Swiss Contribution

Thematic Fund 'Security'
Module 1 - Romania

Evaluation

Prepared for SDC

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This report is part of a wider evaluation that consists of three modules:

Module 1 (this report)– evaluation of the Swiss Contribution Thematic Fund 'Security' in Romania;

Module 2 - evaluation of the Swiss Contribution Thematic Fund 'Security' in Bulgaria;

Module 3 – a broader review of Swiss Contribution security and justice-related projects, including Romania and Bulgaria but also covering other 'Swiss Contribution countries'.

Preface

This report is part of a wider evaluation that consists of the following modules:

- Module 1 – evaluation of the Swiss Contribution Thematic Fund 'Security' in **Romania**;
- Module 2 - evaluation of the Swiss Contribution Thematic Fund 'Security' in Bulgaria;
- Module 3 – a broader review of Swiss Contribution security and justice-related projects taking into account:
    - The results of Module 1 and Module 2;
    - A review of security and justice-related projects in other countries;
    - Consultations with strategic Swiss stakeholders.
- Overall evaluation report – a compilation of the three modules.

Evaluation team

The Module 1 (Romania) evaluation has been undertaken by:

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List of abbreviations used in the report

Country	Abbreviation	Definition
RO	ANABI	National Agency for Management of Seized Assets
RO	ANPDCA	Autoritatea Naţională pentru Protecţia Drepturilor Copilului şi Adopţie (National Authority for the Protection of Child's Rights and Adoption)
RO	ANITP	National Agency against Trafficking in Persons
CH	CHF	Swiss Franc
RO	DCTP	Department for Countering Trafficking in Persons of the Directorate for Countering Organized Crime of the General Inspectorate of the Romanian Police
RO	DIOCT	Directorate for Investigating Organised Crime and Terrorism (Direcţia de Investigare a Infracţiunilor de Criminalitate Organizată şi Terorism)
	EA	Executing Agency
	EU	European Union
	EUR	Euro
RO	FPCS	Foundation for the Promotion of Community Sanctions
RO	GII	General Inspectorate for Immigration
RO	GIRP	General Inspectorate of the Romanian Police
	IOM	International Organisation for Migration
RO	JDN	Journalism Development Network
RO	MoJ	Ministry of Justice
RO	NAD	National Anti-corruption Directorate
RO	NCU	National Coordination Unit
CH	REGA	Swiss Air-Rescue
RO	RIO	Romanian Immigration Office
CH	SCO	Swiss Cooperation Office
CH	SDC	Swiss Agency for Development Cooperation
CH	SIB	Swiss Intermediate Body
	THB	Trafficking in Human Beings
CH	VEBO	Verein zur Entwicklung der Bewährungshilfe in Osteuropa (Association for the Development of the Probation Services in Eastern Europe)

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Executive summary

Introduction

This evaluation report covers the Swiss Contribution's Thematic Fund 'Security' (TFS) in Romania. It is part of a wider review of Swiss Contribution funding in the area of security and justice, which includes a separate report on the TFS in Bulgaria, a desk review of a selection of projects in other countries, and meetings with strategic Swiss stakeholders.

The evaluation of the TFS in Romania is based on a review of 10 case study projects selected by the Swiss Agency for Development and Cooperation (SDC). It has involved a review of TFS and individual project documentation, meetings with executing agencies and other stakeholders in Romania as well as meetings with Swiss project partners. The evaluation has been undertaken by a team of four experts (two international and two national). Meetings with Romanian stakeholders and site visits took place in Romania from 24 to 05 October 2018.

The TFS in Romania has included a total of 23 projects, one of which was cancelled. The total budget of the 22 remaining projects was CHF 17,585,943. Ten of these projects, accounting for CHF 13,525,405 were ongoing as of mid-2018. The main areas of TFS support were policing (which was allocated 33% of the TFS budget), judiciary (15%), and the fight against trafficking in human beings and protection of victims of trafficking (13%).

Main conclusions

Relevance: The TFS has addressed European priorities. The case study projects are all relevant in the sense that they address concrete needs of Romania, and this applies to both retained and new projects. The design of the TFS, with a set of retained projects and the option to incorporate new projects in the course of the implementation of the TFS, is viewed as a positive element of the TFS to ensure flexibility and responsiveness to new threats, trends and initiatives. Projects generally correspond to absorption capacity, but two projects have been undermined by a lack of institutional and legal framework, which emerged during implementation. Swiss project partners mainly became involved after the start of the TFS and were therefore not involved in the development of the TFS itself.

Effectiveness: Stakeholder feedback indicates that TFS funding has led to changes in practices and approaches in the areas of policing, asylum, judiciary, and investigative journalism. However, the expected system changes have not emerged in the areas of protecting victims of trafficking, and community service (non-custodial sentences). Romanian authorities value the expertise provided by Swiss partners. In several cases, cooperation with Swiss partners pre-dates the TFS, or at least the start of relevant TFS projects, and in some of these cases, TFS funding has provided for a continuation and expansion of cooperation, although it is not always clear what additional changes have resulted from TFS funding.

Efficiency: Romanian stakeholders are highly satisfied with the collaboration with Swiss institutions and experts as well as with the Swiss Intermediate Body (SIB) in terms of both content and efficiency. However, many Swiss partners report a complicated structure, with many layers and players involved, and they consider that it was not sufficiently clear how their work contributed to the TFS overall. Reporting lines and procedures have varied considerably between projects. The quality of the retained project proposals provided to the SIB was not up to the expected standard, and this created a lot of additional work for the SIB. Romanian and Swiss stakeholders report that payments, procurement and reimbursements have been complicated and slow, have wasted time, and have led to delays. Some difficulties were linked to national or institutional procedures in Romania. NGOs supporting victims of trafficking have been put under pressure due to slow payment of grant instalments.

The broad responsibilities of the SIB and the intensive contacts between the SIB and executing agencies (EA) may have promoted the SIB's visibility without contributing to the visibility of the Swiss Embassy and SDC. The

majority of stakeholders express a strong preference for the continuation of the present TFS management structure, where a Swiss body, rather than Romanian structures, is responsible for managing the funds. Stakeholders consider that the involvement of Romanian structures in managing a possible future TFS would involve too much bureaucracy, and concerns have been expressed that NGOs would find it harder. However, there appears to have been overdependence on the SIB, and the present arrangement may not be contributing to the development of Romanian institutional funds and project management capacities. There are some indications that the TFS Steering Committee may not have provided the expected strategic guidance, but has rather been limited to discussions of operational matters and rubber stamping project proposals.

Sustainability: In the short term, the prospects for sustainability are good at project level, with the exception of support in the area of protecting victims of human trafficking, and community service workshops. In these cases, the lack of the necessary institutional and legal framework is a significant constraint on sustainability, with wider system implications. High levels of staff turnover in state institutions is a longer-term threat to sustainability. In some cases, TFS support appears to repeat capacity-building activities already undertaken in previous years with funding from other sources. Some institutions supported by the TFS are also supported at the same time on similar activities with funding from other sources. This points to continuing long-term structural sustainability issues and reliance on external support.

Swiss added value and benefits to Swiss partners: The involvement of Swiss funding and Swiss partners brings technical and political benefits. Swiss neutrality and democratic system are considered important in relation to security matters, and the diversity of Swiss approaches due to the Swiss Federal system (between cantons and regions) offers different examples of approaches. Romanian stakeholders consider that the involvement of Swiss partners supports the visibility and status of projects within Romania. Also, Switzerland has internationally recognised expertise in areas such as asset recovery, financial investigations and money laundering through cryptocurrency, and air rescue.

Swiss partners highlight the networking opportunities provided by their involvement in the TFS, and the possibility of understanding the reality behind problems such as trafficking in human beings in a significant country of origin. For some Swiss partners, the TFS brings increased international visibility.

Main country level recommendations

1. Before deciding on a future TFS set-up in Romania, it is recommended that the SDC/ Swiss Cooperation Office (SCO) undertake further research to better understand if and why it may still be necessary to channel funds to Romanian partners through a Swiss body, rather than through established national structures.
2. In the event that a future TFS in Romania continues to channel funds through a Swiss intermediate body, it is recommended that SDC limit the role of such a body.
3. It is recommended that a future fund manager incorporate a Romanian institutional partner (e.g. an NGO or consulting firm) to facilitate coordination and communication locally, and to perform administrative tasks.
4. It is recommended that a Romanian institution, such as the National Coordination Unit (NCU), take responsibility for the coordination and secretariat of a future steering committee.
5. It is recommended that the NCU and the SDC/ SCO ensure that the roles and responsibilities of different actors, and lines of communication, in a future TFS are more clearly defined.
6. It is recommended that the SDC introduces separate funding allocations at the TFS level for state institutions and non-state actors (e.g. NGOs and academic institutions) with a view to promoting increased participation of non-state actors in a future TFS.

1   Introduction

1.1   Romania Thematic Fund 'Security' context

Romania has the second largest European Union (EU) external land border and thus it is an important security player in the region, mainly for the south east part of the EU's external border. From this perspective, EU funds and other bilateral financial programmes focus on justice and security as main priorities in the allocation of funds. This international financial support for programmes on security and justice is managed, at the national level, by the Ministry of Internal Affairs and the Ministry of Justice – through the National Institute of Magistracy and Superior Council of Magistracy.

1.1.1   History of support in the area

Romania has received EU funding for justice and home affairs projects **since 1997**. Analysis of EU Phare and Transition Facility project documents suggest that, **from 1998 to 200**7, the EU funded some **57 justice and home affairs projects** in Romania with total EU funding of approximately **EUR 292 million**.[1] The majority of this funding was allocated to border management and control (53%), followed by modernisation and enhancement of the judiciary (21%), migration and asylum (7%), combating corruption (6%), the penitentiary system (5%), combating organised crime (2%), and drug-related projects, combating money laundering, Ministry of Interior institution building, Police, and child justice – each of which accounted for approximately 1% of this EU funding (see Annex 6 for further details).

Although Romania received approximately EUR 82 million for 71 projects under the **2004-2009 EEA & Norway Grants**, there were no Justice and Home Affairs projects in Romania, although there was one project covering this area, in the Human Resource Development sector.[2] Under the **2009-2014 EEA & Norway Grants**, Romania received approximately **EUR 27 million for 30 justice and home affairs projects.**[3] The EEA & Norway Grants project portal lists four programmes[4] dealing with domestic and gender-based violence (EUR 4 million. Programme operator: Ministry of Justice); Schengen cooperation and combating cross-border and organised crime, including trafficking and itinerant criminal groups (EUR 5.3 million. Programme operator: Ministry of Internal Affairs); Correctional Services, including non-custodial sanctions (EUR 8 million. Programme operator: Ministry of Justice); judicial capacity-building and cooperation (EUR 8 million. Programme operator: Ministry of Justice).

Following Romania's accession to the EU in 2007, the **Cash-Flow and Schengen Facility** provided **EUR 351 million for Romania** for actions implemented from 2007 to 2010, dealing with investment in construction, renovation or upgrading of border crossing infrastructure and related buildings; investments in any kind of operating equipment, including the Schengen Information System (SIS II), and related IT; training of border guards; and '*support to costs for logistics and operations, including payment of the salaries of the personnel required to fulfil the obligations of the beneficiary Member State in respect of the Schengen acquis'.*[5]

As an EU member state, Romania also became eligible to participate in the **various other EU programmes**:[6]

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[1] European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, https://bit.ly/2Qw0FuO
[2] EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Project Portal 2004-2009*, https://bit.ly/2S4Irhl. Strengthening the capacity of the Romanian law enforcement agencies to prevent and investigate Internet child pornography cases (EUR 334,541).
[3] EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Projects by financial mechanism 2009-2014 Justice and Home Affairs*, https://bit.ly/2DOHw1W
[4] EEA Grants - Norway Grants, Financial Mechanism Office (undated), https://bit.ly/2Q9P7h3
[5] European Commission (03 August 2015), *Report on the Implementation of the Schengen Part of the Temporary Cash-Flow and Schengen Facility (2007-2009) for Bulgaria and Romania*, https://bit.ly/2RUyTWF
[6] INTEGRATION (January 2010), *Evaluation of Norway Grants support to the implementation of the Schengen acquis and to strengthening of the judiciary in new EU and EEA member states* (p9), https://bit.ly/2IpV5r4

- Migration Management – Solidarity in Action;
- Commission programme for the prevention of and response to violent radicalisation;
- Framework programme on police and judicial cooperation in criminal matters, 2003-2006;
- Administrative cooperation in the field of external borders, visas, asylum and immigration, 2002-2006;
- Daphne II (2004-2008) and Daphne III (the Daphne programme aimed to prevent violence against children, young people, women and groups at risk);
- Exchange programme for judicial authorities, 2004-2005;
- Judicial Cooperation in Civil Matters, 2002-2006.

Other recent and ongoing EU-wide funds and programmes in the area of justice and home affairs include:

Security[7]
- Asylum, Migration and Integration Fund, 2014-2020, EUR 3.1 billion;
- Internal Security Fund (ISF), 2014-2020, EUR 3.8 billion (Borders and Visa; Police cooperation, preventing and combating crime, and crisis management);
- Secure Societies Challenge (security research) 2014-2020;
- General Programme 'Solidarity and Management of Migration Flows', 2007-2013, EUR 4 billion (External Borders Fund; European Return Fund; European Refugee Fund; European Fund for the Integration of third-country nationals);
- Prevention of and Fight against Crime, 2007–2013, EUR 600 million;
- Prevention, Preparedness and Consequence Management of Terrorism and other Security-related Risks, 2007-2013, EUR 140 million.

Justice[8]
- Justice Programme, 2014-2020, EUR 378 million
- Rights, Equality and Citizenship Programme, 2014-2020, EUR 439 million;
- Civil Justice Programme, 2007-2013;
- Criminal Justice Programme, 2007-2013;
- Drug Prevention and Information Programme, 2007-2013;
- Daphne III (violence against women, children and young people), 2007-2013;
- Fundamental Rights and Citizenship, 2007-2013;
- PROGRESS (Anti-discrimination and diversity, Gender equality), 2017-2013.

The Ministry of Internal Affairs manages a budget of approximately **EUR 28 million** under the Internal Affairs Programme of the **Norwegian Financial Mechanism 2014-2021**. This programme covers three main areas: asylum and migration, police cooperation, intervention and disaster prevention.[9] EUR 45 million have been allocated to Correctional Services and Pre-trial Detention. Under the EU multiannual financial framework 2014-2020, approximately **EUR 61 million** are allocated to Romania from **ISF Borders and Visa**, and **EUR 37 million** from **ISF Police**.[10]

In the last five years, the Superior Council of Magistracy implemented seven projects funded under EU- specific programmes on civil and criminal justice cooperation, approaching the most urgent topics such as: strengthening trust between the judicial authorities of Member States; judicial cooperation to protect victims of crimes; implementing the judicial cooperation instruments in civil and commercial matters; social reintegration of sentenced persons as a comprehensive European approach; procedural rights in EU criminal law; and European judicial cooperation in the fundamental rights practice of national courts.

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[7] European Commission (13 November 2018), Migration and Home Affairs, https://bit.ly/2ODjw2I

[8] European Commission (undated), *Justice*, https://bit.ly/2hkaTfH

[9] See Ministry of Home Affairs, Norwegian Grants, available at
http://www.norwegian.mai.gov.ro/mfn2014-2021.html

[10] See Ministry of Home Affairs, EU Funds (SOLID-AMIF-ISF) available at http://www.mai.gov.ro/index03_2_04_4.html

In June 2018, the National Institute of Magistracy started the project on 'Justice 2020: Professionalism and Integrity' co-funded by the European Social Fund through the National Operational Capacity Administrative Programme. It aims to ensure greater transparency and integrity at the level of the judiciary in order to improve access to, and the quality of, services provided. The budget is RON 1,450,636,192 (approximately EUR 311 million).[11]

The main national challenges on security and justice are also approached at the NGO level through small projects funded through calls launched by European Commission Directorate General Migration and Home Affairs, and Directorate General Justice and Consumers. Funding is also available through calls of the Romanian NGO Fund, which is supported by Norwegian and Swiss bilateral programmes.[12]

1.1.2   Ongoing and emerging challenges in the area of security and justice

1.1.2.1   *Security*

European priorities and challenges

The relevance of the TFS to European priorities is discussed below in section 2.2.1.1.

The **European Agenda on Security** identifies three priorities: (1) terrorism and foreign terrorist fighters; (2) serious and organised cross-border crime; and (3) cybercrime.[13] Additional priorities are identified in a more recent Council infographic:[14] cybercrime; drug trafficking; facilitation of illegal immigration into the EU; organised theft and burglary; trafficking in human beings; excise and Missing Trader Intra Community (MTIC) fraud; firearms trafficking; environmental crime; criminal finances; document fraud.

EUROPOL's 2017 Serious and Organised Crime Threat Assessment highlights the following criminal activities:[15]

- Cybercrime (encompassing many different crimes) as facilitator of criminal activities and as a source of new criminal opportunities;
- Organised property crime – many EU member states report a steady increase in burglaries in recent years;
- The illicit drugs market remains the largest criminal market in the EU;
- Migrant smuggling is now one of the most profitable and widespread criminal activities in the EU and is considered to be comparable in scale to the European drugs market;
- Trafficking in human beings for labour exploitation is expected to continue to grow.

