism includes comprehensive assessment criteria including process indicators and detailed performance indicators. On the basis of this mechanism RCC plans to develop a regional cooperation index in the field of JHA. This index is an aggregate indicator relatively complex that will assess the evolution of process and performance indicators for several sub sectors of JHA (Justice, Police, Anti-Corruption, etc.) |
| Country coverage        | All 7 Balkan countries/entities   |
| Overall assessment      | This mechanism has not been implemented yet. However, it has a innovative approach focussing on performance indicators in a structured manner.  |
| Link/contact            | <a href="http://www.rcc.int/">http://www.rcc.int/</a>   |

## 16. Comparative Indicator-based Monitoring of Anti-corruption Progress initiative (CIMAP)

CIMAP has been formulated by Transparency International, based on EU governance and anti-corruption membership requirements and general good practice standards in the field. The initiative was partly funded by EU and was designed in cooperation with EC officials from DG ELARG and former JLS.

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|-------------------------|---|
| Scope of GRJCO sector   | CIMAP reports assess the <b>anti-corruption</b> performance of national institution based on EU membership requirements   |
| Type of indicators used | Assessment focus on three national institutions: the judiciary, legislature and public administration Assessments are based on about 150 indicators assessing both performance and process and performance (i.e. anti-corruption laws and their implementation in practice- de jure and de facto analysis). For each three institution, indicators are grouped around capacity and governance characteristics. For the judiciary and legislature, additional indicators assess effectiveness and efficiency. For public administration, specific indicators assess government procurement processes. Each country report is based on the same indicators and methodological framework which permit regional comparison. Beneficiaries are involved in the validation process of the findings. Indicators are harmonized with the EC criteria. |
| Country coverage        | From November 2010 to April 2011, the CIMAP methodology was applied in Albania, Kosovo, Former Yugoslav Republic of Macedonia and Turkey. This is the first time that the study was implemented in these countries.   |
| Overall assessment      | CIMAP country reports are very relevant to assess progress and to guide future efforts in line with EU requirements and international good practice. It is unclear however if the assessment will be implemented next year to the benefit of which country.   |
| Link/contact            | <a href="http://www.transparency.org/publications/publications/other/cimap_report">http://www.transparency.org/publications/publications/other/cimap_report</a><br><a href="http://www.transparency.org/regional_pages/europe_central_asia/projects_and_activities/cimap">http://www.transparency.org/regional_pages/europe_central_asia/projects_and_activities/cimap</a>  |

## 17. CRINIS reports

The CRINIS (“Ray of light”) report assesses political financing and is implemented by Transparency International.

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|-------------------------|--|
| Scope of GRJCO sector   | Two different types of political financing: non-electoral finances of political parties and election campaign funding for legislative and where applicable, presidential elections   |
| Type of indicators used | The tool provides thorough diagnosis of the legal framework and actual practice and facilitates the identification of gaps and shortcomings<br>Reports are based on evaluations of legislations and regulations, assessment of activity report from political parties and oversight bodies and in-depth interviews with various stakeholders assessing the situation in practice. The reports are based on 75 indicators focusing mostly on process covering several aspects of political funding: internal book-keeping; reporting to election management body; scope of reporting; depth of reporting; reliability of reporting; public disclosure; and preventive measures. |
| Country coverage        | This is a new tool recently launched in five Balkan countries/territories (Former Yugoslav Republic of Macedonia, Serbia, Croatia, Albania, Kosovo). Country reports should be available in 2012 only.   |
| Overall assessment      | This new source is based on an extensive assessment of process and performance indicators will be potentially useful to assess precisely measures in place to prevent political financing. Montenegro and Albania are not covered.   |
| Link/contact            | <a href="http://www.transparency.org/news_room/in_focus/2011/crinis_balkans#4">http://www.transparency.org/news_room/in_focus/2011/crinis_balkans#4</a>  |

## 18. Global Corruption Barometer (GCB)

Transparency International's *Global Corruption Barometer* is the only worldwide public opinion survey on views and experiences of corruption. The 2010 Global Corruption Barometer was carried out on behalf of Transparency International by Gallup International.

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| Scope of GRJCO sector   | As a poll of the general public, the report assesses how corruption is viewed at national level.   |
| Type of indicators used | Mostly performance indicators as report focus on people's experiences with corruption and bribery but also on perception. Data are collected via face-to-face, telephone and online interviews. The report assesses how efforts to curb corruption are assessed on the ground. |
| Country coverage        | All 7 Balkan countries/territories are covered on a yearly basis.  |
| Overall assessment      | Very useful indicator to assess level of corruption as experienced by citizens. However the source does not permit to identify areas of main weaknesses.   |
| Link/contact            | <a href="http://www.transparency.org/policy_research/surveys_indices/gcb/2010/results">http://www.transparency.org/policy_research/surveys_indices/gcb/2010/results</a>  |

## 19. National Integrity System Assessment (NIS)

The National Integrity System (NIS) Assessments reports provide in depth assessment of anti-corruption measures put in place within the main national institutions responsible for the fight against corruption. The concept of the NIS has been developed and promoted by Transparency International.