Eurojust's Annual Report 2017 notes that the number of cases referred to it by national authorities in 2017 increased by 10.6% compared with 2016, and the main types of case were fraud, drug trafficking and money laundering.[16]

Issues specific to Romania

Based on the pct. 7 of Annex IX of the Accession Treaty of Romania to EU there is a **pending obligation for Romania to develop a National Strategy against Organised Crime**, with special focus on eradication of

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[11] See Justice 2020: Professionalism and Integrity, available at http://www.inm-lex.ro/poca/

[12] See Romanian NGO Fund, available at http://fondong.fdsc.ro/informatii-generale

[13] European Commission (24 April 2015), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The European Agenda on Security*, https://bit.ly/2wLjONv

[14] Council of the European Union (2018), *Infographic - EU fight against organised crime: 2018-2021*, https://bit.ly/2qYH8W3

[15] European Police Office (2017), *European Union Serious and Organised Crime Threat Assessment - Crime in the age of technology*, https://bit.ly/2qYjAAP

[16] Eurojust (2017),EUROJUST Annual Report 201 (p23), https://bit.ly/2Poff9S

human trafficking and money laundering. The inter-institutional cooperation to fight against organised crime should be developed based on an anti-corruption model of good practices.

Frontex's 2018 Risk Analysis ranks **Romania seventh** in the list of top ten nationalities of detected **people-smuggling facilitators** in 2017, accounting for 4.7% of all those detected.[17] This number (431) represents a 28% increase compared with 2016, whereas there was a reduction for other nationalities in the list above Romania over the same period. The Risk Analysis also notes that **Romania** was the source of 2.3% of all **fraudulent documents** detected upon entry from third countries to the EU or the Schengen Area (186 documents, representing a 44% increase on 2016).[18]

In 2015, the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs noted that Romania is '*…a major transshipment point for drugs along both the Southern and Northern Balkan routes. Significant volumes of precursor chemicals originating mainly in China also transit Romania for Western Europe.'*[19] It also noted that: [20]

> *Romania has some of the highest rates of cybercrime and online credit card fraud in the world. Studies have found Romanian servers to be the second largest source of cybercrime transactions worldwide. Organized crime groups in Romania have collaborated to establish international criminal networks performing internet fraud activities and related money laundering schemes, using highly sophisticated means such as Fast Flux (a method for concealing command and control of botnets) to hide their identities. Although a majority of their victims reside in the United States, Romanian cybercriminals are increasingly targeting victims elsewhere in Europe, as well as in Romania itself.*

It also noted that, '*Romania's geographic location makes it a natural transit country for trafficking in narcotics, arms, stolen vehicles, and persons by transnational organized criminal groups*'. It is therefore **particularly vulnerable** to crimes such as **tax evasion** and **money laundering**, with some evidence of links to terrorist financing having been found.

However, its 2018 reports on Drug and Chemical Control, and Money Laundering and Financial Crimes include few references to Romania.[21]

According to a UN International Migration Report,[22] around 3.4 million Romanians have emigrated, placing the country in second place globally by emigration growth rate between 2007 and 2015, after Syria. The Protection of Children's Rights and Adoption Agency revealed that over **18,000 Romanian children had both parents working abroad in 2017** and almost 100,000 children had at least one parent abroad.[23] The absence of one or both parents in some cases presents a high risk factor for child trafficking and exploitation.

Romania is among the EU countries in which fake news and extreme discrimination increased, without proper control/monitoring from the competent authorities and education for civil society.

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[17] Frontex (February 2018), *Risk Analysis for 2018* (p46), https://bit.ly/2whHwnX

[18] Frontex (February 2018), *Risk Analysis for 2018* (p47), https://bit.ly/2whHwnX

[19] U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs, *2015 International Narcotics Control Strategy Report (INCSR) Volume I: Drug and Chemical Control Romania*, https://bit.ly/2AdsyhK

[20] U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs, *2015 International Narcotics Control Strategy Report (INCSR) Volume II: Money Laundering and Financial Crimes, Countries/Jurisdictions of Primary Concern – Romania*, https://bit.ly/2DyMK0N

[21] U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (March 2018), *2018 International Narcotics Control Strategy Report,* https://bit.ly/2PMZRTq

[22] United Nations Department of Economic and Social Affairs, Population Division (December 2017), *International Migration Report 2017*, available at https://bit.ly/2BDqAtp

[23] Information provided by ANPDCA, also available at https://bit.ly/2yx8EgX

1.1.2.2   *Justice*

The Commission's 2018 report 'On Progress in Romania under the Cooperation and Verification Mechanism' is critical of recent developments in the justice sector in Romania. It states:[24]

> *Major legislative changes have been rushed through using urgency procedures with minimal consultation. Judges and prosecutors have continued to face personal attacks in the media with mechanisms for redress falling short. Different branches of the State have been in conflict and involved in various proceedings before the Constitutional Court. It is also the case that civil society, highlighted by the report as playing a key role in reform, has found itself a target for increased pressure. The situation has provoked a series of public demonstrations where the authorities' response has sparked further controversy. At the same time, a free and pluralistic media plays an important role in holding the actions of those in power to account, for example in bringing potential cases of corruption to light.*

It also refers to claims '*…that cooperation agreements between the judicial institutions, notably the prosecution, and the Romanian Intelligence Services were the source of systemic abuse, in particular in corruption cases. Those classified agreements have been cited as the reason for sudden legislative changes and heavy criticism of the magistracy.'*

More specifically, the report expresses concern about the following points, among others:

- Legislation that potentially undermines the independence of judges and prosecutors;
- Increased concentration of power in the hands of the Minister of Justice, contested replacement of the Chief Prosecutor of the National Anti-Corruption Directorate, and politicisation of the Judicial Inspection;
- Lack of progress towards neutral and objective appointment and dismissal processes for senior prosecutors;
- Undermining of public trust in the judiciary as a result of continuing public criticism of the judiciary by the government and parliamentarians;
- Adoption of draft law on Romania's Criminal Codes that, among other things, reduces the scope of corruption as an offence;
- Use of urgency procedures and Emergency Ordnance to introduce or modify legislation, thereby limiting time for review and debate;
- Instability in the framework for integrity and adoption by Parliament of two legislative proposals limiting the scope of conflict of interests and modifying the sanctioning regime for local elected officials; further reduction in the budget of the National Integrity Agency;
- Political pressure undermining the independence of the National Anti-Corruption Directorate, including replacement of its Chief Prosecutor;
- Lack of progress in defining criteria for the lifting of parliamentary immunity.

1.1.3   Institutional context and developments

As mentioned above, Romania was able to absorb a large amount of funds dedicated to training and capacity-building of the most relevant actors in the field of security and justice.

However, the recent amendments to the main **law regulating military pensions** create a huge gap in knowledge transfer from one generation to the other, as most personnel with at least 25 years of experience (which implies 15 years in senior positions) retired. Currently, the security system in Romania seems to be more vulnerable. A similar situation is found within the judiciary. The recent amendments to the law on the status of judges and prosecutors, if they enter into force, will allow about 50% of the magistrates in office to retire.

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[24] European Commission (13 November 2018), *Report From the Commission to the European Parliament and the Council On Progress in Romania under the Cooperation and Verification Mechanism* (p2), https://bit.ly/2S65FEa

The **National Agency against Human Trafficking (ANITP)** is under-resourced and lacks influence, and is therefore currently unable to fulfil its role and legal obligations in the field of protection and assistance to victims of human trafficking. It needs to be reorganised and possibly relocated, for example under the General Secretariat of the Government.

The European Commission points out that the **National Agency for the Management of Seized Assets** (ANABI) is operating with less than 60% of the planned staff, which is limiting its activities. [25]

The **Directorate for Investigating Organised Crime and Terrorism** (DIOCT) capacity building and development should be in accordance with the 2018 amendments to the Law 508/2004 based on the Emergency Ordinance 6/2010. There is a great need for the training of 40 new officers and judicial police officers who must be transferred from the Police Department to DIOCT in the coming year, and training for new financial investigation officers that will also be part of the new DIOCT structure.

The **National Agency for Transplant** should implement the Directive 2010/53/EU on standards of quality and safety of human organs intended for transplantation, in order to ensure better control and transparency in relation to the use of human organs and tissues, as **Romania is the only EU country that has a national online platform for selling/ buying organs**.[26] Trafficking in human organs is **associated with trafficking in human beings** and exploitation of other vulnerable groups. Romania has been identified as an 'organ exporting country', and as a country where illegal transplants have taken place in hospital, and as a country associated with trafficking in human organs.[27]

1.2   Overview of the TFS in Romania

The Thematic Fund 'Security' (TFS) has included a total of 23 projects, one of which was cancelled (see Annex 4).[28] The total budget of the 22 remaining projects was CHF 17,585,943. Ten of these projects, accounting for CHF 13,525,405 were ongoing as of mid-2018. This is partly accounted for by the fact that several projects were extended to accommodate follow-on activities – project extension was considered a simpler alternative to launching new projects, which would have been administratively more complicated and time-consuming. Swiss funding accounts for between 85% and 91%[29] of total project budgets. Overall, Swiss funding accounts for 86% of total TFS funding.

Table 1 (below) summarises the projects by category. 33% of the total TFS budget has been allocated to policing, 15% to judiciary, and 13% to the fight against trafficking in human beings and protection of victims of trafficking. There were six trafficking-related projects, one of which was cancelled. There were also two projects related to asylum and migration. **Movement of people has thus been a significant focus of the TFS in terms of numbers of projects, while policing and judiciary have been the main focus in terms of budget.**

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[25] European Commission (13 November 2018), *Report From the Commission to the European Parliament and the Council On Progress in Romania under the Cooperation and Verification Mechanism*, https://bit.ly/2S65FEa
[26] The Romanian platform for selling/buying organs has 608 announcements on 08 October 2018. See http://www.anunturi-on-line.ro/anunturi/rinichi.html
[27] Bos, M. (2015), European Parliament Study: *Trafficking in Human Organs*, https://bit.ly/2TbjbYl
[28] 'Victim of Human Trafficking can be you! Do not be fooled!'.
[29] Tandem with NGOs to support victims of trafficking in human beings (VoTs) – TaNGO.

Table 1: Project categories

Category	% of total TFS budget	Number of projects
Policing	33%	2
Judiciary	15%	2
Trafficking in human beings	13%	6[30]
Community service	9%	2
Asset Recovery	8%	2
Data exchange	8%	1
Cross-border crime	5%	1
Asylum & migration	4%	3
Anti-corruption	3%	3
Risk analysis	2%	1

Source: based on information provided in the evaluation terms of reference

The TFS is governed by four types of agreement:

- The Framework Agreements between the Swiss Federal Council and the Government of Romania;
- The Thematic Fund Agreement between the Swiss Federal Council (represented by the Swiss Agency for Development and Cooperation (SDC)) and the government of Romania;
- The Mandate Agreement between SDC and the Swiss Intermediate Body (SIB);
- Activity Agreements between the SIB and relevant EAs;
- Although not specifically mentioned in the framework documents available to the evaluation team, there are also Partnership Agreements between the Swiss partners and the EAs.

The **Framework Agreement** provides the framework for all Swiss Cooperation activities in Romania. It specifies the commitment and implementation periods, which are five and ten years respectively from the date of approval of the Swiss Contribution by the Swiss Parliament (07 December 2009), which means that the commitment period expired on 06 December 2014 and the disbursement period will expire on 06 December 2019. The National Coordination Unit (NCU) in Romania is the Ministry of Public Finance. The Swiss Federal Council authorised two Swiss institutions to act on its behalf: (1) The Federal Department of Foreign Affairs, acting through SDC (responsible for the TFS, among other things); and (2) The Federal Department of Economic Affairs, acting through the State Secretariat for Economic Affairs. The Swiss Embassy in Bucharest is the contact point for official communication with the Romanian NCU. The Framework Agreement indicates that the Romanian Government is responsible for the identification of projects to be financed by the Swiss Contribution, except for Thematic Funds which 'are worked out by the Swiss Party'.

Annex 4 of the Framework Agreement covers rules and procedures for Thematic Funds (all Thematic Funds, not only Security). Annex 4 of the Framework Agreement divides TFS funding allocations between activities which were already specified in the Framework Agreement, known as **'retained projects'** (57%), and funding reserved for activities to be proposed by either of the parties after the execution of the Framework Agreements, i.e. **'new projects'** (28%). In Romania, there were 11 retained activities under the following headings: Schengen and Prüm related issues; Enhanced social-related security; Fight against corruption & organised crime. 15% was reserved for TFS management, and funding of project preparation.

Table 2: Allocation of Swiss funding to 'retained' and 'new' TFS activities

	CHF	%
Activities **retained** in the framework agreement	10,341,000	57

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[30] Includes one project that was cancelled. No funding was used on this project.

	CHF	%
Activities proposed by either party at a later stage	4,959,000	28
Thematic Fund management, funding of project preparation and reserve	2,700,000	15
Total Funding	**18,000,000**	**100**

The **TFS Agreement** complements the content of Annex 4 of the Framework Agreement. Among other things, it specifies the implementation period of the TFS in Romania, namely **01 July 2011 to 06 December 2019**.

The **Financing Agreement** indicates that a maximum of 60% of eligible expenses may be grant-funded except for projects co-financed by central, regional, or local budgets, in which case the maximum grant is 85%. The **TFS Agreement** indicates that up to 90% of eligible expenses may be grant-funded where activities are co-financed by NGOs. The agreement also indicates the membership of the Steering Committee. The SIB was designated to 'lead' the Steering Committee as well as to ensure the secretariat function. The responsibilities of the EAs do not appear to be specified in any of these documents. The TFS Agreement specifies that there should be reporting at the level of the overall fund (SDC responsibility) and at activity level (SIB responsibility). EAs are required to submit at least one annual report and a final report.

Table 3: Responsibilities of key actors in the management of the TFS

Body	Responsibilities
SDC	Supervision & steering. Establishment & operation of monitoring system. Conclude Mandate Agreement with the SIB. Coordination & other relevant activities regarding the use of the grant.
NCU	Facilitate implementation of the TFS. Ensure adoption of necessary legal documents for implementation of the Security Fund.
SIB	Establishment & management of the TFS. Establishment of activity (project) portfolio. Contracting & supervision of EAs. Controlling activities & reporting on the TFS.
Steering Committee	Provide guidance on strategic matters. Recommend Activities assessed by SIB for approval of SDC. (Responsibilities were to be established by the SIB in consultation with SDC and NCU).

The members of the Steering Committee are specified as follows: Ministry of Administration & Interior; Ministry of Justice; Public Ministry; Superior Council of Magistracy; National Anti-Corruption Directorate; civil society;[31] NCU; SDC; SIB (as member-secretary).

Leadership of the Steering Committee was to be assured by the SIB, which was also to provide the secretariat of the Steering Committee.

1.3   Projects covered

This evaluation is based on a review of 10 case study projects. These are listed in Table 4 (below). Further details are provided in Annex 4. For ease of reading, abbreviated titles are used in this report as indicated in Table 4.

Table 4: Case study projects

Project titles as indicated in the Terms of reference	Abbreviated project titles used in this report	Executing Agency
Asset recovery competences	Asset recovery	Initially the Office of Crime Prevention and Cooperation for Assets Recovery (MoJ). Subsequently the newly-established agency, the

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[31] Civil society is represented on the Steering Committee by Freedom House Romania.

Project titles as indicated in the Terms of reference	Abbreviated project titles used in this report	Executing Agency
		National Agency for the Management of Seized Assets (ANABI).
Community policing in rural areas	Community policing	Public Order Directorate, Romanian Police
Mapping and visualising cross-border crime	Mapping	Journalism Development Network (JDN) Romania / Rise Project (Romania)
Strengthening Romanian Gendarmerie	Romanian Gendarmerie	General Inspectorate of Romanian Gendarmerie
Asylum matters - Capacity Building GII	Asylum	Schengen Directorate (renamed General Inspectorate for Immigration) of the Ministry for Administration and Interior
Community services workshop	Community service	Foundation for the Promotion of Community Sanctions
Improving Police Cooperation in countering THB[32]	Countering THB	Department for Countering Trafficking in Persons (DCTP) of the Directorate for Countering Organized Crime within the General Inspectorate of the Romanian Police (GIRP)
Tandem with NGOs to support victims of THB	Victims of THB	International Organisation for Migration (IOM) Bucharest
Training for judges and prosecutors	Training for judges and prosecutors	Superior Council of Magistracy
Enhancing training capacity for Romanian judges and prosecutors in fighting corruption and financial and economic crime	Enhancing training capacity for judges and prosecutors	Superior Council of Magistracy

2   Evaluation

2.1   Scope, approach, and timing of the Module 1 evaluation

The Module 1 evaluation is based on a review of 10 case study projects identified by SDC (see Table 4). However, SDC feedback suggests that the following assessment is generally applicable to the TFS overall.

The approach consisted of:

- Desk research;
- Consultations with stakeholders in Romania, including site visits to selected project locations in Romania. In all, the evaluators consulted 41 institutional and individual stakeholders in Romania, as well as community groups in the Danube delta region.
- Consultations with seven project partners in Switzerland;
- A survey of Romanian participants in training, workshops, study visits, and similar activities (case study projects only). The survey received 116 responses, of which 16 have been excluded from the analysis due to conflicting responses (most of these 16 indicated that they were unable to recall much about their participation in the activities but nevertheless gave positive responses to the other questions).

Desk research was undertaken from mid-July 2018 to mid-September. The evaluation mission to Romania was undertaken from 24 to 28 September, starting with a kick-off meeting involving the National Coordination Unit,

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[32] THB – Trafficking in Human Beings

the Swiss Cooperation Office, representatives of Steering Committee members, and representatives of executing agencies, and ending with a debriefing meeting involving the National Coordination Unit, the Swiss Cooperation Office, and representatives of Steering Committee members.

This report incorporates feedback from SDC, the Swiss Cooperation Office, and the Swiss Intermediate Body, which was provided on 23 October.

2.2   Relevance

2.2.1   Findings

2.2.1.1   *General overview*

The fight against high-level corruption and asset recovery has been on the public agenda in Romania for many years, with various efforts being made to boost the capacity of law enforcement, prosecution and the judiciary to handle such cases efficiently, and at the same time to improve the work of supporting institutions charged with the implementation of final court decisions. Investigative journalism has brought to light many stories concerning transgressive or illegal activities of public officials. Journalists are increasingly able to follow money to foreign jurisdictions and often their investigations are used as a starting point for investigations and prosecutions. The TFS has funded projects in these sensitive, yet essential, areas for Romania.

The Gendarmerie is a young institution that needs help in developing internal procedures and working processes in the areas of crowd control and emergency interventions. Partnerships with Swiss counterparts allow for swift transfer of know-how and good practices with a direct impact on the manner in which the Gendarmerie performs its tasks. Although Switzerland has been assisting Romania in the area of community policing since approximately 2000, this remains an area in which support is needed as it involves cultural change, which can be difficult and takes time. Involving communities in the work of the police and equipping police officers with the tools much needed for performing their basic tasks are challenges that Romania faces in particular in rural and poor areas.

Romania has the second largest European Union (EU) external land border and thus it is an important security player in the region, mainly for the south east part of the EU's external border. The TFS has assisted Romanian institutions in addressing Schengen challenges, in enhancing security at the national level, and in fighting corruption and organised crime. On the 10 September 2015, the European Commission's position was that Romania fulfils all the technical criteria to become a member of the Schengen Area, with the next steps having to be taken at political level. The 22 TFS projects addressed both national and EU security, by strengthening bilateral cooperation on law enforcement, border management, civil protection and judiciary. The projects were in line with the EU and the national justice and home affairs strategies and action plans.

The areas of the TFS in Romania are **aligned with the European Agenda on Security**. The broad range of projects implemented in Romania clearly contributes to the Agenda in the area of organised crime, while the areas of terrorism and cybercrime are less targeted under the current Swiss Contribution. On the operational side, projects of the TFS have contributed/ are expected to contribute to:

- Asset recovery;
- Combating smuggling of migrants;
- Combating trafficking in human beings;
- Combating environmental crimes;
- Preventing and fighting corruption in the EU;
- Mapping cross-border crime.

Table 5 (below) lists the priorities adopted by the **Council of the European Union** for the fight against organised and serious international crime between 2018 and 2021. It also indicates which of these priorities were addressed directly by the TFS. When comparing the TFS with these priorities, it is important to consider that

the Framework Agreement was concluded in September 2010, and implementation of the TFS commenced in July 2011. Moreover, it would be unrealistic to expect the TFS to cover all priorities, given the amount of funding available. Nevertheless, the **TFS did already directly address four of the current EU priorities**. Moreover, the **focus of the TFS on corruption and asset recovery can be considered as a contribution to all priorities.**

Table 5: EU priorities for the fight against organised and serious international crime 2018-2021

EU priority	Addressed directly by the TFS
Cybercrime	No
Drug trafficking	No
Facilitation of illegal immigration into the EU	Yes
Organised theft and burglary	No
Trafficking in human beings	Yes
Excise and Missing Trader Intra Community (MTIC) fraud	No
Firearms trafficking	No
Environmental crime	Yes
Criminal finances	Yes
Document fraud	No

Source: EU priorities are taken from the Council of the European Union[33]

A more contemporaneous set of EU priorities are those identified by the Council of the European Union in June 2011, which are listed in Table 6 (below). Here again, relatively few of these priorities are addressed directly by the TFS. However, again, the focus of the TFS on corruption and asset recovery is **relevant to all priorities**.

Table 6: EU priorities for the fight against organised crime between 2011 and 2013

Priority	Directly addressed by the TFS
Weaken the capacity of organised crime groups active or based in West Africa to traffic cocaine and heroin to and within the EU.	No
Mitigate the role of the Western Balkans, as a key transit and storage zone for illicit commodities destined for the EU and logistical centre for organised crime groups, including Albanian-speaking organised crime groups.	No
Weaken the capacity of organised crime groups to facilitate illegal immigration to the EU, particularly via southern, south-eastern and eastern Europe and notably at the Greek-Turkish border and in crisis areas of the Mediterranean close to North Africa;	Yes
Reduce the production and distribution in the EU of synthetic drugs, including new psychoactive substances.	No
Disrupt the trafficking to the EU, particularly in container form, of illicit commodities, including cocaine, heroin, cannabis, counterfeit goods and cigarettes.	No
Combat all forms of trafficking in human beings and human smuggling by targeting the organised crime groups conducting such criminal activities in particular at the southern, south-western and south-eastern criminal hubs in the EU.	Yes
Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities.	Yes

[33] Council of the European Union (2018), *Infographic - EU fight against organised crime: 2018-2021*, https://bit.ly/2qYH8W3

Priority	Directly addressed by the TFS
Step up the fight against cybercrime and the criminal misuse of the internet by organised crime groups.	No

Source: priorities are taken from Council of the European Union[34]

2.2.1.2   *Specific observations*

The **case study projects are all considered relevant, in the sense that they address concrete needs of Romania**, and this applies to both retained and new projects. The needs were expressed by Romanian authorities, discussed with SDC/ the Swiss Cooperation Office (SCO) and Swiss partners and further refined at the beginning of implementation of the respective projects. For example, the Asylum project and the two projects dealing with training of judges and prosecutors were based on needs assessments, and further needs were identified during implementation.

Most Swiss project partners were identified after approval of the TFS and their inputs on the analysis of needs therefore came later, in the context of individual projects, rather than at the level of the TFS. The SIB notes that in general, **while Swiss partners were happy to be involved in project implementation, they were largely unable to participate in needs analysis and project design owing to constraints on their time and resources**. Some projects benefited from previous cooperation between Swiss and Romanian partners, which was still continuing in some cases (e.g. Community Policing, Community Service Workshop, Police Cooperation in THB). However, the majority of Swiss partners were newly identified at the start of the TFS. Finding Swiss partners proved problematic in some cases, for example in the area of training judges and prosecutors.

The Swiss partners were either identified and contacted by the SIB (e.g. the Savatan Police Academy, Cantonal Police of Geneva, Cantonal Police of Vaud for police and gendarmerie projects, Basel Institute on Governance) or they were contacted directly by SDC (e.g. VEBO[35] in the case of the Community Service workshop project).

The design of the TFS, with a set of retained projects and the option to incorporate new projects in the course of the implementation of the TFS, is viewed as a positive element of the TFS to ensure **flexibility and responsiveness** to new threats, trends and initiatives. This flexibility has been essential in view of the many changes that have occurred in Romania since the program was originally designed nearly 10 years ago.

Most **retained projects offer the advantage of being broader in scope, enabling cooperation with one beneficiary institution on various aspects of their work**, sometimes interconnected (e.g. community policing/language and culture training), and sometimes independent from each other (e.g. crowd control by the Public Order Directorate of the Gendarmerie and mountain rescue, and protection of the environment by the Mountain Gendarmerie). To accelerate the launch of new activities, these were included in existing projects, where possible. Where this was not possible, for example when a project targeted a different organisation, e.g. Rise project – EA for the Mapping project, new projects were created.

New projects benefited from the SIB's input from the initial concept onwards, which was not the case for retained projects. New projects are more focused than retained projects and needs and activities are described in greater detail. **The SIB notes that it had to undertake significant additional work on the design and documentation of the retained projects**, as these had not been sufficiently clearly developed at the time of the incorporation into the Framework Agreement. Objectives were often unclear and there was confusion between activities, outputs, and outcomes. This is still evident in the project documents provided to the

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[34] Council of the European Union (June 2011), *Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013 - 3096th JUSTICE and HOME AFFAIRS Council meeting Luxembourg, 9 and 10 June 2011*, https://bit.ly/2Qaw3j3

[35] VEBO - Verein zur Entwicklung der Bewährungshilfe in Osteuropa (Association for the Development of the Probation Services in Eastern Europe).

evaluators, although not in the case of the new projects, which were subject to a much more rigorous design and validation process. Nevertheless, with few exceptions, it is difficult to gain a clear understanding of the outcomes from project documentation (i.e. specifically what was expected to change in performance, behaviours, attitudes, etc.) One member of the Steering Committee considers that it was not clear how new projects were generated.

Meetings with state institutions in Romania, especially the Police, the Gendarmerie, and the General Inspectorate for Immigration (GII) suggest **good absorption capacity**. However, ANITP, which launched two TFS-funded calls that subsequently failed, is considered to be under-resourced and to lack influence within the Ministry of Internal Affairs, and as a result it was necessary to launch the Victims of THB project without its involvement (or any other state involvement).[36] Victims of THB is one of two projects where **relevance is undermined by the absence of the necessary legislative and institutional framework and political support**. The other project is Community Service. The Probation Directorate of the Ministry of Justice (MoJ) is highly supportive of the concept of community service workshops, and feedback from a member of the judiciary suggests the workshop in Bucharest is the only effective form of community service currently available in Romania. However, the MoJ has withdrawn its commitment to provide funding for community service workshops when Swiss funding expires.[37] Swiss partners (e.g. VEBO) stress the importance of establishing a strong project basis and clear requirements to be fulfilled by partner institutions prior to the activities. The TFS Annual Report 2015 (p16) notes that, in general, the duration of projects was underestimated when they were developed and the majority of projects applied for extensions. This is reflected in the September 2017 'TFS status report' (the most recent financial spreadsheet available), which indicates that approximately 57% of Swiss funding had been 'absorbed' (utilised) by then.

Of the 101 responses to the survey question 'How relevant were the activities to your work and professional needs?', 91% answered with a '5' or a '4', where '5' indicates 'Very much', and '1' indicates 'Not at all'. Thus most respondents consider that the training, workshops, study visits, etc. were relevant to the work and professional needs.

2.2.2   Conclusions on relevance

TFS projects are relevant to Romanian needs and policies. They *directly* address a limited number of specific past and current EU priorities (e.g. trafficking in human beings, asylum and migration, and asset recovery). However, the emphasis on judiciary projects aimed at combating corruption is also highly relevant to EU priorities, as this phenomenon is closely associated with, and facilitates, organised crime. The TFS adapted to the changing context and emerging needs of institutions. However, its considerable flexibility indicates that it has been difficult to develop a strategic approach, which may constrain impact and sustainability. There is limited capacity to develop projects in this area, and despite the significant support provided by the SIB expected outcomes are often not clearly identified or articulated: this is reflected in a general lack of outcome orientation during implementation. In two areas involving NGOs, relevance was undermined by a decline in political commitment.

2.2.3   Recommendations for enhancing the relevance of a potential future TFS

1. The involvement of Romanian civil society organisations and key Swiss partners in needs analysis during negotiation of future framework and TFS agreements would help to strengthen the relevance and design of future Swiss-funded activities in the area of security and justice. This means identifying

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[36] The first call for the provision of funding for NGOs to support victims of trafficking was cancelled after the winners had been announced due to an 'administrative error' by ANITP. The second call failed as there was no response: NGOs were unable to comply with new regulations requiring NGOs to be certified to provide services to victims of trafficking, as there was no official certification standard for NGOs to comply with. The situation is unchanged at the time of writing.
[37] It was envisaged that the project would establish three new community service workshops, bringing the total in Romania to four. Due the lack of state funding, only two new workshops were established and only the Bucharest workshop is still operational following the closure of the workshops in Timisoara and Brasov.

key Swiss partners much earlier, instead of involving them only after retained projects have been approved and developed. Funding should be made available to Swiss partners and Romanian civil society to cover the costs associated with supporting the development of a future TFS and the design of individual projects.

2. In order to ensure wider participation of Romanian NGOs in a future TFS, consideration could be given to allocating a specific share of TFS funding to NGOs. Stakeholder feedback indicates that NGO access to funding in Romania is increasingly difficult. At the same time, there is scope for greater NGO participation in this sector, for example in undertaking research and policy assessment, monitoring intervention outcomes, developing tools to address specific needs, delivering services to various groups (e.g. victims of trafficking, migrants, and asylum seekers). In order to identify suitable NGOs, it is recommended that the SCO consult with FDSC and other NGO fund managers and intermediaries.

3. The work of the Steering Committee would be strengthened by the participation of more 'outside' experts, for example academic experts, and representatives of other civil society organisations.

4. Project development should incorporate substantive and properly-documented risk analysis, including risk monitoring mechanisms, and risk mitigation strategy. For example, in the case of Community Service Workshop, the final project proposal did not identify the risk that the expected Romanian funding would not materialise to ensure sustainability, and it indicates that a scheme for ensuring sustainability from 2015 onwards would be developed later. With the benefit of hindsight, it might have been desirable to require a more concrete commitment from the outset.

5. While greater involvement of Swiss partners in needs analysis and project design would be desirable, development of adequate project proposals with clear objectives and outcomes and well-defined activities and outputs should be the responsibility of the relevant Romanian EAs. Proposals should be funded once they meet the necessary standards. Where necessary, Swiss funding could be made available for capacity building in this area (e.g. on theory of change), but not for preparing the actual documentation.

2.3 Effectiveness

2.3.1 Findings

TFS funding is reported to have led to important changes in practices and approaches, but the expected system changes have not emerged in two areas: (1) community service workshops, and (2) cooperation between state institutions and NGOs in protecting and reintegrating victims of trafficking.

Feedback from stakeholders in Romania and Switzerland, and site visits, confirm that the **practices of rural police units and the Mountain Gendarmerie have changed**. Swiss-funded equipment gave them greater mobility. The new training manual and 'train the trainers' course have been fully institutionalised. Feedback from communities in the Danube Delta suggests that the police station has increased importance and status in the community. This is illustrated by an increase in the number of people wishing to work in the police force, and the fact that rural police officers are called upon to provide all kinds of support in the daily lives of the communities. The community and local businesses were also instrumental in bringing additional resources, e.g. building a place for the boats purchased under the project. Data presented to the evaluation team at the community and local police levels show a significant decrease in the number of petty crimes.

In mountain areas, the National Park representative in Brasov county was supportive of the changes and **efforts of the Mountain Gendarmerie in protecting the environmen**t and embracing their new responsibilities due to a change in the law (fines can now be given for poaching and cutting wood). Social media also reflects **satisfaction of the public following rescues**. The approaches of the Gendarmerie and Police forces to public order and community policing required significant changes in mentality. Such changes take time. Stakeholders in Romania and Switzerland report positive examples of change, such as the use of dialogue and communication in crowd control, visible through designated personnel at events. The Gendarmerie reported a significant increase in the number of public events between 2011 and 2016 (1,732 events in 2011 and 3,564

events in 2017) however at the same time noted a decrease in the number of violent acts reported during those events (1,195 in 2011 and 815 in 2017).[38]

The design and procurement of an integrated database on asset recovery is a continuation of a series of activities with the National Agency for Management of Seized Assets (ANABI) (mainly training), and is expected to enable the actual tracking of confiscation and seizure orders, neither of which is currently tracked in Romania. The database is expected to be launched in October 2019.

The Mapping project has **enabled journalists to extract information from more sources**, and investigations are based more on data. A prosecutor indicated that the investigative work done by the Rise project is **used in some cases to start formal investigations**, and the **tools save time** during the preliminary phase of investigation. More time is saved when journalists present specific documents as this means that prosecutors already know what to ask for. The Rise project also benefits from strong support from the public on social media.

The **Asylum project has significantly improved conditions and facilities for beneficiaries** (including children) at two regional reception centres, and capacity has been increased. The GII notes that procedures and practices at the two centres have improved, as has operational cooperation with the Swiss authorities. Training capacity has also been developed.

The two **judiciary projects provided timely training on new laws**. The training of magistrates was decentralised, following an approach that is considered good practice at EU level. The **new online platform** provides access to 24 online, **specialised training programmes** and to many professional conferences, not only for magistrates, but also for others who are interested. The transfer of knowledge on IT forensic expertise, and the exchange of software between the National Anti-corruption Directorate (NAD) and Swiss partners, have **enabled Romanian prosecutors and IT forensic experts to investigate a much larger quantity of data**.

Stakeholder feedback suggests that the **Community Service workshop in Bucharest is the most effective form of community service available in Romania**. This model is based on the dismantling of discarded electrical appliances and recycling of components and materials. Clients are required to enter into a contract with the workshop indicating exactly when they will perform their work. Changes to the schedule have to be requested in writing in advance. Unlike other forms of community service, it is professionally managed, clients are closely supervised, sentences are more likely to be served, and rehabilitation is likely to be more effective due to the development of self-discipline and abilities to work with others and follow instructions. Utilisation of the one remaining workshop (in Bucharest), has increased significantly since 2012 (see Table 7 below). The alternative to the community service workshop is community service in a state or local government, or similar institution, where professional supervision is not available, and where staff should supervise clients in addition to performing their regular duties. Doubts have also been expressed about the extent to which clients are fulfilling the required number of community service hours in such settings.