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| Scope of GRJCO sector   | The report assess anti-corruption measure in the following institutions: legislature, executive, judiciary, public sector, law enforcement agencies, central election commission, ombudsman, office of the auditor general, anti-corruption agency, political parties, media, civil society, business and local governance.  |
| Type of indicators used | Reports focus on key public institutions and non-state actors with regard to their overall capacity, their internal governance systems and procedures, and their role in the overall integrity system. Assessment is based on desk research and interviews of key stakeholders including anti-corruption agents in government, civil society and the business community. Assessments are based on indicators measuring processes (legal and institutional structure in place, budget and staff available, etc.) and to a lesser extend performance indicators (such as number of arrest and anti-corruption trials). |
| Country coverage        | Assessments are not regular as only 3 Balkan countries were assessed: BIH in 2007 (Brcko District in 2009), Serbia (2010), FYROM in 2002.  |
| Overall assessment      | NIS assessments offer a detailed and comprehensive evaluation of the integrity system in a country. In addition the regional coherence of the assessment approach, creates a potential for peer pressure and an opportunity for learning methods implemented in neighbouring/similar countries. However the coverage is limited and assessment are not regular limiting the relevance of the source.   |
| Link/contact            | <a href="http://www.transparency.org/policy_research/nis/nis_reports_by_country">http://www.transparency.org/policy_research/nis/nis_reports_by_country</a>  |

## 20. The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UNCTS)

The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UNCTS) is now in its twelfth edition, covering the year 2009. The UNCTS is implemented by UNODC and requests all UN Member States.

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| Scope of GRJCO sector   | UNCTS supplies standardized data on crime and criminal justice collected by police, prosecution, courts and penitentiary institutions.   |
| Type of indicators used | Data are collected via the UNODC Annual report questionnaires. Report is purely based on statistics provided by participating countries The reports permits to assess a) the quality of statistical data produced in each Balkan country and b) the willingness and ability of WB countries to share data and cooperate with international organisations, both performance indicators. |
| Country coverage        | Reports are covering all Balkan countries every year.  |
| Overall assessment      | A useful indicator not often used to assess progress in judicial statistic, a crucial area of GRJCO.   |
| Link/contact            | <a href="http://www.unodc.org/unodc/en/data-and-analysis/crimedata.html">http://www.unodc.org/unodc/en/data-and-analysis/crimedata.html</a>  |

## 21. World Drug Report (WDR) UNODC

The World Drug Report is produced by UNODC

|                         |  |
|-------------------------|--|
| Scope of GRJCO sector   | The yearly World Drug Report aims at better understanding transnational drug market and the manner in which they operate. The report provides comprehensive discussions and statistical trends for key transnational drug markets.   |
| Type of indicators used | The report estimates the extent of illicit drug production, trafficking and abuse of several illicit drugs (marijuana, opiate, cocaine, amphetamine and ecstasy). Estimation are based primarily on data from the UNODC annual reports questionnaires (ARQs) submitted by Governments and are complemented by reports from several international organisations (EMCDDA, Interpol, WCO, Europol, CICAD and others). |
| Country coverage        | All country of the world with no special emphasis on Balkan countries  |
| Overall assessment      | The WDR is a praised publication which provides yearly estimations of key indicators such as level of drug production, trafficking and abuse as well as drug prices. These indicators if combined with others are useful to assess effective progress of anti-organised crime policies.  |
| Link/contact            | <a href="http://www.unodc.org/unodc/en/data-and-analysis/WDR-2011.html">http://www.unodc.org/unodc/en/data-and-analysis/WDR-2011.html</a>  |

## 22. Country Reports on Human Rights Practices

The report is drafted by the State Department's Bureau of Democracy, Human Rights, and Labor based in inputs from employees of the US Foreign Service on country level and USAID staff.