Table 7: Utilisation of the community service workshop in Bucharest

Year	New clients	Clients completing sentences	Total hours worked
2012	26	10	2,604
2017	263	185	29,253
2018 (projected)	329	254	37,000

Source: meeting with the Foundation for the Promotion of Community Sanctions, Bucharest

The Victims of THB project does not involve capacity building or system strengthening, as these objectives were dropped following the failure of the project originally foreseen, with ANITP as EA (see Footnote 36 above).

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[38] Draft of Final Report for the Project 'Strengthening the Capacities of the Romanian Gendarmerie' shared with Evaluation Team by Coginta in September 2018.

Swiss funding is used exclusively to provide direct support to victims. Two of the three NGO recipients were consulted, and they note that the **funding has enabled them to increase significantly the number of victims supported,[39] and one points out that the funding has enabled them to improve the scope and quality of services provided**. For example, increased legal representation of victims in court has helped to secure convictions of traffickers.[40] One of the NGOs highlights synergies with the Countering THB project, in which it contributed to training at the police school at Slatina, and undertook a visit to Switzerland to research the situation of Romanians working in clubs there.

An unplanned effect of the Community Services and Victims of THB projects is that they **clearly demonstrate the limitations of the existing institutional and legal framework,** because neither project was able to achieve the expected changes at national level. Indeed, it was necessary to abandon capacity-building or system-building objectives in respect of the Victims of THB project.

The Department for Countering Trafficking in Persons (DCTP) (the EA of the Countering THB project) considers that the project has helped it to improve the effectiveness of its work and to build bridges with Swiss counterparts. However, it is not possible to reach conclusions about what specific changes the project led to on the Romanian side, because the DCTP has been involved in extensive anti-trafficking cooperation with European partners for many years. Moreover, the project is a continuation of operational cooperation that already existed with the Geneva Cantonal Police prior to the TFS. The DCTP explains that this project is an important part of the picture that enables it to keep up to date with emerging threats posed by highly mobile criminal organisations. This situation suggests that the knowledge gained by the placement of Romanian police officers with the Geneva Cantonal Police is not well institutionalised. The latter does, however, confirm that operational cooperation before and during the TFS has helped to increase the number of victims identified.

Figure 1: Survey – effectiveness of TFS training, workshops, study visits, etc.
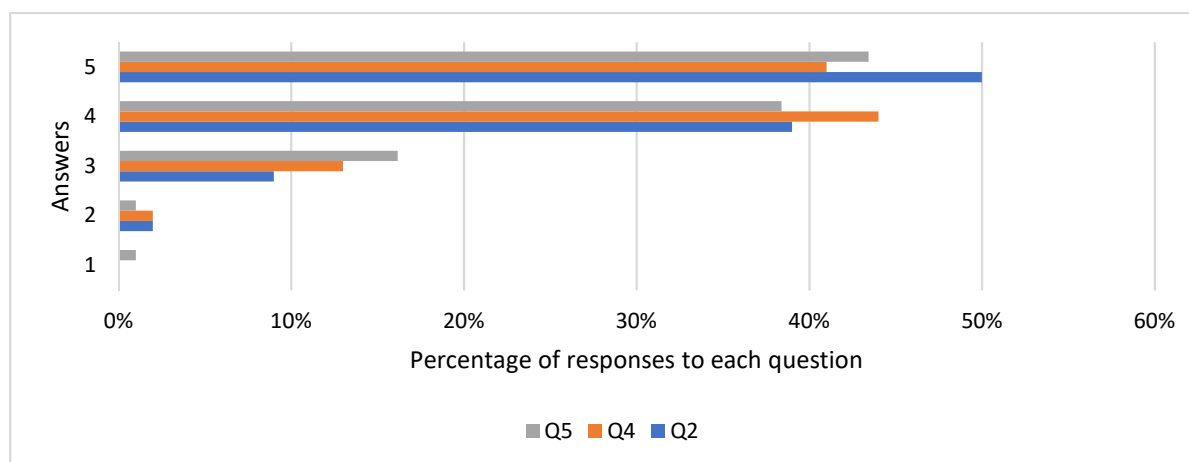
The survey included three questions on effectiveness:

- Question 2. To what extent did the activities enhance your knowledge and skills?
- Question 4. To what extent did the activities help you to enhance your work?
- Question 5. To what extent did the activities help you to solve concrete issues?

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[39] In one case, Swiss funding doubled the number of victims it could support each year. Swiss funding will cover the costs of supporting 50 victims, and 34 have so far been supported. The other NGO indicates that since the Swiss funding was provided in late 2017, it had supported an additional 29 victims – on average it supported 17 victims per year from January 2010 to November 2017.

[40] In one case, three traffickers were convicted and sentenced to a total of 28 years in prison, and required to pay €20,000 in compensation. In another case, the lawyer secured a change to the charge, from pimping to the more serious charge of trafficking.

Questions 2 and 4 generated 100 responses, while Question 5 generated 99.

A large majority of respondents answered all three questions with a '5' or a '4', where '5' indicates 'Very much', and '1' indicates 'Not at all'. Thus, a large majority of respondents consider that participation in TFS training, workshops, study visits, etc. enhanced their knowledge and skills, enabled them to enhance their work, and to solve concrete issues.

2.3.1.1   *Partnerships*

The Romanian authorities recognise the **importance of the expertise and inputs provided by the Swiss project partners.** Active partnerships at personal or institutional levels already existed prior to the start of several projects, namely Mapping (Rise Project - Basel Institute on Governance), Asset Recovery (ANABI - Basel Institute on Governance), Community Policing, Countering THB, and Community Service.[41] Nevertheless, the Police, and especially the Gendarmerie, stress the key role of the SIB in facilitating the collaboration with the Savatan Police Academy, associated members (e.g. Cantonal Police), and related experts.

Due to the varying scope of projects, **the nature and durability of partnerships varies considerably**. For example, the Foundation for the Promotion of Community Sanctions (FPCS) (Community Service project) established a partnership with VEBO several years ago (2011), and it is understood that while the two organisations are in contact and VEBO is represented on the FPCS board, the partnership is less active than in previous years. The Victims of THB project does not formally involve a Swiss partner, although the International Organisation for Migration (IOM) Bern notes that it has remained in close contact with IOM Bucharest during the implementation of the project. There are strong working relations between the Cantonal Police of Geneva and the Romanian police, and the system is likely to continue, perhaps to a lesser extent, if/ when TFS funding for this type of exchange of police officers comes to an end. Swiss and Romanian stakeholders consider that the partnerships established in relation to training will continue, but more on a personal basis and less at institutional level. High staff turnover within Romanian institutions is likely to constrain the durability of institutional partnerships in the longer term. Frequent changes at ministerial level lead to changed priorities, which could also constrain bilateral partnerships.

2.3.2   Conclusions on effectiveness

TFS projects have introduced new ideas, approaches, and tools. Stakeholder feedback indicates that institutional and system performance has improved as a result. However, there is a lack of systematic outcome monitoring at project and TFS levels, and there is very limited quantitative data to validate stakeholder feedback, including in TFS Romania annual reports (see Annex 7). In some cases, stakeholders struggled to identify specific changes resulting from projects. The partnerships between Swiss and Romanian institutions have been important, although some partnerships pre-date the cooperation covered by this evaluation, and cannot therefore be attributed entirely to the TFS.

2.3.3   Recommendations for enhancing the effectiveness of a potential future TFS

1. Systematic monitoring of changes, compilation and analysis of data, and regular feedback to Swiss and Romanian partners would contribute to continuous incremental improvement. This should be done by EAs.[42] Greater use should be made of the extensive reporting done by Swiss partners.
2. Mid-term review of a potential future TFS would help to identify and address systemic and project-specific issues at an earlier stage and allow time for adjustments to be made while the TFS is still operational. Equally importantly, it would help to identify key successes.
3. Consideration should be given to the possibility of awarding grants to NGOs and/or academic institutions to undertake research in areas addressed by the TFS projects, for example on the effectiveness of community service workshops compared with other forms of community service, or

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[41] Switzerland has provided support to the Romanian Police since 2000 in the area of community policing.
[42] One EA mentioned that it had collected feedback at the end of training activities, as required in its Swiss funding contract. However, it had not analysed the feedback but had simply passed the forms on to the SIB.

changes in police-community relations, etc. Indeed, this type of research should be an integral part of project design. Depending on when it is done, it could, for example, support needs analysis and project design, and/ or would significantly enhance understanding of outcomes, and would provide important information for the validation of new models and approaches, as well as recommendations for further fine tuning. Moreover, cost-benefit analysis could help to ensure government funding.

4. Effectiveness could be enhanced by the establishment of strong, strategic bilateral partnerships around specific security sub-themes. Objectives and priorities for each strategic partnership would need to be incorporated into a future TFS agreement, as well as the roles and responsibilities of Romanian and Swiss strategic institutions and project partners, and their respective expectations.

5. The recommendations on relevance are also important for effectiveness (see 2.2.3).

2.4   Efficiency

2.4.1   Findings

2.4.1.1   *General organisation*

The SCO highlights the important role played by the SIB in concluding Activity Agreements with EAs, developing the project pipeline, ensuring that project proposals complied with SDC requirements, and ensuring that projects have been/ will be successfully completed. All but two of the planned TFS projects are on their way to being completed or have already been completed. It is unlikely that these results would have been possible without the SIB.

Romanian stakeholders are **highly satisfied with the collaboration with Swiss institutions and experts as well as with the SIB,** in terms of both content and efficiency. However, many Swiss partners report a **complicated structure, with many 'layers' and players involved**: the SDC, the SCO, and the SIB, Swiss project institutions, and Swiss project experts. Many interviewees in Switzerland have stressed the lack of overview of the TFS and how their work fitted in the broader picture. Information provided by Swiss project partners and experts indicates that reporting lines and arrangements have varied significantly between projects. These aspects have possibly contributed to a lack of use of data generated by project activities, which could have been used for internal evaluation during the implementation of the TFS and provided a solid basis for the final evaluation.

The SCO considers that the SIB has not been sufficiently responsive to its concerns (for example on local representation in Romania) and requests for information (for example on the outcomes of various activities See 2.3.3 and 2.4.1.2). The SIB is unaware of any dissatisfaction and notes that the decision not to replace its local representative in Romania was taken jointly with SDC. It also notes that there was no budget for this when its contract was extended. The TFS Annual Report refers to the SIB's 'excellent' relations with SDC and other bodies involved in the steering and coordination of the TFS. On the question of information, the SIB notes that it did produce monthly TFS reports documenting activities. However this does not address the point about outcomes.

Notwithstanding the critical feedback regarding the complexity and bureaucracy of the present set-up, **Romanian and Swiss project partners express a strong preference to maintain a funding arrangement outside of Romanian national structures**. They suggest that channelling funds through national structures will significantly complicate implementation of a possible future TFS, and it is suggested that NGOs would find it much harder to access Swiss funding channelled through national structures. It is interesting to note, however, that EEA & Norway Grants funds for state institutions and agencies are managed by Romanian national structures (including auditing and evaluation). Representatives of EEA & Norway Grants point out that this arrangement works well and supports national institutional capacity strengthening. For example, under the 2009-2014 programme, both the Ministry of Internal Affairs and the Ministry of Justice were designated

programme operators,[43] as they are under the 2014-2020 programme.[44] Funding for NGOs is managed by the Romanian NGO, Fundatia pentru Dezvoltarea Societatii Civile.

Besides channelling funds to Romanian partners, the SIB has performed other important functions. Swiss partners recognise the role of the SIB in facilitating partnerships, but consider that it would have a reduced role in identifying Swiss expertise in the event of a future TFS. Some Romanian partners highlight the coaching role of the SIB with regard to project design, management and reporting (e.g. Implementation Unit of the Community Policing project), while others interacted with the SIB mainly in relation to submission of reports. The SIB also highlights the following aspects of its work:

- Workshops on the use of log frames, the reporting requirements, and the final reporting provided by the SIB;
- Supported with the design of projects and the development of project documentation;
- Establishment of contacts with Swiss project partners (although it could be argued that this activity is not in itself a Swiss added value, but it is a coordination activity that is important for the realisation of Swiss added value);
- General support to EAs e.g. addressing project management-related questions, lobbying efforts, and other management issues.

However, while Romanian project partners consider this to be a positive aspect of the current set-up, SIB and SCO feedback suggests that **there may have been over-dependence by EAs on the SIB**. It was necessary to find solutions that circumvented the constraints of Romanian public administration processes in order to ensure that projects could proceed. Again, it is interesting to note the contrast with EEA & Norway Grants funding, where there is minimal involvement of donor structures in operational aspects of the funding - an explicit aim of the donor is to reinforce national programme management capacities.

The SIB considers that the Steering Committee has performed well, but other stakeholders disagree. It is possible that this difference of views emerges from the fact the SIB has been responsible for providing the secretariat of the Steering Committee, and while the Committee has met the SIB's expectations, it has apparently not met the expectations of some other stakeholders. For example, the SCO considers that the Steering Committee has tended to focus on operational details rather than strategic issues. Another stakeholder considers that the Steering Committee has not included sufficient subject-specific technical expertise (e.g. independent experts).

2.4.1.2   Project development

The SIB notes that it had to do a substantial amount of work on the design and development of retained and new projects, and the SCO indicates that it had expected that project proposals submitted by EAs would be of a higher standard. This is not an unreasonable expectation considering Romania's ongoing international cooperation in the area of security and justice (see 1.1.1), and the fact that Romania has received continuous EU support in this area for 20 years, starting with the 1998 Phare programme.[45] On the other hand, project development and management capacity may be undermined by high staff turnover in state institutions, and by the lack of a strategic approach in some of the areas covered by projects. Frequent changes in public policies are a serious challenge in implementing projects that are intended to help translate policies into practice.

A significant issue noted by the SCO is that project concepts had to be developed relatively quickly in order to generate a list for inclusion in the Framework Agreement. Therefore, much work remained to be done to

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[43] See for example Norwegian Financial Mechanism Romania (undated), *Memorandum of Understanding on the Implementation of the Norwegian Financial Mechanism 2009-2014 between The Kingdom of Norway and The Government of Romania*, https://bit.ly/2FJaGRA

[44] Norwegian Financial Mechanism 2014-2021 Romania (undated), Memorandum of Understanding on the Implementation of the Norwegian Financial Mechanism 2014-2021 Between The Kingdom of Norway and The Government of Romania, https://bit.ly/2Qd17yz

[45] The list of EU Phare projects for Romania from 1998 to 2007 can be found at https://bit.ly/2QwoFuO.

develop the detailed project designs. Among other things, this led to the inclusion of Swiss and Romanian institutions and organisations in project documentation on the basis that they were potentially relevant to the projects, although there was not sufficient time to consult them, and subsequently not all of them were involved.

2.4.1.3   Financial management

Romanian and Swiss stakeholders report that **payments, procurement and reimbursements have been complicated and slow, have wasted time, and have led to delays**. Some difficulties were linked to national or institutional procedures in Romania. This was mentioned by the police and gendarmerie in particular, as well as representatives of the judiciary. The Swiss partners highlighted that the financial structure of the TFS with funds transferred from Switzerland to SIB, from SIB to EAs (based on quarterly reports) and then transferred from EAs to them (Swiss project partners) to reimburse their expenses was bureaucratic and inefficient, requiring a lot of forms and documents to be prepared. This is particularly important for the development of future TFS projects, as Swiss partners were reluctant to get involved at this early stage due to lack of time and resources, according to the SIB (see 2.2). NGOs supported through the Victims of THB project note that slower than expected disbursement of funds put them under significant financial pressure and greatly complicated their work.[46] In this case, an already complicated system appears to have been further complicated by the involvement of IOM as a channel for Swiss funding to Romanian NGOs. IOM notes that its procedures are not fully compatible with Swiss funding rules (IOM rules are stricter in some areas), and that Swiss rules were not clearly communicated to it from the start, but emerged bit by bit as different problems arose.

As noted above (2.2.1.2), over 57% of Swiss funding had been 'absorbed' by September 2017. This suggests that 43% of funds remained to be committed just over one year before the commitment deadline, and two years before the disbursement deadline. This in turn implies a possible rush to finalise some projects.

2.4.1.4   Swiss visibility

All of the Romanian stakeholders interviewed by the evaluators were clearly perfectly aware of the source of project funding. However, it is not known to what extent there is wider awareness of Swiss TFS funding in Romania. This depends on the extent to which the activities are publicised, and how they are publicised, e.g. as Swiss-funded or SIB-funded - it is possible that the funding may have become associated with the SIB rather than the Swiss Embassy. This was perhaps inevitable given the intensive contacts between the SIB and EAs over a number of years. The SIB points out that it always made the source of funding clear at all events. The SDC does not criticise the SIB in this regard, but considers that the management structure of the TFS has not enhanced its relations with TFS stakeholders in Romania.

2.4.1.5   Organisation of activities

The survey includes two questions on the format and organisation of training, workshops, study visits, etc.:

- Question 6. Overall, how effective was the format of the activities? (99 responses)
- Question 7. Overall, how effective was the organisation of the activities? (100 responses)

The responses are summarised in **Error! Reference source not found.** below. A large majority of respondents answered with a '5' or a '4', where '5' indicates 'Very effective' and '1' indicates 'Not at all effective.' Thus respondents were largely satisfied with the format and organisation of these activities.

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[46] One NGO stated that the time between submission of quarterly reports and receipt of grant instalments has been longer than the SIB initially indicated.

Figure 2: Survey – format and organisation of training, workshops, study visits, etc.
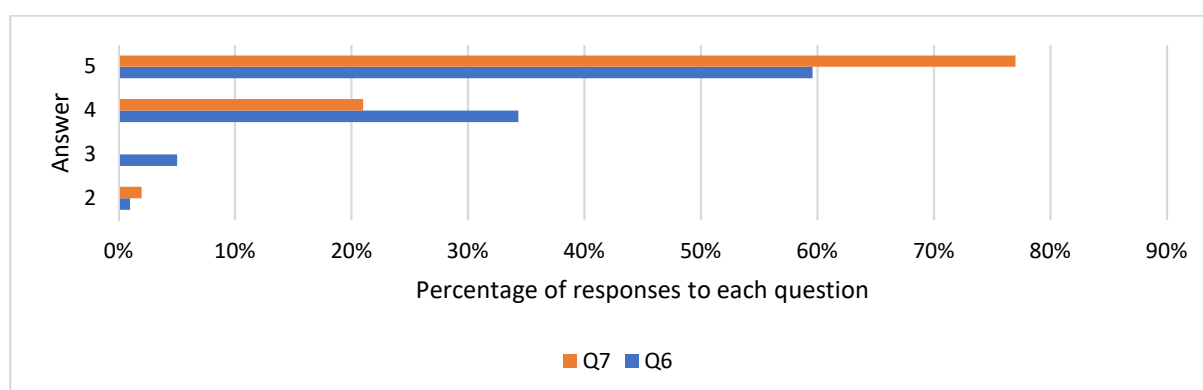
2.4.2   Conclusions on efficiency

The SIB has worked hard to help EAs develop their projects, find Swiss partners, and overcome the many challenges they have encountered. As a result, all but two of the planned TFS projects are on their way to being completed or have already been completed. However, this has led to EA over-reliance on the SIB to solve their problems, relating in particular to project development and national administrative processes - especially procurement. EA capacity constraints have led to relatively slow utilisation of Swiss funds, leaving much to be done in the final two years of the TFS. Some stakeholders have found the structure of the TFS too complicated, with a lack of clarity in the roles and responsibilities of various actors (the SIB, the SCO and the SDC, the NCU, the Steering Committee, EAs and others). Some differences have emerged between SDC and the SIB, and SDC finds that the structure and organisation of the TFS do not ensure adequate Swiss visibility.

2.4.3   Recommendations for enhancing the efficiency of a potential future TFS

Efficiency recommendations relate to the management set-up of a possible future TFS[47] in Romania. This is addressed further in the Module 3 report, which is also informed by the results of the Module 2 evaluation (Bulgaria), a review of case study project reports from several other countries, and meetings with strategic Swiss stakeholders. The efficiency recommendations presented here are therefore preliminary and may be superseded by Module 3 recommendations.

1.   Stakeholder feedback suggests that it would be desirable to continue to provide funding directly to EAs, rather than to use national structures. However, before confirming the continuation of this arrangement, it would be desirable to undertake further research to understand if this approach is necessary, given the experience of EEA & Norway Grants, and what impact it has on national capacities and 'ownership' at central level.

2.   The role of a possible future SIB-type structure should be more limited. In particular, it should explicitly exclude the preparation or editing of project documentation, which should be the role of EAs.

3.   A future SIB-type structure should incorporate a Romanian institutional partner, such as an NGO or consulting firm, to facilitate coordination and communication, and if necessary to provide occasional capacity-building workshops on the theory of change, project design, monitoring and analysis of outcomes, etc., but this should exclude preparation or editing of project documentation.

4.   The roles and responsibilities of key actors should be more clearly defined, and there should be clearer lines of communication. This includes the SDC, the SCO, a possible future SIB, and the Steering Committee.

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[47] The TFS-SIB set-up is specific to Romania and Bulgaria. In other countries, the approach was project based and identification and implementation of projects was undertaken exclusively by national systems and structures.

5. The national authorities should be responsible for convening the Steering Committee and providing the secretariat.
6. Swiss visibility could be enhanced by formal project closing conferences. It may also be worth considering an end of TFS film to highlight success stories.

2.5 Sustainability

2.5.1 Findings

The prospects for sustainability at project level appear to be positive, although in some cases, TFS support appears to repeat capacity-building activities already undertaken in previous years with funding from other sources.

For example:

- The Community Policing project introduced a dedicated trainer police officer in charge of the Roma language/culture training. This officer is a member of the Roma community. There are plans to hold three three-week voluntary courses per year. The local community and local businesses participated voluntarily in the project and assisted in the Danube Delta region.
- Changes in the area of crowd control have been internalised and have become a part of the daily activities of the Gendarmerie. There are two to three dialogue courses per year, and these have been incorporated into the regular training curriculum.
- Members of the Mountain Gendarmerie trained by REGA (Swiss Air-Rescue) in air rescue will meet twice per year to train together for one week, once in summer conditions and once in winter conditions, as recommended by REGA. A first course involving Mountain Gendarmerie and IGAV was organised in Spring 2018 and at the time of visit in September 2018 the Mountain Gendarmerie reported that another course would take place in October 2018. Financial means to continue to organise these courses twice a year beyond 2018 could not be confirmed by stakeholders who were consulted.
- The Asset Recovery project has been included in three national strategies, and clear legal provisions demand the establishment of an asset recovery register, which is also eligible for EU funding.
- The EA of the Mapping project is proactively seeking grants for continuation of the project.
- The DCTP (the EA of the Combating THB project) has a long history of international cooperation, and Romania is amongst the most active EU member states with regard to sharing information on human trafficking. The exchange of police officers that started with one Swiss canton now extends to three cantons.
- The materials developed under the two judiciary training projects on the new criminal and civil codes are likely to remain relevant for some time to come. Sustainability is further supported by the online platform, which makes training materials widely available.[48] The forensic investigation software provided by the Swiss partners will continue to support the effectiveness of NAD prosecutors. However, it is likely that the software will need to be regularly updated, and eventually replaced, in order to keep pace with continuous emergence of new technologies and risks.

Translation was provided during training and workshops, but lack of a common language in some cases hindered discussion outside the classroom and also after project completion.

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[48] EEA & Norway Grants provided €2.646 million under its 2009-2014 programme for a project involving the Superior Council of Magistracy and the National Institution of Magistracy '*aimed at strengthening the capacity of the Romanian judiciary to implement the new codes and to cope with the new legislative and institutional changes, by developing the training capacity at the NIM level, providing professional training in several fields, considered as priority*', https://bit.ly/2NyVWUk

However, the sustainability of two projects involving NGOs is undermined by the continuing lack of a clear institutional and legal framework:

- Two <u>Community Service</u> workshops were closed as they were financially unsustainable without the expected MoJ financial support. The one remaining workshop (in Bucharest) is reported to be approximately 90% self-sustainable from the sale of recycled electronic materials and components.
- There is no mechanism for NGOs to work with state funding to <u>support victims of trafficking,</u> due to the continuing absence of certification standards for NGOs working with victims. While they are likely to continue to function without Swiss funding, it will probably be at a lower capacity and with a reduced range of services. Three anti-trafficking projects were included in the TFS, of which only one was completed (Prevention, Identification, Protection (PIP)). The other two were cancelled: 'Don't be fool! The victim could be you'; and 'Support for NGO'. As a result, the project covered by this evaluation was developed and implemented instead, and without the involvement of a Romanian state institution.

The lack of sustainability in these two cases has wider, system implications. Funding in both cases was expected to lead to the mainstreaming of new ways of working, involving cooperation between NGOs and state institutions, and the Community Service project was intended to expand the use of workshops, which are considered to be the most effective form of community service in Romania. The challenges surrounding these two projects reflect **changes in political agendas and commitment,** and in the case of Victims of THB, the possible **need for restructuring or redistribution of responsibilities**, and the need for more active engagement of the Ministry of Labour and Social Justice with regard to certification standards for NGOs.[49]

Another strategic challenge to sustainability in the area of security and justice is the **high level of staff turnover in state institutions**. One impact of this appears to be limited development and retention of institutional project development and management expertise after two decades of internationally-funded capacity- and system-building projects (see 2.4.1.2). A representative of one NGO supporting victims of trafficking commented that they have provided training to staff of state institutions on the subject continuously for some 20 years.

A review of EU-Phare and Transition Facility project fiches suggests that similar support has already been provided in the past (see **Annex 5**). While TFS support may not be direct repetition of previous support, this situation does point to **continuing long-term structural sustainability issues and reliance on external support**. EEA & Norway Grants support has also been provided in some of the same areas in recent years.

Of the 100 survey responses received, 60% responded with a '4' or a '5' to the question 'To what extent are you still using the new knowledge and skills in your work?', where '5' indicates 'Very much', and '1' indicates 'Not at all'. Thus the majority of respondents are still, to a large extent, using new knowledge and skills gained during participation in TFS training, workshops, study visits, etc. On the other hand, **40% of respondents are no longer utilising the new skills and knowledge to a significant extent.**

2.5.2   Conclusions on sustainability

Sustainability prospects are generally good in the short term, although not in the case of projects involving NGOs, due to a lack of political commitment. In the longer term, the prospects for the maintenance and further development of project benefits are less positive due to changing political priorities and high rates of staff turnover in state institutions and agencies. A review of earlier support from different sources suggests a continuing reliance on international support to compensate for some structural capacity issues.

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[49] In this context, it is interesting to note that a project funded by EEA & Norway Grants on 'Improved access to justice, including for vulnerable groups, including the Roma community' was undermined due to the absence of an adequately articulated public policy. QURES Quality Research and Support in partnership with ENCORE RESEARCH (August 2018), *Ex-post evaluation of the programmes funded under the EEA Financial Mechanism and the Norwegian Financial Mechanism 2009-2014* (p61), https://bit.ly/2ziGCH9

2.5.3   Recommendations for enhancing sustainability in future

1. Improved risk analysis and risk mitigation strategies when projects are developed would be highly desirable. Among other things, project proposals should incorporate actions for institutionalisation of project benefits, with the expectation that there will be high staff turnover in state institutions.
2. Systematic involvement of academic institutions and NGOs in research would help to validate institutional/ system changes and new models and approaches, identify new trends and risks and provide recommendations for further fine tuning. Moreover, cost-benefit analysis could help to ensure government funding.
3. End of project conferences for all projects (individually or regrouped by theme) would help to ensure visible and official endorsement of project outputs and performance and system changes.

2.6   Swiss added value

Swiss and Romanian stakeholders identify a range of areas in which Swiss experience, approaches, and specific expertise are considered particularly helpful and useful in the context of the TFS:

- Due to its neutrality, democratic system and good governance, Switzerland is a well accepted partner. The neutral position of Switzerland was stated as important in the context of projects in the security sector, for instance when working with law enforcement agencies such as the Gendarmerie in Romania.
- Swiss cooperation is flexible, pragmatic and open-minded. There are often differences between the approaches in different Swiss cantons and regions; Romanian partners are thus exposed to different ways of doing things, for example in crowd control.
- NGOs point out that Switzerland is the only source of systematic funding for the provision of support to victims of trafficking.
- The involvement of Swiss partners improves the visibility and status of projects. This appears to be particularly the case for projects where the EA is an NGO, but state institutions also consider that the involvement of a Swiss partner benefits them in this way.
- Many stakeholders in Switzerland identified Community Policing practices as being well-established and well-institutionalised in Switzerland, and are central to daily police work. Switzerland also has long experience of working in several languages and with minorities.
- The Community Service model is based on Swiss expertise and experience in the area of probation, non-custodial sentencing, and reintegration (VEBO - Association for the Development of the Probation Services in Eastern Europe; ZSGE - Zurich Foundation for Prison and Dismissal Care). The approach was introduced in Romania in the context of a previous project.
- Switzerland has internationally-recognised expertise in the following areas :
    - Asset recovery (Basel Institute on Governance International Centre for Asset Recovery);
    - Air rescue (REGA - Swiss Air-Rescue);

2.7   Benefits to Swiss partner institutions

Swiss stakeholders identified several areas in which Swiss institutions are benefiting from their participation in the projects of the TFS in Romania:

- Networking opportunities and exchange of experiences has been highlighted as one of the most valuable benefits to Swiss institutions and practitioners. This has been done for instance through study visits and police officers from Romania working for a couple of months in Geneva Cantonal Police in the context of the project police cooperation in human trafficking. Romania also invited Swiss experts to attend other events on crowd control, e.g. participation in European Union Police Services Training exercise organised in Romania.
- Swiss institutions increased their knowledge and understanding of the reality in Romania, which is essential in areas such as investigating human trafficking in Switzerland, and when working on the return of victims of trafficking.

- Supporting security and justice projects also brings increased visibility for Swiss institutions internationally and this was pointed out by the Savatan Police Academy as well as the Basel Institute on Governance. The latter was invited to a workshop in Ukraine following training with National Agency for the Management of Seized Assets (ANABI) in Romania. The experts interviewed are highly motivated to contribute to international cooperation projects, but would appreciate feedback on their involvement and contribution in order to learn and improve in the future.

2.8   Main country level recommendations

1. Before deciding on a future TFS set-up in Romania, it is recommended that the **SDC/ SCO** undertake further research to better understand if and why it may still be necessary to channel funds to Romanian partners through a Swiss body, rather than through established national structures. Stakeholder feedback indicates a strong preference for continuing the current arrangement, involving a Swiss intermediate body, but the experience of other international cooperation with Romania suggests that working through national structures works satisfactorily.

2. Feedback from strategic Swiss stakeholders indicates a preference for developing longer-term, strategic partnerships with key institutions and actors in partner countries. Considering the country context, and European security priorities, possible areas of interest for a future TFS could include:
   a. National Intelligence Academy;
   b. National Institution of Magistracy - specialised training e.g. on human trafficking, financial investigation and extended confiscation, interviewing vulnerable people, such as victims, children, or persons with mental disabilities (the last example is relevant to 'reducing economic and social disparities');
   c. Directorate for the Investigation of Organized Crime and Terrorism Offenses;
   d. National Agency for Management of Seized Assets;
   e. National Anti-corruption Directorate;
   f. Community organising for political accountability and transparency at the local level (bottom-up approach to addressing corruption to complement top-down approaches);
   g. Asylum and migration;
   h. Human trafficking awareness through NGOs;
   i. Mediation services (to promote alternative conflict resolution, relieve the courts, and save public funds).

3. In the event that a future Swiss Contribution TFS in Romania continues to channel funds through a Swiss intermediate body, it is recommended that **SDC** limit the role of such a body. In particular, it is recommended that the following are specifically underline excluded from its remit as it appears there may have been over-reliance on the SIB under the current TFS:
   a. Project development;
   b. Preparation and editing of project documentation, budgets, etc.
   c. Coordination of the Steering Committee and provision of its secretariat.

4. While the role of the Switzerland-based SIB has been essential in facilitating contacts and partnerships between Swiss and Romanian institutions and organisations, it is recommended that **a future intermediate body** incorporate a Romanian institutional partner (e.g. an NGO or consulting firm) to facilitate coordination and communication locally, and to perform administrative tasks.

5. It is recommended that a Romanian institution, such as the **NCU**, take responsibility for the coordination and secretariat of a future steering committee.

6. It is recommended that the **NCU** and the **SDC/ SCO** ensure that the roles and responsibilities of different actors in a future TFS are more clearly defined, as well as the lines of communication.

7. It is recommended that the **SDC** introduces specific funding allocations at the TFS level for state institutions and non-state actors (e.g. NGOs and academic institutions) with a view to promoting increased participation of non-state actors in a future TFS. NGOs and academic institutions can play an important role in policy assessment, monitoring intervention outcomes, developing tools to address specific needs, and additionally NGOs are well placed to deliver services to various groups. In order to

identify suitable NGOs, it is recommended that the SCO consult with FDSC and other NGO fund managers and intermediaries. In order to maximise the effectiveness of involvement of non-state actors, in the present context, partnership with state institutions should **not** be a required by a future TFS.

8. In order to encourage Swiss partners to get involved at an earlier stage of project development (e.g. during negotiations on a future TFS), some of the funds allocated to project development could be used to cover the costs associated with their involvement during this early phase and during subsequent project development activities.

Annexes

Annex 1.   List of stakeholders consulted

Representatives of the following institutions, bodies, and organisations were consulted in Romania and Switzerland for the Module 1 Evaluation.