|                         |  |
|-------------------------|--|
| Scope of GRJCO sector   | The report describes the Human Rights situation focussing on seven parameters: 1) Integrity of the person (including unlawful deprivation of life, disappearance, torture, arbitrary arrest, denial of fair public trial, arbitrary interference with privacy) 2) respect of civil liberties (freedom of speech, of assembly, of religion, of movement, trafficking of persons, right of disable persons); 3) Political rights; 4) Official corruption and government transparency; 5) Governmental attitude towards alleged violation of human rights; 6) Discriminations and trafficking of persons and 7) Workers right (Right to associate and organize, Child labour, Working condition). |
| Type of indicators used | For each of these parameters, process indicators are described (such as laws, regulations) and anecdotal evidence is presented. There is no indicator of performance.  |
| Country coverage        | All countries/regions of the world are covered with no specific emphasis on Western Balkan countries   |
| Overall assessment      | This report is a detailed report focusing mostly on process indicators. These indicators if combined with other are useful to assess progress on human right practices.  |
| Link/contact            | <a href="http://www.state.gov/j/drl/rls/hrrpt/2010/index.htm">http://www.state.gov/j/drl/rls/hrrpt/2010/index.htm</a>  |

### 23. International Narcotic Control Strategy Reports (INCSR)

INCSR reports are produced by the US Bureau for International Narcotic and Law Enforcement Affairs.

|                         |  |
|-------------------------|--|
| Scope of GRJCO sector   | The country reports of Volume I focus on drug issues. The country reports of Volume II focus on financial crime and money laundering.  |
| Type of indicators used | Country reports are succinct but detailed and updated yearly. Country reports of Volume I (drug and precursor control) are unique regular assessment of country situation on drugs and precursors. Volume 1 is mostly based on process indicators (legal and institutional framework and policies) but also include recent seizure data as well as data on drug abuse and treatment. Country reports also present limited process indicators covering corruption and justice reforms.<br><br>Volume II (financial crime): full country reports are available for suspicious countries. Brief reports are available for all other countries (including the 7 Balkan countries). Brief country reports focus mostly on process indicators (adoption of legislation, etc.) but present also some performance indicators (such as number of conviction for anti-money laundering in the last year). These reports also provide specific recommendations for improvement. A table compare the adoption of 21 process indicators among all 165 countries (see page 42 of the 2011 report). |
| Country coverage        | All countries/regions of the world are covered with no specific emphasis on Western Balkan countries   |
| Overall assessment      | INCSR reports are relevant (often unique) source on information to measure progress by governments on measures against illicit drugs and financial crime. Country reports offer a concise (2x5 pages) but precise level of assessment. However the use of performance indicators is limited.   |
| Link/contact            | Country reports volume 1 (drug issues) :<br><a href="http://www.state.gov/j/inl/rls/nrcrpt/2011/vol1/156359.htm#albania">http://www.state.gov/j/inl/rls/nrcrpt/2011/vol1/156359.htm#albania</a><br><br>Country report Volume 2 (financial crime):<br><a href="http://www.state.gov/j/inl/rls/nrcrpt/2011/vol2/index.htm">http://www.state.gov/j/inl/rls/nrcrpt/2011/vol2/index.htm</a>   |

### 24. Trafficking in Persons

The report "trafficking in Persons" produced by the US Department of State

|                         |  |
|-------------------------|--|
| Scope of GRJCO sector   | Measures against human trafficking including prosecution, protection and prevention aspects  |
| Type of indicators used | The country report (narrative reports) are brief but precise presenting recent development mostly in terms of indicator of process but also performance indicators. The report is based on data collected by US embassy staff from interviews with local experts, government officials, NGOs, journalists and survivors. |
| Country coverage        | All Balkan countries are covered.  |
| Overall assessment      | A useful, brief and regularly updated report of progress made by national authorities. One of the few regular assessment on human trafficking  |
| Link/contact            | <a href="http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm">http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm</a>  |



## 25. Worldwide Governance Indicator

The Worldwide Governance Indicator (WGI) is an aggregate indicator produced by the World Bank Foundation.

|                         |   |
|-------------------------|---|
| Scope of GRJCO sector   | Governance, democracy, rule of law and control of corruption.   |
| Type of indicators used | This WGI is based on six aggregate governance indexes: 1) voice and accountability, 2) political stability, 3) government effectiveness, 4) regulatory quality, 5) rule of law and 6) control of corruption. Each of these 6 indexes is based on a dozen of other aggregate indexes <sup>50</sup> which are combined and weighted based on a complex methodology <sup>51</sup> . Each of these indexes is based on perception (subjective opinions of citizens, experts, etc.). |
| Country coverage        | All Balkan countries  |
| Overall assessment      | The WGI is a Composite (or aggregate) index which combine different indicators into a single measure. WGI are useful to make cross country comparison and over-time comparison <sup>52</sup> . However aggregate indicators are not able to assess the performance of specific areas and therefore are of limited use to assess progress.   |
| Link/contact            | <a href="http://info.worldbank.org/governance/wgi/index.asp">http://info.worldbank.org/governance/wgi/index.asp</a>   |