Project	Stakeholders in Romania	Stakeholders in Switzerland
	• National Coordination Unit for the Swiss-Romanian Cooperation Programme, Ministry of Public Finance, General Directorate for ECOFIN and Community Assistance • Freedom House Româna • Norwegian Embassy in Bucharest (EEA & Norway Grants)	

Romanian Gendarmerie	• Romanian Gendarmerie, Project Implementation Unit
	• Romanian Gendarmerie in Bucharest
	• Mountain Gendarmerie:
	  • Sinaia Mountain Gendarmerie Training Center
	  • Mountain Gendarmerie Brasov Inspectorate
	• General Inspectorate of Aviation
	• Federatia Romana de Fotbal
	• Brasov National Park
		Cantonal Police Geneva
		Savatan Police Academy

Project	Stakeholders in Romania	Stakeholders in Switzerland

Community policing	• Visit to Slatina and surroundings:
	  • Roma language and cultural training center, Police Training Centre, Slatina
	  • Local police station
	  • Rural Police:
	    ▪ Participants in community policing training
	    ▪ Participants in Roma language and culture training
	• Visit to Tulcea:
	  • Institute of Development and Research Danube Delta
	  • Tulcea County Police Inspectorate Headquarters
	• Visit to Murighiol:
	  • Murighiol Police station
	  • Mayor of Murighiol
	  • Director of the school in Murighiol
	  • Businesses in Murighiol
	  • Employees of the town hall in Murighiol
	  • Citizens of Murighiol
		Savatan Police Academy

Asset recovery	• National Agency for Management of Seized Assets (ANABI) • General Prosecutor's Office • Ministry of Justice IT Department	Basel Institute on Governance, International Center for Asset Recovery
Mapping	• Rise Project • National Anti-corruption Directorate	Basel Institute on Governance, International Center for Asset Recovery
Community service	• Ministry of Justice, Probation Directorate • Foundation for the Promotion of Community Sanctions • A Judge	VEBO

Project	Stakeholders in Romania	Stakeholders in Switzerland
Victims of THB	- International Organisation for Migration *NGO 1 *NGO 2 - National Agency Against Trafficking in Persons (ANITP)	IOM Bern
Countering THB	- Directorate for Countering Organized Crime of the General Inspectorate of the Romanian Police, Department for Countering Trafficking in Persons - Police Training Centre, Slatina	Cantonal Police of Geneva, Judiciary Police
Asylum	- General Inspectorate for Immigration (of the Ministry for Administration and Interior, European Affairs and International Cooperation Unit) - Regional Accommodation and Procedures Centre for Asylum Seekers Giurgiu - Regional Accommodation and Procedures Centre for Asylum Seekers Radauti	
Training for judges and prosecutors	- Superior Council of Magistracy - Prosecutor's Office attached to the Bucharest Tribunal - National Institute for Magistracy	
Enhancing training capacity for judges and prosecutors	National Anti-corruption Directorate	

* The names of these two NGOs are intentionally omitted for confidentiality reasons.

Annex 2.   List of documents reviewed

Programme documentation

- Framework Agreement Between The Swiss Federal Council and The Government of Romania Concerning The Implementation of The Swiss-Romanian Cooperation Programme to Reduce Economic and Social Disparities Within The Enlarged European Union

    - Annex 1: Conceptual Framework of the Swiss-Romanian Cooperation Programme

    - Annex 2: Rules and Procedures for the overall Swiss-Romanian Cooperation Programme

    - Annex 3: Rules and Procedures for Projects

- The Swiss-Romanian Cooperation Programme Thematic Fund Agreement for The Security Fund Between The Government of Romania Represented by The Ministry of Public Finance of Romania, as The National Coordination Unit (NCU) and The Swiss Federal Council Represented by The Swiss Agency for Development and Cooperation (SDC) of The Swiss Confederation Concerning The Grant for The Security Fund to Be Implemented During The Period 1st July 2011 – 6th December 2019

- Thematic Fund Security Annual Reports 2015, 2016, 2017

- Project documentation
    - Credit proposals
    - Logframes
    - Project proposals
    - Budgets
    - Monthly, quarterly, annual and final reports
    - Documentation produced under projects:
        - Training manuals
        - Studies

- Swiss-Romanian and Swiss-Bulgarian Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union – Security Fund – Terms of Reference for Fund Management Amended Version 11.04.2017

In addition to the above-mentioned programme documentation, the following documents and websites were referred to:

- Anunturi On-Line (08 October 2018), *Rinichi publicate recent* [Kidney recently published], https://bit.ly/2AhnjgL

- Bos, M. (2015), European Parliament Study: *Trafficking in Human Organs*, https://bit.ly/2TbjbYl

- Council of the European Union (2018), *Infographic - EU fight against organised crime: 2018-2021*, https://bit.ly/2qYH8W3

- Council of the European Union (June 2011), *Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013 - 3096th JUSTICE and HOME AFFAIRS Council meeting Luxembourg, 9 and 10 June 2011*, https://bit.ly/2Qaw3j3

- EEA & Norway Grants, *Judicial Capacity-Building And Cooperation*, https://bit.ly/2EcJUAj

- EEA & Norway Grants, *Strengthening The Capacity Of The Romanian Probation System For Delivering Effective Alternative To Prison Interventions*, https://bit.ly/2A5YxBL

- EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Project Portal 2004-2009*, *Strengthening the capacity of the Romanian law enforcement agencies to prevent and investigate Internet child pornography cases*, https://bit.ly/2S4Irhl.

- EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Projects by financial mechanism 2009-2014 Justice and Home Affairs*, https://bit.ly/2DOHw1W

- Eurojust (2017),*EUROJUST Annual Report 2017* (p23), https://bit.ly/2Poff9S

- European Commission (24 April 2015), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The European Agenda on Security*, https://bit.ly/2wLjONv

- European Commission (03 August 2015), *Report on the Implementation of the Schengen Part of the Temporary Cash-Flow and Schengen Facility (2007-2009) for Bulgaria and Romania*, https://bit.ly/2RUyTWF

- European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, https://bit.ly/2Qw0FuO

- European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, https://bit.ly/2Qw0FuO

- European Commission (13 November 2018), *Report From the Commission to the European Parliament and the Council On Progress in Romania under the Cooperation and Verification Mechanism*, https://bit.ly/2S65FEa

- European Commission (2003), *Increasing the professional level of the migration management staff*, p.4, https://bit.ly/2Ec8kKi

- European Commission (2004), '*Strengthening the institutional and operational capacity of migration and asylum management*', https://bit.ly/2REO1If

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Annex 3.   SDC Assessment grid

Starts on following page.

Assessment grid for evaluations of SDC projects/programmes

Key Aspects based on DAC criteria		Score (choose only one answer for each question)	Justification - compulsory (please write a short explanation with the main points and refer to the chapter(s) where the information that justify your assessment can be found)
Assessment of relevance			
1. The extent to which the objectives of the SDC projects/programmes are consistent with the demands and the needs of the target groups (incl. gender-specific requirements).	☐ ☒ ☐ ☐ ☐	Very good: Fully consistent Good: Largely consistent Poor: Only partly consistent Bad: Marginally or not at all consistent Not assessed / Not applicable [1]	Target groups are mainly defined as staff of institutions and organisations. However, the needs of different groups within society are reflected in project objectives, for example in the areas of crowd control and community policing. Victims of trafficking and offenders performing community service are examples of the few groups that are targeted directly the case study projects.
2. The extent to which the objectives of the SDC projects/programmes are consistent with the demands and the needs of partner country (institutions respectively society) as well as the sector policies and strategies of the partner country	☐ ☒ ☐ ☐ ☐	Very good: Obvious consistency with demands and needs of society and in line with relevant sector policies and strategies[2] Good: Consistency with demands and needs of society and in line with relevant sector policies and strategies Poor: Consistency with demands and needs of society not visible but in line with relevant sector policies and strategies Bad: Not consistent Not assessed / Not applicable [1]	The subjects of the projects are highly relevant to Romanias' needs. However, in some cases the institutional and legal framework is not sufficiently well developed or has changed, with negative consequences for the affected projects.
3. The extent to which the design of projects/programmes is adequate to achieve the goal and objectives (definition of target groups; choice of approach and operational elements; articulation of components; choice of partners; consistency with SDC policies and experiences).	☐ ☒ ☐ ☐ ☐	Very good: Fully adequate Good: Largely adequate Poor: Only partly adequate Bad: Marginally or not at all adequate Not assessed / Not applicable [1]	Project design, in terms of selecting target groups, approaches and partners was appropriate. However project design, as presented in documents and logframes, is often weak. Objectives (expected changes in system, institutional performance, etc.) are not always clear and there is often confusion between activities, outputs, and outcomes.
Assessment of effectiveness			
4. The extent to which the planned objectives at <u>outcome</u> level have been achieved taking into account their relative importance. If possible,	☐ ☒ ☐ ☐	Very good: Fully achieved or overachieved Good: Largely achieved Poor: Partly achieved Bad: Marginally achieved	With two exceptions, the case study projects have led to changes in performance, behavior, etc., even though these are not always clearly

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[1] This category applies a. if the ToR of the evaluation explicitly exclude the assessment of the criteria and/or of the key aspect(s) or b. if there is no information available to assess the criteria.
[2] The policies and strategies should not be in opposition to the needs of the society (applies mainly in governance and human rights).

distinguish the quality and quantity of results achieved.	☐	*Not assessed / Not applicable* [1]	articulated in project documentation (e.g. logframes). However, effectiveness could be enhanced with more of an outcome orientation amongst Romanian executing agencies.
5. The extent to which the projects/programmes contribute to poverty reduction, inclusion and/or reduction of vulnerabilities.[3]	☐ ☐ ☐ ☐ ☐	*Very Good: Strong evidence of contribution* *Good: Evidence of contribution* *Poor: Few evidence of contribution* *Bad: No contribution* *Not assessed / Not applicable* [1]	The case study projects are mainly oriented to inclusion and/ or reduction of vulnerabilities (e.g. human trafficking, community service, asylum, community policing). Training on crowd control can also be viewed as contribution to inclusion as it replaces violent suppression with dialogue and thus contributes to an environment were different groups can express their views and concerns. Projects such as asset recovery and mapping of transborder organized crime also indirectly contribute to poverty reduction (in theory) and reduction of vulnerabilities by targeting criminal organisations.

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[3] Dimensions for consideration are: a) economic (income and assets); b) human capacities (health, education, nutrition); c) ability to take part in society (status and dignity); d) political capacities (institutions and policies); e) resilience to external shocks.

6. The extent to which the outcomes achieved contribute to improved governance from a system perspective.[4]	☐ ☐ ☐ ☐ ☐	*Very good: Strong evidence of contribution* *Good: Evidence of contribution* *Poor: Few evidence of contribution* *Bad: No contribution* *Not assessed / Not applicable* [1]	While outcomes are generally considered good at project level, this does not necessarily translate into improved governance, and little objectively verifiable evidence is available in this regard. In some cases this is due to lack of political commitment (e.g. protection of trafficking victims, community service workshops). In other cases, high institutional staff turnover constrain systemic improvements. Stakeholder feedback suggests that in the security sector, there is a reluctance amongst state institutions to work with NGOs, and a desire to limit funding for NGOs.
7. The extent to which the outcomes achieved contribute to gender-specific results.	☐ ☐ ☐ ☐ ☐	*Very good: Strong evidence of contribution* *Good: Evidence of contribution* *Poor: Few evidence of contribution* *Bad: No contribution* *Not assessed / Not applicable* [1]	In general, case study projects are not gender-oriented, with the exception of projects relating to trafficking in human beings, where the criminal activity is largely aimed at sexual exploitation.
Assessment of efficiency			
8. The extent to which the relation between resources (mainly financial and human resources) and time (e.g. delays compared to planning) required and results achieved is appropriate (Cost-benefit ratio - CBR).	☐ ☐ ☐ ☐ ☐	*Very good: Positive CBR based on a cost-benefit analysis (CBA)* *Good: Positive CBR, based on qualitative justification* *Poor: Poor CBR, based on qualitative justification* *Bad: Bad CBR demonstrated* *Not assessed / Not applicable* [1]	Stakeholders express a high degree of satisfaction with the quality of support provided by Swiss partners and the Swiss intermediate body and their flexibility. However, the latter notes that it had to do a lot of work on project proposals and documentation. Swiss partners, and two Romanian NGOs have commented on a complex and bureaucratic setup and payment delays. Also, significant effort was expended on two projects, one of which failed due to lack of institutional capacity and political commitment, while the other was significantly scaled back due to a change in political agenda. All of these issues relate to the difficult context in which TFS has operated, and the set-up

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[4] Dimensions for consideration are: a) structure (informed policies, laws, corresponding to basic HR obligations; degree of decentralization/multilevel concertation/cooperation); b) good governance in the performance/interaction of responsible actors/institutions (GGov principles: participation, transparency, accountability, equality&non-discrimination, effectiveness & efficiency, rule of law); c) capabilities, behavior, empowerment of actors/institutions for positive change; d) consideration of important global or regional governance dimensions.

			and operations have been appropriate in the circumstances. This is supported by the successful completion, or expected completion, of all but two of the projects in the TFS porfolio. Indeed, without the Swiss intermediate body, the results would likely have been significantly weaker.
9. The extent to which the approaches and strategies used by the SDC projects/programmes are considered efficient (Cost-efficiency).	▢ ▢ ▢ ▢ ▢	*Very good: Highly efficient* *Good: Efficient* *Poor: Partly efficient* *Bad: Not efficient* *Not assessed / Not applicable* [1]	Stakeholder feedback indicates a high degree of satisfication with the work of the Swiss intermediate body, which was necessary to compensate for national capacity gaps and to help EAs overcome various challenges. preference to continue current TFS setup. However, this means that there has been heavy reliance on it to perform tasks that should be done by executing agencies and other Romanian institutions. However, it is likely that there would have been significant problems with the TFS in the absence of the Swiss intermediate body.
Assessment of sustainability			
10. The extent to which the positive results (outputs and outcomes) will be continued beyond the end of the external support. Considering also potential risks in the context.	▢ ▢ ▢ ▢ ▢	*Very good: Very likely based on evidence* *Good: Likely based on evidence* *Poor: Little likelihood based on evidence* *Bad: Unlikely based on evidence* *Not assessed / Not applicable* [1]	Overall, the positive results are expected to be continued beyond the end of the present TFS. However, Romania has been continuously supported by the EU in this area since 1998, and it also receives support from the EEA & Norway Grants. Romania continues to be subject to the Cooperation and Verification Mechanism more than 10 years after acceding to the EU. The two most recent reports (November 2017 and November 2018) suggests that progress in important areas has stagnated and it points to some political backsliding. These longer-term, strategic aspects of sustainability are beyond the scope/ influence of the TFS.
11. The extent to which partner organizations are capable to carry on activities.	▢ ▢ ▢	*Very good: Strong capacity (also to further develop without support)* *Good: Reliable capacity* *Poor: Little capacity (require further support)*	State institutions are expected to continue activities. However, sustainability is undermined by high staff

| Capacity includes technical, financial capacity, human resources and importance of the activity for the organization. | ☐ ☐ | Bad: Still too weak capacity

Not assessed / Not applicable [1] | turnover. NGOs are in a more precarious financial position due to lack of state funding, for example in the areas of community service and protecting victims of trafficking. These longer-term, strategic aspects of sustainability are beyond the scope/ influence of the TFS. |

Additional information (if needed): Click here to enter text.
Project: Swiss Contribtuion Thematic Fund 'Security', Module 1 - Romania
Assessor: TFS RO evaluation team: Roderick Ackermann, Magali Bernard, Laura Stefan, Silvia Tabusca
Date: 2018-10-12

Annex 4.   All TFS projects in Romania

Case study projects are highlighted

Table 8: All TFS projects in Romania

Project	Start	End	Total (CHF)	Budget	Swiss financing (CHF)	Co-financing (CHF)	Status as of mid-2018
Community Service Workshops (phase 2)	01/01/2012	30/06/2018		1,378,510	1,177,734	200,776	ongoing
Management of dactyloscopic data exchange	01/03/2012	30/07/2015		1,381,176	1,174,000	207,176	finished
Community Policing in Rural Areas	01/03/2012	30/09/2019		3,444,826	2,928,102	516,724	ongoing
Training for judges and prosecutors	01/03/2012	30/06/2018		2,167,175	1,842,100	325,075	ongoing
Prevention, Identification, Protection (PIP) addressing anti-trafficking	01/03/2012	15/11/2014		369,412	314,264	55,148	finished
Operational capabilities of the Anti-corruption General Direction (AGD)	01/03/2012	31/08/2013		321,765	273,500	48,265	finished
Asset Recovery Competences	01/03/2012	31/03/2018		615,026	523,012	92,014	finished
Campaign Anti Bribes	01/04/2012	15/06/2014		188,235	160,000	28,235	finished
Asylum Matters - Capacity Building of Romanian Immigration Office (RIO)	01/04/2012	30/11/2017		534,214	454,082	80,132	finished
Fighting Illegal Immigration - Capacity Building of Romanian Immigration Office (RIO)	01/04/2012	31/03/2013		157,647	133,675	23,972	finished
Strengthening Romanian Gendarmerie	01/11/2012	30/06/2018		2,352,941	2,000,000	352,941	ongoing

Project	Start	End	Total (CHF)	Budget	Swiss financing (CHF)	Co-financing (CHF)	Status as of mid-2018
Strengthening the capacity of the Public Ministry to deliver better results in fighting petty corruption	01/03/2013	30/11/2015	68,429	58,165	10,264	finished
Enhancing training capacity for Romanian judges and prosecutors in fighting corruption and …	01/03/2013	30/06/2018	421,585	358,347	63,238	ongoing
Mapping and Visualising Cross-Border Crime	01/09/2014	31/08/2018	920,000	828,000	92,000	ongoing
Direct Assistance for Recovery for Victims of Trafficking in Human Beings	01/02/2014	31/07/2015	166,036	149,432	16,604	finished
Supporting Romanian NGOs for direct assistance to victims of human trafficking	14/11/2014	31/08/2018	70,588	60,000	10,588	Closed
Improving police cooperation in the field of countering THB between Switzerland and Romania	01/09/2014	30/09/2019	1,128,248	959,011	169,237	ongoing
Joint Task Mechanism on Mapping Risk Areas	02/05/2016	30/06/2018	296,099	266,489	29,610	ongoing
Increasing the efficiency of assets recovery and management	01/03/2016	30/09/2018	866,021	736,118	129,903	ongoing
Victim of Human Trafficking can be you! Do not be fooled!	01/03/2016	30/09/2018	-	-	-	cancelled
Tandem with NGOs to support victims of trafficking in human beings (VoTs) - TaNGO	01/10/2017	31/08/2019	550,000	500,000	50,000	ongoing
Community Service Workshop (phase 1)	01/07/2011	31/12/2011	155,226	133,935	21,291	closed
Schengen Issues	13/10/2010	31/12/2012	32,784	27,866	4,918	closed