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<sup>50</sup> Such as Business Enterprise environment survey, Economist Intelligence Unit, Gallup World Poll, Heritage Foundation Index of Economic Freedom, etc. see all <http://info.worldbank.org/governance/wgi/pdf/table1.pdf>

<sup>51</sup> The methodology is available here [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1682130](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1682130)

<sup>52</sup> See for example country report of Serbia: <http://info.worldbank.org/governance/wgi/pdf/c246.pdf>

## 26. WJP Rule of Law Index

The World Justice Project was launched by the American Bar Association in 2006, but since then became an independent non-profit organization with 21 global sponsoring organizations in the fields of human rights, labour, public health, business, and more.

|                         |   |
|-------------------------|---|
| Scope of GRJCO sector   | The Index assess rule of law progress based on 9 parameters: limited government powers, absence of corruption, order and security, fundamental rights, open government, effective regulatory enforcement, access to civil justice, effective criminal justice and informal justice. These parameters are disaggregated into 52 sub-factors.   |
| Type of indicators used | The index is based entirely on original surveys (i.e. new data) of the general public and from legal expert's opinions. Indicators used in the index focus on process but also on performance. Questions include experience-based questions and perception-based questions. The methodology at the basis of the index is of high standards <sup>53</sup> . Particularly interesting is the disaggregation of data that permit to identify strengths and weaknesses in each country (see country report below) and therefore to be used as a guide to prioritize efforts support avoiding thereby one of the usual limitation of aggregate indicators. However country reports are too brief and do not permit to identify the causes for the weaknesses identified. |
| Country coverage        | Limited country coverage: out of the seven Balkan countries/territories, only Albania and Croatia are covered (on a yearly basis).  |
| Overall assessment      | The WJP index is covering comprehensively all aspects of rule of law. The index effectively permits to assess progress made in several sub-sectors of the field of rule of law. Its main shortcoming is the limited geographic coverage in the Balkan.  |
| Link/contact            | <a href="http://worldjusticeproject.org/sites/default/files/Albania_CP.pdf">http://worldjusticeproject.org/sites/default/files/Albania_CP.pdf</a><br><a href="http://worldjusticeproject.org/sites/default/files/Croatia_CP.pdf">http://worldjusticeproject.org/sites/default/files/Croatia_CP.pdf</a>  |

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<sup>53</sup> WJP is working with the Joint Research Centre of the European Commission (Turin) to reinforce its methodologies

## 27. Inputs from the conclusions of the sub-committees on Justice Liberty and Security

Meetings of the Sub-committee on JLS are part of the SAP<sup>54</sup>.

|                         |   |
|-------------------------|---|
| Scope of GRJCO sector   | All aspects of GRJCO  |
| Type of indicators used | These sub-committees are gathering all relevant national authorities and discuss systematically progress on all relevant issues based of a detailed list of questions and list of recommended measures. The tool is based on direct inputs from competent national authorities. Each report focuses on progress achieved using empirical data and process indicators. |
| Country coverage        | JLS sub-committee are implemented in all Western Balkans states every year except Kosovo and Bosnia and Herzegovina <sup>55</sup> .   |
| Overall assessment      | A very relevant tool to assess progress on GRJCO. The main strength of this tool is its completeness since all benchmarks of the SAP are revised and assessed by participants to the sub-committees. Since the same methodology is used for all candidate countries, the findings of these reports are comparable at regional level.                                  |
| Link/contact            | NA  |

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<sup>54</sup> The Stabilisation and Association Process (SAP) is the framework for EU negotiations with the Western Balkan countries. The centrepiece of the SAP is the conclusions of the Stabilisation and Association Agreement (SAA), which represent a “contractual relationship” between the EU and each Western Balkan country<sup>54</sup>, entailing mutual rights and obligations. Effective implementation of the SAA is a prerequisite for any further assessment by the EU of the country’s prospects of accession.

<sup>55</sup> The SAA has been delayed in BiH. However in BiH a subcommittee has recently been put in place to assess progress in the field of GRJCO.

## 28. Inputs from the Opinion Reports

The opinion reports assess the capacity of potential candidate countries to apply for membership to the EU.

|                         |  |
|-------------------------|--|
| Scope of GRJCO sector   | All parameters of GRJCO  |
| Type of indicators used | The Opinion reports cover all aspects of the <i>acquis communautaire</i> . The aspects of GRJCO are analysed in detail in the analytical report attached to the Opinion. Opinion reports are based on a questionnaire including parameters linked to process indicators and some performance indicators. Opinion reports are drafted based on 1) the responses to a detailed questionnaire sent to national authorities (JLS sub-committee approach); 2) results of consultations with the EUDs, reports from expert missions, EUMS Embassies, European Parliament and assessment by IOs and NGOs. |
| Country coverage        | To date three opinion reports were published by the EC: Albania and Montenegro in 2010 and Serbia in 2011.   |
| Overall assessment      | Because of this relatively detailed assessment framework, opinion reports are relevant to assess progress on GRJCO and to guide beneficiaries towards reforms (see for example the list of questions for the Albania Opinion in Annex 4). The main limitation of this tool lies in the fact that these reports by definition focus only on potential candidate countries and are not repeated regularly.   |
| Link/contact            | NA   |

## 29. Contribution from national authorities

Every year, each country in the region is invited by each EUD to produce a contribution to the Progress Report. This contribution cover all aspect of the *acquis communautaire* including aspects related to GRJCO.

|                         |   |
|-------------------------|---|
| Scope of GRJCO sector   | All parameters of the GRJCO sectors   |
| Type of indicators used | National contributions give information about new institutions established or new legislation adopted but few indicators permit to measure performance. The completeness of these national reports is sometimes limited because there is no specific questionnaire upon which countries draft their report (See chapter 2.5). |
| Country coverage        | All Balkan countries yearly   |
| Overall assessment      | National verification sources are potentially important sources of information on GRJCO; yet these sources are not using clear and harmonised parameter and no indicators   |
| Link/contact            | NA  |

### 30. Data from International Organisations (IOs) and Non-Governmental Organisations (NGOs)

IOs and NGOs (civil society) active in the country can be a potential source of relevant information to assess the impact of EC financial assistance.

|                         |   |
|-------------------------|---|
| Scope of GRJCO sector   | In principle full coverage of GRJCO   |
| Type of indicators used | <p>Some IOs and NGOs are relevant sources of information for assessing actual progress in the field of GRJCO, because of their often deeply-rooted contacts with the local population, civil society and national institutions. However in some cases, the IOs and NGOs are sometimes also implementing EC-funded GRJCO projects in the country and in some cases NGOs and IOs may have to report on issues they are contributing to solve. In addition, there may be a risk that some IOs and NGOs rely on each other's assessments which could act as an echo chamber enhancing certain issues while hiding others.</p> <p>In general, IOs and NGOs use a mix of process indicators and performance as well as anecdotal evidences. Due to a lack of empirical data assessments are sometimes based on perceptions. To note the shortcomings of perception data, is not to dismiss their usefulness altogether, but rather to argue for care in analysing and interpreting the results.</p> |
| Country coverage        | All Balkan countries  |
| Overall assessment      | A very potential additional source of information to assess progress on GRJCO. Yet findings should be analysed with care as assessment are not based on an agreed set of indicators.  |
| Link/contact            | NA  |

### 31. Data from EU experts

Experts working on GRJCO related projects can provide relevant and reliable information on progress in the field of GRJCO. Some experts are working on specific projects directly related to the sector of GRJCO (such as for example EULEX projects in Kosovo, Euralius or Pameca projects in Albania, etc.). Other experts are visiting the country on a short-term basis, such as the rule of law dialogue missions.

|                         |   |
|-------------------------|---|
| Scope of GRJCO sector   | In principle full GRJCO coverage  |
| Type of indicators used | <p>i) Inputs from field experts: experts posted or close to national authorities can provide a unique source of information on efforts made by authorities and progress achieved. However, too much reliance on local experts can create bias: a) field experts (international experts) may have the tendency to emphasise issues which they have been asked to solve and as a consequence too much emphasis on experts may inflate some issues whereas leaving other relevant issues in the shade; b) experts are often working closely with national authorities and therefore are not always best placed for neutral assessment of progress. This tool is supply driven (selected in function of its availability) which could be a source of bias as some important progress may be disregarded due to lack of expert data;</p> <p>ii) Inputs from external experts: External missions (such as rule of law missions) are considered by most EUDs as an effective tool to assess progress in specific areas. These missions are often made out of qualified experts able to rapidly spot gaps in terms of <i>acquis communautaire</i> and obligations. External missions can have the advantage of remaining neutral vis-à-vis local authorities while assessing progress and achievement based on a clear set of indicators. However, rule of law missions are not regular and are usually focussing on specific aspects of GRJCO.</p> |
| Country coverage        | All Balkan countries  |
| Overall assessment      | A potential very relevant source of information as concerned external experts. As concerned field experts findings should be analysed with care as they may be potential for bias   |
| Link/contact            | NA  |