Project	Start	End	Total Budget (CHF)	Swiss financing (CHF)	Co-financing (CHF)	Status as of mid-2018
Totals			17,585,943	15,057,832	2,528,111	

Annex 5. Examples of other support provided in areas covered by TFS Romania

A 2007, €315,000 EU-funded project included capacity building support in the area of asylum. Among other things, the project provided training for staff of reception centres, as well as central and regional branches of the Ministry of Interior and Administrative Reform.[50]

A 2007, €600,000 EU-funded project on 'Enhancement of the National Anti-Corruption Department's Investigative Capacities'.[51]

A 2006, €1.25 million EU-funded project provided capacity building support for the Gendarmerie, including in the areas of public order (crowd control) and 'mountain interventions'.[52]

A 2004, €4.12 million EU-funded project on 'Strengthening the institutional and operational capacity of migration and asylum management'.[53]

A 2003, €1.235 million EU-funded project on 'Increasing the professional level of the migration management staff'.[54]

A €1.5 million EEA & Norway Grants funded project under the 2009-2014 programme for developing the capacity of the probation service to deliver effective alternatives to custodial sentences.[55]

An ongoing €8 million EEA & Norway Grants judicial capacity building programme.[56]

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[50] European Commission (2007) , *'Improving the administrative capacity in the field of migration and asylum'*, pp.5-6, https://bit.ly/2yamXbS

[51] European Commission (2007), *'Enhancement of the National Anti Corruption Department's Investigative Capacities'*, https://bit.ly/2Pwg2jW

[52] European Commission (2006), *Consolidation of Romanian Gendarmerie capacities to assure interoperability with similar institutions from E.U. - PHARE 2006/018-147.03.14.* https://bit.ly/2QlLzzj

[53] European Commission (2004), *'Strengthening the institutional and operational capacity of migration and asylum management'*, https://bit.ly/2REO1If

[54] European Commission (2003), *Increasing the professional level of the migration management staff*, p.4, https://bit.ly/2Ec8kKi

[55] EEA & Norway Grants, *Strengthening The Capacity Of The Romanian Probation System For Delivering Effective Alternative To Prison Interventions*, https://bit.ly/2A5YxBL

[56] EEA & Norway Grants, *Judicial Capacity-Building And Cooperation*, https://bit.ly/2EcJUAj

Annex 6.   Romania: EU Phare and Transition Facility justice and home affairs projects

Table 9: Summary of EU Phare and Transition Facility justice and home affairs funding 1998-2007 (EUR)

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total
Border management		10,500,000	18,920,000	1,100,000		9,900,000	36,800,000	41,420,000	36,560,000		**155,200,000**
Judiciary		3,000,000			1,800,000		18,000,000	18,000,000	20,000,000	1,160,000	**61,960,000**
Migration/ asylum				3,000,000	14,500,000		2,760,000		1,000,000	250,000	**21,510,000**
Corruption					4,317,000	2,000,000	4,500,000		2,400,000	3,310,000	**16,527,000**
Penitentiary system			8,000,000			4,000,000	1,000,000			660,000	**13,660,000**
Organised crime							2,560,000		2,400,000		**4,960,000**
Drugs			1,000,000				2,020,000		1,150,000		**4,170,000**
Money laundering		500,000			2,000,000				1,000,000	530,000	**4,030,000**
Ministry of Interior	2,000,000									170,000	**2,170,000**
Police							1,000,000			1,100,000	**2,100,000**
Child justice						2,000,000					**2,000,000**
Ministry of Justice	1,000,000										**1,000,000**
Gendarmerie									1,000,000		**1,000,000**
Probation										570,000	**570,000**
Insolvency										520,000	**520,000**
Witness protection										250,000	**250,000**
Cybercrime										230,000	**230,000**
Total	**3,000,000**	**14,000,000**	**27,920,000**	**4,100,000**	**22,617,000**	**17,900,000**	**68,640,000**	**59,420,000**	**65,510,000**	**8,750,000**	**291,857,000**

Source: based on analysis of project fiches.[57] Note: projects have been categorised by the author for the purposes of this analysis, i.e. the categorisation is not the European Commission's.

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[57] European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, https://bit.ly/2QwoFuO

Annex 7.   TFS Romania outcomes as reported in the TFS Romania 2017 annual report

Nr.	Title	Outcomes	Achievements/ Comments
… .02	Community Service Workshops	▪ Increasing number of clients in workshops. ▪ Upward trend in sentences for Community Service. ▪ Increasing number of convicts being exposed to reintegration measures. ▪ Setting up of a sustainable infrastructure in Bucharest that offers a Community Service Workshop.	Outcomes later achieved than anticipated, due to the late implementation of the new code of criminal procedure/Implementation on-going.
… .03	Management of dactyloscopic data exchange	▪ EU obligations and standards re. AFIS (Automated Fingerprint Identification System) fulfilled. ▪ The NFIS laboratory is fully equipped to ensure an automated AFIS data exchange and compliance with the Prüm Treaty and EU Council Decisions. ▪ Increasing numbers of hits.	Outcomes achieved according to plan/ Project completed.
… .04	Community Policing in rural areas	▪ Improved objective security in rural areas: The number of criminal offences in rural areas has decreased by 6% in 2017 versus 2016. ▪ Capacity of the Public Order Directorate to sustain, implement and coordinate all community policing activities in rural areas strengthened. ▪ Capacity of Community Police Officers in the field of community policing and Roma cultural awareness/language improved. ▪ Improved logistical and operational support at the level of police sections/posts in Roma and other socioeconomically disadvantaged communities.	Outcomes achieved according to plan/ Implementation on-going.
… .05	Training for judges and prosecutors	▪ Internal structure of NIM (National Institute of Magistrates) enabled to provide training on the new codes. ▪ Large proportion of judges and prosecutors enabled in the application of the new laws. ▪ Accessible knowledge base for practitioners.	Outcomes achieved according to plan/ Implementation on-going.
… .06	Prevention, Identification, Protection (PIP) addressing anti-trafficking	▪ Indirect and direct positive publicity (Romanian and international) towards Romanian efforts to combat THB. ▪ General awareness raising of youth population in Romania as to vulnerability of succumbing to THB.	Outcomes achieved according to plan/ Project completed.

Nr.	Title	Outcomes	Achievements/ Comments
… .07	Operational capabilities of the Anti-corruption General Direction (AGD)	▪ Strengthened operational capability of AGD as the number of cases forwarded to the prosecutor's office has steadily increased (2010-2013 increase by 172%), the number of investigated persons has risen, and the number of undercover operations has increased.	Outcomes achieved according to plan/ Project completed.
… .08	Asset Recovery Competences	▪ Increased capacities of the Asset Recovery Office. ▪ Improved security of its communication due to an upgrade of the technical infrastructure.	Outcomes achieved according to plan/ Implementation on-going.
… .09	Campaign Anti-Bribes	▪ Decrease of corruption incidences in MIA structures compared to previous years. ▪ Decreasing level of the perception of corruption. ▪ The number of self-denounces and denounces filed by MIA employees increased by 50%. ▪ The number of criminal cases and of the delegations received in corruption cases from the Prosecutor's Offices, regarding MIA employees increased by 30%. ▪ The number of Green Line calls on corruption deeds increased by 88.89% and most of the citizens who called declared that they became aware of the green line following the spot broadcasted by TV stations.	Outcomes achieved according to plan/ Project completed.
… .10	Asylum matters: Capacity building of Romanian Immigration Office (RIO)	▪ Increased efficiency and quality of the Asylum process in Romania. ▪ Asylum process in Romania in line with European standards. ▪ Improved capacity and procedure standards. ▪ Improved reception capacities and infrastructure for Asylum seekers. ▪ Improved capacity of GII staff.	Outcomes achieved according to plan/ Project completed.
… .11	Fighting Illegal Immigration – Capacity building of Romanian Immigration Office (RIO)	▪ Improved capacity and knowledge on issues on illegal migration. ▪ Capabilities of Romanian agencies in combating illegal migration on Romanian territory further developed.	Outcomes achieved according to plan/ Project completed.
… .12	Strengthening the capacity of the Romanian Gendarmerie	▪ Improved capacity of the Romanian Gendarmerie in handling mass and sports events. ▪ Improved skills and equipment to handle security in tourist mountain resorts.	Outcomes achieved according to adapted plan.

Nr.	Title	Outcomes	Achievements/ Comments
		▪ Intervention doctrine for mass and large sport events adapted to Swiss and European standards. ▪ Improved capacity of the Romanian Gendarmerie in project management.	
… .13	Strengthening the capacity of the Public Ministry to deliver better results in fighting petty corruption	▪ Improved skills of the Romanian Prosecutors to fight petty corruption through several training measures.	Outcome achieved according to plan/ Project completed.
… .14	Enhancing training capacity for Romanian judges and prosecutors in fighting corruption and economic and financial crime	▪ Improved capacity of the main actors in the field of fighting corruption and economic and financial crime through several training measures.	Outcome achieved according to plan.
… .15	Mapping and Visualising Cross-Border Crime	▪ Increased media and civil society exposure of organised crime in Romania and Switzerland. ▪ Journalists and civil society use new investigative techniques and tools enabling them to uncover organised crime networks. ▪ A common culture of sharing tools and knowledge is developed in the organised crime and corruption investigation community in Romania and Switzerland. ▪ Local and cross-border organised crime structures and their modus operandi are increasingly exposed in the public sphere. ▪ Knowledge transfer between Romania and Switzerland.	Outcomes achieved according to plan.
… .16	Direct Assistance for Recovery for Victims of Trafficking in Human Beings	▪ Support of victims of THB by funding the daily operations of Reaching Out Romania (ROR). ▪ Increased capacity of ROR in terms of running shelters and project management.	Outcomes achieved according to plan/ Project completed.
… .17	Supporting Romanian NGOs for direct assistance to victims of human trafficking	▪ Increased institutional capacity of ANITP to award grants to anti-trafficking NGOs and monitor their implementation through different trainings and know-how transfer.	Project cancelled.
… .18	Improving police cooperation in the field of countering THB between Switzerland and Romania	▪ Improved knowledge management and acquisition of Romanian and Swiss law enforcement actors involved in THB-related issues. ▪ Improved information gathering and collaboration during operations and preliminary investigations.	Delayed project implementation, hence delayed achievement of outcomes.
… .19	Joint Task Mechanism on Mapping Risk Areas	▪ Increased capacity of the National Integrity Agency to prevent and	Outcome achieved according to plan.

Nr.	Title	Outcomes	Achievements/ Comments
		combat conflict of interest in local public administrations.	
… .20	Increasing the efficiency of assets recovery and management	▪ No outcomes achieved yet. Computer system is being procured.	Outcome will be achieved according to plan.
… .21	Victim of Human Trafficking can be you! Do not be fooled!	▪ None.	Project cancelled.
… .22	Tandems with NGOs to support victims of trafficking in human beings (VoTs) - TaNGO	▪ Assistance to 48 VoTs.	Outcome achieved according to plan.

Annex 1

Management response (main part)

Background

This is a management response to the final report (December 2018) on the TF Security Romania (Module 1), which is part of the External Review of the Swiss Contribution's Thematic Fund "Security" (TFS). This wider evaluation consists in 3 modules, one referring to Romania, one referring to Bulgaria and another covering a broad review of Swiss Contribution security and justice related projects.

The purpose of the evaluation exercise was to:

Assess the impact and results achieved by the TSF thus contributing to the accountability towards stakeholders both in Romania and in Switzerland;

Identify good/poor practices and innovative approaches, generate lessons to be retained and draw recommendations, both at country level and generally in the theme security for a possible extended Swiss support in reducing economic and social disparities in the Enlarged EU.

The final report is the result of a mandate commissioned by Swiss Agency for Development and Cooperation (SDC) to a team of 4 independent experts (two international and two national), who conducted the external evaluation in the period September 2018 – December 2018. The module 1 is based on a review of 10 case study projects selected by SDC. It has involved a review of TFS and individual project documentation, meetings with executing agencies and other stakeholders in Romania as well as meetings with Swiss project partners. Meetings with the Romanian stakeholders and site visits took place in Romania from 24 September to 05 October 2018.

The purpose of this management response is to present a consolidated appraisal of SDC (NMS Division) and Swiss Contribution Office (SCO) in Romania, Embassy of Switzerland on the findings and recommendations shared in the report. Its main addressees are: SDC (to build on lessons learnt for similar projects or for a possible next Swiss Contribution), the review team and Romanian and Swiss Institutions involved in the projects (to build on lessons learned and improve in the future the sustainability's perspective of the achieved results).

The TFS in Romania included 23 projects, out of which one was cancelled. The total budget of the 22 remaining projects was CHF 17,585,943. Ten of these projects, accounting for CHF 13,525,405 were ongoing as of mid-2018.
The main areas of TFS support were policing (which was allocated 33% of the TFS budget), judiciary (15%), and the fight against trafficking in human beings and protection of victims of trafficking (13%).

General Appreciation of the Evaluation Report and Evaluation Process

SDC and the SCO in Bucharest acknowledge the receipt and approve the final report prepared by the Evaluation team. Overall, the report is good and correspond to the ToRs and main evaluation questions defined in the frame of the inception report. The level of comments and recommendations is strategic, what is compliant with SDC/SCO expectations. SDC and SCO acknowledge that the assessment is based on good knowledge of the projects and procedures and that the evaluation team managed, within the restricted time of the mandate, to comprehend the complexity of the Thematic Fund and the changing context in which this fund has been implemented.

Position towards main findings

Relevance

SCO/SDC shares the same conclusion that TFS projects were relevant to the Romanian needs, strategies and policies. TFS was aligned with the European agenda on security and it contributed to this agenda in certain areas (e.g. trafficking in human being, asylum and migration, and asset recovery). In addition, judiciary projects aiming at combating corruption were also highly relevant to EU priorities as this phenomenon is closely associated with organised crime. However, we object to the conclusion arrived at by the evaluation that the programme changed strategies; we are of the opinion that the considerable flexibility shown throughout the programme aimed at adapting the implementation to the changing context, maximising the chances to get a proper impact and sustainability, but keeping the chosen strategic line. We agree with the recommendation that project development should incorporate substantive risk analysis and risk mitigation strategy. This is of particular importance for projects contributing to reforms or introducing new models to be institutionalized that we intend to continue to support in the future.

Effectiveness

SCO/SDC agrees with the conclusion that the lack of systematic outcome monitoring at project and at TFS levels made it sometimes difficult to identify specific changes resulting from the projects[1]. The recommendation of the evaluation in this respect is valuable. Despite this shortcoming, the evaluation could better have highlighted and considered more extensively the important outcomes achieved by the TFS. However, it is also possible that this expectation was not realistic, taken into account the short time for the field mission. Following important outcomes were achieved:

- The gendarmerie's policing doctrine has been fully revised and upgraded at the European level. Today, police mediators travel through demonstrations (and football matches) and violence, as a result, has fallen sharply, including police violent reactions.

- The doctrine of community policing has been established at the level of the entire Romanian National Police. Community policemen are trained using a manual developed by the project. The Roma Cultural Centre in Slatina became institutionalized with the full-time commitment of a Roma specialist.

- The principles of green policing have been institutionalized in the conservation strategy of the Danube Delta.

- The automatic exchange of AFIS data (fingerprints) was set up by the project and today European police have access to the identifications made in Romania, which contributes to fight against international crime.

- The NGO JDN has grown stronger and is now an institution prized by journalists around the world investigating organized crime internationally. The project has contributed to the development of the research tools on organized crime that is the reputation of this NGO, which has won numerous awards for the most important European journalism awards.

- Cooperation on THB between Swiss and Romanian policemen and prosecutors has been strengthened. This year, a network operating in both countries has been dismantled.

We agree with the evaluation conclusion that existing or new partnerships between Swiss and Romanian institutions revealed to be very valuable.

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[1] This shortcoming was in fact one reason for SDC/SECO to launch this evaluation. Indeed ToR of the review mentions the following question regarding the assessment: What impact or impact likely to be achieved (intended and unintended) of the TFS [...] may be identified?

Efficiency

SCO/SDC shares the conclusion of the evaluation that the SIB has worked hard to help EAs developing their projects, finding Swiss partners, and overcoming many other challenges, thus playing a crucial role going far beyond mere programme management.

What regards retained activities, SCO would like to clarify that it was never alleged at the beginning of the TFS that projects as well as partnership were already mature. It must be admitted, however, that the level of support required has been largely underestimated.

We agree with the observation that payments, procurement and reimbursements have been complicated and slow, wasting time and causing delays. We consider that the delays were mainly due to: 1) the cumbersome and volatile Romanian rules and regulations (decision, procurement, financial flow, etc.) combined with the high turnover of project management staff at EAs level, 2) low financial planning with important over-budgeting; 3) unpredicted increase of exchange rate. All these elements resulted in a substantial amount of savings, giving the impression that the utilisation of funds was slow and thus the projects were not progressing. However, overall, projects results were achieved, whereas budgets were only partially absorbed. This situation resulted in an extension in time and scope of many projects with the opportunity to achieve more than initially planned.