### **Other tools**

- Media assessment: all EUDs are regularly reviewing media (directly or via third party such as OSCE). This permits to collect information on specific cases and inform relevant stakeholders. However most of EUDs do not consider media coverage as a main source of information to assess progress in the field or GRJCO.
- Head of Mission meetings: most EUDs organize weekly meetings for Heads of Mission. These meetings may be useful to coordinate and exchange views on a range of topics. Currently these meetings play a limited role as a tool to assess progress on GRJCO despite their potential as relevant source of information (Heads of Mission have often in-depth knowledge of on-going processes in the countries).
- Liaison Officers (LO) meetings: every three to four months some EUDs organise a meeting for Police (or magistrate) Liaison officers. During these meetings LOs exchange information on on-going initiatives and coordinate their approach. Currently Police Liaison officers play a limited role in assessing progress on GRJCO.
- (Informal) donor coordination meetings: some EUDs participate in regular donor coordination meetings in their capitals on GRJCO. During these meetings information is being exchanged on bilateral, multilateral and (comments on) government initiatives.

## **Annex 6: Albania questionnaire for preparation of Opinion**

### **The judicial system**

1. Please provide brief description on legislation or other rules governing the structure and functioning of the judicial system.
2. Please indicate:
  - a. The number of courts (by type of court);
  - b. The main competencies and functions of each type of court;
  - c. The number of judges, prosecutors, defence lawyers, bailiffs, public notaries, court clerks etc.;
  - d. The proportion of female judges and of judges, belonging to ethnic minorities and, if data are available, the proportion of women and persons belonging to ethnic minorities for the other legal professions mentioned under c).
3. Independence of the judiciary: Is independence guaranteed by the Constitution? How are the rights of the judiciary protected?
4. Impartiality of the judiciary: please provide information on the legal provisions and the institutional arrangements in place providing for the impartiality of the courts. Are there provisions eliminating the conflict of interest for judges and prosecutors and how are they implemented? Are there ethics provisions in place for judges and prosecutors? Explain.
5. Please provide a description of your prosecutorial system. How are prosecutors appointed, what is their status and how is their autonomy, impartiality and professionalism guaranteed? Is there any immunity system for prosecutors?
6. How do you ensure that natural and legal persons from EU Member States have access to your courts free of discrimination compared to your own nationals?
7. Detention: Please describe the rules and procedures governing pre-trial detention and, in particular, the rules on extending it. How are human and secure conditions for detainees (in respect of international human rights standards) ensured by the police, justice, prosecution and penitentiary systems? What measures are taken if such standards are not respected?
8. Is there a high council of the judiciary and / or prosecutors? If so, describe its composition, role, premises and budget. How are members appointed and how is its independence guaranteed? Please explain.
9. Training: How is initial and continuous training for judges and prosecutors provided? Is there an independent national training centre for the judiciary? What is its role?
10. Clerical staff: Please give the number of clerical staff. How does this compare with the number of judges and prosecutors? What is their legal status?
11. Are archives in courts well managed and computerised? Is there sufficient and direct access to legal databases? Explain.



12. Accountability and discipline: Is there a code of ethics for members of the judiciary and prosecutors? If so, by whom has it been set up? What is its legal status? How is it being implemented?
13. Who is in charge of deciding when to carry out inspections? Is it the Ministry of the Interior or the High Council of Justice? Please give examples of inspections carried out.
14. What is the procedure for lifting the immunity of a judge? What is done to ensure that this is clear and transparent? Give examples of how this has been implemented? What is the procedure for lifting the immunity of a prosecutor? Please give examples.
15. How is co-operation between actors (judges, prosecutors, investigators, clerks, judicial police etc.) in the criminal justice system ensured to facilitate the functioning of the system? Please give examples.
16. Do the different actors have clear roles and responsibilities? How is it ensured that an overlap of responsibilities is avoided? How is efficient communication between the different actors ensured?
17. Please describe the current appeal procedures. (For more detailed questions please see chapter 23).

#### **Anti-corruption measures**

18. Please provide any analysis or research made by your authorities or other bodies (e.g. NGOs) on the problems of corruption faced by your country.
19. Please give an overview of the efforts geared towards tackling corruption (i.e. adoption of legislation, international conventions, adoption of strategies and action plans to implement legislation, reinforcement of institutional and human resources capacities to deal with corruption). Which are the main priorities in this field? Which are the bodies responsible for coordinating all related efforts?
20. Was the anti-corruption strategy the subject of broad consultation at all levels (e.g. interdepartmental at national, regional and local level as well as with stakeholders in the private sector, in civil society and in the media etc.?)
21. Please describe efforts to strengthen implementation of the above and provide concrete results related to the fight against corruption.

#### **Internal security**

22. Please describe the status and the structure of the security forces, both civil and military, and their respective competences concerning internal security. Please provide – where available - organisation charts and indications about the number of employees.
23. Is there civilian control over the security forces, including intelligence services, and how is it exercised? Please describe the relevant arrangements which are in place for parliamentary control of security forces.
24. What percentage of police officers/members of the security forces are from ethnic minorities? If available, please provide a breakdown of such figures by rank and seniority.

25. What are or were the main elements of the reform of the security forces?
26. How is police primacy in dealing with internal security ensured? What is the legal framework and how is it implemented? What arrangements exist for calling up army resources under police command in specific crisis situations?
27. Is there or were there a Strategy and an Action Plan for the reform of the Police, including proper budgetary allocations? What is its stage of implementation?
28. What measures have been taken to ensure an increased awareness within the security forces of issues such as human rights, non-discrimination and community policing methods?
29. Are there any arrangements in place for co-ordination between local government structures and police forces in the respective municipalities? Please describe how coordination between municipalities and the local heads of police is carried out. Are there any problems of coordination in practice?
30. What percentage of the police force has received further training over the last 5 years? Is such training obligatory? What is the average amount of training and where and by whom is it offered?
31. Please detail the inspection and internal control systems to ensure fairness, transparency and accountability in the security forces, at all levels, particularly at the central level and among senior officers.
32. What actions have been taken by the Internal Affairs unit in the Police dealing with Professional Standards and with police misconduct? What results have been achieved (number of cases, sanctions applied etc.)?

## Annex 7: Interviews and meetings

### To be finalised

|  |  |   |
|--|--|---|
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| EUROPOL  | Dr Victoria Baines-Mellor  | Strategic Analysis<br>O2 - Analysis and Knowledge   |
| EUROPOL  | Jean Dominique Nollet  | HoU Analysis  |
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| EUD to Montenegro                                    | Alessandro Campo<br><a href="mailto:Alessandro.CAMPO@eeas.europa.eu">Alessandro.CAMPO@eeas.europa.eu</a>                   | (corruption, police, OC, drug<br>trafficking)   |
| OECD SIGMA   | Nicolas Dubois<br><a href="mailto:Nicolas.DUBOIS@oecd.org">Nicolas.DUBOIS@oecd.org</a>                                     | Principal Administrator - Public<br>Administration Reform Strategies  |
| OECD SIGMA   | Wolfgang Rusch<br><a href="mailto:Wolfgang.RUSCH@oecd.org">Wolfgang.RUSCH@oecd.org</a>                                     | Principal Administrator - Civil<br>Service, Administrative Law and<br>Justice   |
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|   |  |   |
|---|--|---|
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| EUD FYROM,  | Robert Liddell<br><a href="mailto:robert.liddell@ear.europa.eu">robert.liddell@ear.europa.eu</a> , | Minister Counsellor, Head of Section<br>for Political & Justice and Home<br>Affairs Issues, Information and<br>Communication; |

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## Annex 9: Process of data collection

A number of relevant documents such as country contributions, EUD contributions or findings of JHA country missions were not made available to the team by some EUDs as they were considered confidential.

|   | EUD1   | EUD2   | EUD3                                       | EUD4   | EUD5                                       | EUD6                                       | EUD 7   |
|---|--|--|--|--|--|--|---|
| Information mail by EC ENLARG to EUDs     | Sent on 27/09/2010                               | Sent on 27/09/2010                           | Sent on 27/09/2010                         | Sent on 27/09/2010                           | Sent on 27/09/2010                         | Sent on 27/09/2010                         | Sent on 27/09/2010                              |
| Introduction message sent by team to EUDs | Sent on 29/09/2011                               | Sent on 29/09/2011                           | Sent on 29/09/2011                         | Sent on 29/09/2011                           | Sent on 29/09/2010                         | Sent on 29/09/2011                         | Sent on 29/09/2011                              |
| Response from EUD (Focal points)          | Yes on 07/10/2011                                | Yes on 4/10/2011                             | Yes on 07/10/2011                          | yes on 24 Oct 2011                           | Yes on 30/11/2011                          | Yes on 5/10/2011                           | No response. ES send reminder on 11/10/11       |
| Questionnaire sent to EUD                 | on 07 oct  | on 5 oct                                     | on 7 oct                                   | on 25 oct                                    | on 12 oct                                  | 12 Oct                                     | 12 Oct  |
| Response by EUD to the questionnaire      | 3rd Nov  | 2nd Nov                                      | 18 oct                                     | 2nd Nov                                      | 20 Oct                                     | 3rd Nov                                    | 21 <sup>st</sup> Oct (incomplete)               |
| Interviews with EUD                       | 3rd week Nov and 2 <sup>nd</sup> week of January | 14th Nov and 2 <sup>nd</sup> week of January | 21 Nov and 2 <sup>nd</sup> week of January | 14th Nov and 2 <sup>nd</sup> week of January | 22 Nov and 2 <sup>nd</sup> week of January | 16 Nov and 2 <sup>nd</sup> week of January | 23 Nov 2011 and 2 <sup>nd</sup> week of January |

## **Annex 10: Questionnaire**

“Evaluation of governance, rule of law, judiciary reform and fight against corruption and organised crime in the Western Balkans”

European Commission - 130066/C/SER/Multi Lot 2 (FwC: Berenschot/Imagos)

### **Questionnaire to EUD (date 7/10/2011)**

Note: the response to this questionnaire will be confidential. Our report will not refer to any EUD in particular. You do not need to respond to all questions. You may complete your responses during the phone interview.

Thank you for your support and time.

#### **A. Country contribution**

National authorities prepare a contribution every year. In general this contribution is sent to the EC Brussels and to the EUD. The evaluation team would like to assess the process of this national contribution (how it is carried out) and its contents (the quality of the country contribution). Thank you for sending us a copy of last year country contribution if you have them.

##### **A.1. Assessment of the process of drafting the country contributions**

If possible (you may not have sufficient information to respond to these questions) please describe the **process**:

- When does it start?
- What triggers its start?
- To whom is the request for contribution addressed (one or several focal points?)
- What is the time allowed to the country to produce its contribution?
- Is the request based on any structure/guidelines? if yes, please describe this structure.
- Please specify the institutions/organisations in the country which supply information
- Your views about the main weakness of the process?
- Your views about the main strengths of the process?
- Your suggestions to improve the process?



## **A.2. Assessment of the contents of the country contribution**

If possible (you may not have the information to respond to all questions), please describe the quality of the country contribution in term of

- a) Relevance
  - Does the content of the country contribution focus on clear parameters and indicators?
  - Is the contribution systematic and organised?
- b) Reliability
  - Is the contribution based on clear methodology?
  - Is the contribution fact-based or perception-based?
- c) Completeness
  - Are all sectors<sup>56</sup> covered?
  - Does the contribution cover specific sectors (e.g. corruption in Health, Education, Procurement)
  - Is all main parameter included?
  - Are all available national data sources used?
- d) What are in your opinion the main qualities of the country contribution?
- e) What are in your opinion their main weaknesses?
- f) What are your main suggestions to improve the contents of the country contribution?
  - Please share with us copies of last 2 years contributions

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<sup>56</sup> The sectors covered by this evaluation are: a) Justice reforms, b) Rule of law, c) measures against corruption and organised crime

## **B. Contribution from EUD (or EC LO)**

The EUD prepares its own contribution every year and sends it to the EC in Brussels. This EUD report is one important source for the drafting of the progress report. The evaluation team would like to assess this process of elaboration of the EUD contribution and its contents. Questions relate to a) data collection process, b) quality of the data sources, c) contents of the contribution. Thank you for sharing with us a copy of the last two years contribution of the EUDs (or EC LO).

### **B.1 Data collection process**

Who initiates the process? When? Timing? Based on which structure? How is this process managed at the EUD?

How does the EUD collect data? (e.g.: meetings with international organisations, NGOs, local experts, individuals, contracting with consultants, other).

### **B. 2 Data sources**

#### *1. Selection criteria*

Some data sources are used while others are rejected. Please describe the criteria for selection of data sources as it happened in the EUD (examples of criteria are a) the availability of the sources, b) the public reputation of the source, c) guidance from EC, d) other, e) a combination of the above, f) no selection criteria, etc.)

#### *2. List of main data sources*

If known, please list the main data sources used when drafting the EUD contribution. (e.g.: EC ad-hoc expert mission, IPA assistance projects, UNODC world drug reports, ad-hoc contribution from Embassy, country contribution, meetings, technical assistance project reports, etc.)

#### *3. Quality of the data sources*

- In your opinion, what is the **relevance** of the data sources used?
- In your opinion, what is the **reliability** of the data sources?
- In your opinion, what is the **completeness** of the data sources?

#### *4. Country contribution*

Country contribution is one of the possible data sources. Please indicate to what extent the country contribution report is taken into account when drafting the EUD contribution.

#### *5. Expert mission in countries*

Sometimes EUD and/or EC organise ad-hoc missions to collect data. If this has been the case in your country, please make comments on

- a) The methodology of these missions
- b) Relevance, completeness of the reports
- c) Other comments

*6. Support from EC Brussels?*

Describe support offered by DG enlarge (or other) in terms of contents, priority, structure and feed back

List in any your suggestion for improvement

**B.3. Final product (EUD report)**

In your opinion what is the strength and weaknesses of the EUD report in terms of

- Completeness
- Reliability
- Relevance
- And suggestions for improvement.