The cumbersome administrative procedures and the limited period of projects implementation have led to EA over reliance on the SIB, which spent more time to monitor the implementation of the activity and coach the EAs.

SDC/SCO wants the crucial role of the SIB as an independent operator without the limitations of the Romanian administrative system to be duly recognized in the search for an optimal management mechanism in the future.

Despite the fact that there is a mutual desire after 10 years of cooperation to implement through the system, SCO/SDC considers for the moment that further clarifications are needed to decide if a program being managed by a state authority[2] is feasible in this challenging context. Those clarifications may lead to the conclusion that it is necessary to keep the benefits of the SIB model in developing an alternative model with a view to allow more ownership from the Partner State. In this respect, there are two options at this stage[3]:

> 1. NCU to give a mandate to a Romanian but external operator backstopped by Swiss/international expert which would be selected jointly by the Swiss and Romanian sides;

> 2. Same model of external local operator backstopped by Swiss/international expert but mandate is given by the Swiss side.

Sustainability

We agree with the evaluation that the sustainability prospects are generally good on short term and that in the longer term the prospects for the maintenance and further development of projects benefits are less positive, due to changing of political priorities and high rates of staff turnover in state institutions and agencies. In this context, it is true that actions for the institutionalisation of projects benefits (vs. individual trainings) are crucial.

Swiss added value and Benefits to Swiss partner institutions

We consider the conclusion of the evaluation about the Swiss added value and benefit to Swiss partner institutions as very relevant. SCO/SDC believes that this level of satisfaction is mainly due to the SIB constant support to the Swiss and Romanian parties.

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[2] This set-up corresponds to option 3 of *possible alternative approaches for future Swiss security/justice funding* as suggested by the review team in Module 3.

[3] This alternative model corresponds to option 4 in the set-up modalities suggested by the review team in Module 3.

Still to do: (1) additional documents referred to; (2) abbreviations check (3) proof reading

Swiss Contribution

Thematic Fund 'Security'
Module 2 - Bulgaria

Evaluation

Prepared for SDC

13 December 2018

This report is part of a wider evaluation that consists of three modules:

Module 1 – evaluation of the Swiss Contribution Thematic Fund 'Security' in Romania;

Module 2 (this report) - evaluation of the Swiss Contribution Thematic Fund 'Security' in Bulgaria;

Module 3 – a broader review of Swiss Contribution security and justice-related projects, including Romania and Bulgaria but also covering other 'Swiss Contribution countries'.

Preface

This report is part of a wider evaluation that consists of the following modules:

- Module 1 – evaluation of the Swiss Contribution Thematic Fund 'Security' in Romania;
- Module 2 - evaluation of the Swiss Contribution Thematic Fund 'Security' in **Bulgaria**;
- Module 3 – a broader review of Swiss Contribution security and justice-related projects taking into account:
    - o The results of Module 1 and Module 2;
    - o A review of security and justice-related projects in other countries;
    - o Consultations with strategic Swiss stakeholders.

The Module 2 (Bulgaria) evaluation has been undertaken by:

- Roderick Ackermann (lead international evaluator)
- Magali Bernard (international security expert)

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List of abbreviations used in the report

Country	Abbreviation	Definition
	CVM	Cooperation and Verification Mechanism
	EA	Executing Agency
	EU	European Union
CH	Fedpol	Federal Office of Police (Bundesamt für Polizei)
CH	FIZ	FIZ Advocacy and Support for Migrant Women and Victims of Trafficking
	FM	Financial Mechanism
BG	GDCOC	General Directorate Combating Organized Crime, Ministry of Interior
	ICMPD	International Centre for Migration Policy Development
CH	IDE	Institut International Des Droits De L'Enfant (International Institute for the Rights of Children)
UN	IOM	International Organisation for Migration
BG	JIT	Joint Investigation Team
CH	KSMM	Koordinationsstelle gegen Menschenhandel und Menschenschmuggel (Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants, fedpol)
BG	MoI	Ministry of Interior
BG	MoJ	Ministry of Justice
BG	MLSP	Ministry of Labour and Social Policy
BG	NCCTHB	National Commission for Combating Trafficking in Human Beings
	NCU	National Coordination Unit
	NGO	Non-Governmental Organisation
BG	NIJ	National Institute for Justice
BG	PORB	Prosecutor's Office of Republic of Bulgaria
CH	SCO	Swiss Cooperation Office
CH	SDC	Swiss Agency for Development Cooperation
CH	SIB	Swiss Intermediate Body
	SIS	Schengen Information System
	SRSS	Structural Reform Support Service
	TFS	Thematic Fund Security
	THB	Trafficking in Human Beings
UN	UNICEF	United Nations Children's Fund
UN	UNODC	United Nations Office on Drugs and Crime

Executive summary

Introduction

This evaluation report covers the Swiss Contribution's Thematic Fund 'Security' (TFS) in Bulgaria. It is part of a wider review of Swiss Contribution funding in the area of security and justice, which includes a separate report on the TFS in Romania, and third, more general, report including a desk review of a selection of projects in other countries, and meetings with strategic Swiss stakeholders.

The evaluation of the TFS in Bulgaria is based on a review of five case study projects selected by the Swiss Agency for Development and Cooperation (SDC). It has involved a review of TFS and individual project documentation, meetings with executing agencies and other stakeholders in Bulgaria as well as meetings with Swiss project partners. The evaluation has been undertaken by a team of three experts (two international and one national). Meetings with Bulgarian stakeholders and site visits took place in Bulgaria from 15 to 22 October.[1]

The TFS in Bulgaria has included a total of nine projects. The total initial Swiss contribution to the TFS was CHF 8,274,253, which was subsequently reduced to CHF 7,784,893. For the five case study projects, the total initial Swiss contribution was CHF 5,777,386, subsequently reduced to CHF 5,404,026. Six of the nine TFS projects were ongoing as of mid-2018. The main areas of TFS support were policing (which was allocated 37.4% of the Swiss contribution), protecting victims of trafficking in human beings (23.6%), combating organised crime and corruption (20.3%), juvenile justice (17.3%), and Schengen/ Prüm (1.3%).

Main conclusions

Relevance: The TFS has been relevant to European priorities and case study projects have addressed needs and priorities in Bulgaria. Projects have generally been appropriate for institutional absorption capacities, although some executing agencies (EA) have struggled with the demands of project management. The flexibility of the projects to accommodate changes during the course of the implementation was appreciated by Bulgarian stakeholders. The apparent lack of a strategic approach in identifying and prioritising security and justice development needs led to a diverse portfolio of projects operating at different levels, which may have limited the effectiveness and impact of the TFS.

Effectiveness: Case study projects have produced some important changes at project level (i.e. amongst those involved in project activities). However, while some follow-up research has been undertaken, there is limited information about outcomes, or how these have been, or are expected to be, translated into wider changes. Swiss partners have made important contributions in some cases via new partnerships, and in other cases through a continuation of partnerships that already existed. Not all partnerships are expected to continue. In one case it is unlikely that the expertise and knowledge contributed by the Swiss partner will be fully exploited.

Efficiency: There is significant room for improving the efficiency of a future TFS. The TFS management allocation had to be increased by 34% in order to take account of the unexpectedly high demands placed on the Swiss Intermediate Body (SIB) and TFS management costs have ultimately accounted for 19% of the entire TFS budget. The SIB has played a critical role in ensuring the implementation and completion of the TFS projects and EAs are highly satisfied with the support it provided, including identification of Swiss partners. However, the set-up of the TFS appears to have led to a situation where the SIB was expected to address many issues that it was originally envisaged would be accomplished by EAs. Various factors have contributed to long implementation times, including several changes of government and more frequent

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[1] All three evaluators held meetings in Sofia between 15 and 19 October. The national evaluator undertook further meetings in Varna on 22 October.

changes at ministerial level, together with changes in project teams and turnover of staff participating in project activities. Bulgarian procurement processes were unexpectedly long and complicated. Limited institutionalisation of new methodologies and curricula may undermine cost-effectiveness.

Sustainability: The prospects for sustainability are mainly good in the short-term but it is likely to be undermined in the longer-term by: continuing frequent leadership and personnel changes, which imply changing priorities and loss of experience; lack of a strategic approach to addressing sector development needs; and limited institutionalisation of key outputs. The long history of international support in the area of security and justice, much of it closely related to the subjects covered by the TFS, suggests that there is likely to be a need for support in these areas for some time to come.

Swiss added value and benefits to Swiss partners: Swiss cooperation is flexible, pragmatic and open-minded. Swiss institutions are open to discussion, and to showing how they work, even in the justice and security sectors. The federal system in Switzerland offers a variety of approaches. This, combined with modest administrative requirements, is helpful to target countries in further developing their systems. Switzerland has brought internationally-recognised expertise, in particular from the Basel Institute on Governance International Center for Asset Recovery and the International Institute for the Rights of the Child. Swiss partners have brought practice-oriented approaches to Bulgaria (e.g. Human Rights Policing) and Swiss expertise and experience were essential in drafting technical specifications for procurement and other documents in some areas.

Networking and exchange of experiences has been highlighted as one of the most valuable benefits to Swiss institutions and practitioners (study visits, meetings). In the context of an anti-trafficking project, Swiss Police were able to see push factors in Bulgaria and the same project inspired prevention activities in Switzerland in 2016 and 2017. Swiss institutions also point to increased visibility and the motivational effect on their own staff.

Main country level recommendations

1. A more strategic approach to the identification and prioritisation of security and justice needs in Bulgaria would facilitate planning for a future TFS. While strategic planning in these areas is not the responsibility of the **National Coordination Unit (NCU)**, it could perhaps promote and facilitate a more strategic approach with regard to the planning of a future TFS.
2. A **future fund manager** and the **NCU** should ensure that there is greater emphasis on outcomes at all stages (changes in the performance or behaviour of target institutions, systems, or groups). Expected or desired outcomes should be clearly identified at the planning stage, and data on actual outcomes should be systematically collected during implementation, analysed, and reported in project and programme reports.
3. It is recommended that **a future fund manager** incorporate a Bulgarian institutional partner (e.g. a non-governmental organisation (NGO) or consulting firm) to facilitate coordination and communication locally, to perform some management tasks, and to provide systematic capacity-building in the area of project design, management, and outcome assessment. The scope of fund management activities undertaken in Switzerland should be reduced accordingly. The role of the fund manager should explicitly exclude certain activities such as writing or adjusting project proposals and reports, which should be the sole responsibility of the EAs.
4. It is recommended that the **SDC/ Swiss Cooperation Office** and the **NCU** ensure that the roles and responsibilities of different actors in a future TFS are more clearly defined, as well as the lines of communication. In particular, the terms of reference for a future fund manager or intermediate body should provide more detail on key aspects of its role and responsibilities.
5. Project proposals involving the introduction of new training methodologies or curricula should incorporate activities to ensure that they are properly institutionalised, reused, and adapted and updated as necessary. This may mean involving additional project partners, such as the National Institute for Justice (NIJ). This should be assured by the **NCU** and a **future fund manager**.

6. The **NCU** should advocate for the status of staff of Bulgarian state institutions who work on projects to be clarified. In particular, their institutions should remunerate them for their work on projects, and their other responsibilities/ workload should be reduced accordingly.

1   Introduction

1.1   Bulgaria Thematic Fund 'Security' context

Bulgaria joined the European Union (EU) on 01 January 2007. Nevertheless, the European Commission made the assessment that the country (together with Romania) still had to improve its performance in the areas of judicial reform, corruption and (in the case of Bulgaria only) organised crime. In order to support the two countries in overcoming these challenges, the European Commission set up the Cooperation and Verification Mechanism (CVM),[2] which is expected to end when the six benchmarks established by the Commission have been met. The benchmarks were:

1. Adopt constitutional amendments removing any ambiguity regarding the independence and accountability of the judicial system.

2. Ensure a more transparent and efficient judicial process by adopting and implementing a new judicial system act and the new civil procedure code. Report on the impact of these new laws and of the penal and administrative procedure codes, notably on the pre-trial phase.

3. Continue the reform of the judiciary in order to enhance professionalism, accountability and efficiency. Evaluate the impact of this reform and publish the results annually.

4. Conduct and report on professional, non-partisan investigations into allegations of high-level corruption. Report on internal inspections of public institutions and on the publication of assets of high-level officials.

5. Take further measures to prevent and fight corruption, in particular at the borders and within local government.

6. Implement a strategy to fight organised crime, focussing on serious crime, money laundering as well as on the systematic confiscation of assets of criminals. Report on new and ongoing investigations, indictments and convictions in these areas.

1.1.1   History of support in the area

Bulgaria has received EU funding for justice and home affairs projects **since 1999**. Analysis of EU Phare and Transition Facility project documents suggests that, **from 1999 to 2007**, the EU funded some **62 justice and home affairs projects** in Bulgaria with total EU funding of approximately **EUR 184 million**.[3] The majority of this funding was allocated to border management (37% of funding, 12 projects), followed by modernisation and enhancement of the judiciary (30% of funding, 15 projects), police (9% of funding, 9 projects), combating corruption (5%), emergency management (5%), asylum and migration (4%), the penitentiary system (4%), combating organised crime (2%), and Academy of the Ministry of Interior, Victims of crime, Forensics, and Probation – each of which accounted for approximately 1% of this EU funding (see Annex 5 for further details).

Although Bulgaria received approximately EUR 36 million for 66 projects under the **2004-2009 EEA & Norway Grants**, there were just two Schengen and judiciary projects in Bulgaria.[4] Under the **2009-2014 EEA & Norway Grants**, Bulgaria received approximately **EUR 17 million for 48 justice and home affairs projects** in the areas of: domestic and gender-based violence; Schengen cooperation and combating cross-border and organised crime, including trafficking and itinerant criminal groups; judicial capacity-building and

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[2] Official Journal of the European Union (14 December 2006), *Commission Decision of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime (notified under document number C(2006) 6570)*, https://bit.ly/2DPJXjI

[3] European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, https://bit.ly/2QwoFuO

[4] EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Project Portal 2004-2009*, https://bit.ly/2G1WELc. Building of Communication Infrastructure (EUR 5 million); Stop Trafficking in Human Beings (EUR 290,000).

cooperation/improvement of the efficiency of justice; correctional services including non-custodial sanctions.[5] Under the **2014-2021 Norway Grants**, Bulgaria is receiving **EUR 51.5 million** in the following areas: **Judicial Reforms and Correctional Services (EUR 30 million)**; **Police Cooperation and Migration (EUR 21.5 million)**.[6]

Following Bulgaria's accession to the EU in 2007, the **Cash-Flow and Schengen Facility** provided **EUR 125.5 million for Bulgaria** for actions implemented from 2007 to 2010, dealing with investment in construction, renovation or upgrading of border crossing infrastructure and related buildings; investments in any kind of operating equipment, including the Schengen Information System (SIS II), and related information technology; training of border guards; and '*support to costs for logistics and operations, including payment of the salaries of the personnel required to fulfil the obligations of the beneficiary Member State in respect of the Schengen acquis'.*[7]

As an EU member state, Bulgaria also became eligible to participate in the **various other EU programmes**:[8]

- Migration Management – Solidarity in Action;
- Commission programme for the prevention of and response to violent radicalisation;
- Framework programme on police and judicial cooperation in criminal matters, 2003-2006;
- Administrative cooperation in the field of external borders, visas, asylum and immigration, 2002-2006;
- Daphne II (2004-2008) and Daphne III (the Daphne programme aimed to prevent violence against children, young people, women and groups at risk);
- Exchange programme for judicial authorities, 2004-2005;
- Judicial Cooperation in Civil Matters, 2002-2006.

Other recent and ongoing EU-wide funds and programmes in the area of justice and home affairs include:

Security[9]
- Asylum, Migration and Integration Fund, 2014-2020, EUR 3.1 billion;
- Internal Security Fund (ISF), 2014-2020, EUR 3.8 billion (Borders and Visa; Police cooperation, preventing and combating crime, and crisis management);
- Secure Societies Challenge (security research) 2014-2020;
- General Programme 'Solidarity and Management of Migration Flows', 2007-2013, EUR 4 billion (External Borders Fund; European Return Fund; European Refugee Fund; European Fund for the Integration of third-country nationals);
- Prevention of and Fight against Crime, 2007–2013, EUR 600 million;
- Prevention, Preparedness and Consequence Management of Terrorism and other Security-related Risks, 2007-2013, EUR 140 million.

Justice[10]
- Justice Programme, 2014-2020, EUR 378 million
- Rights, Equality and Citizenship Programme, 2014-2020, EUR 439 million;

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[5] EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Projects by financial mechanism 2009-2014 Justice and Home Affairs*, https://bit.ly/2FZ51qJ

[6] EEA Grants - Norway Grants, Financial Mechanism Office (09 December 2016), *Strengthened Cooperation With Bulgaria in the Judicial and Business Sectors*, https://bit.ly/2Qhw6KR

[7] European Commission (03 August 2015), *Report on the Implementation of the Schengen Part of the Temporary Cash-Flow and Schengen Facility (2007-2009) for Bulgaria and Romania*, https://bit.ly/2RUyTWF

[8] INTEGRATION (January 2010), *Evaluation of Norway Grants support to the implementation of the Schengen acquis and to strengthening of the judiciary in new EU and EEA member states* (p9), https://bit.ly/2IpV5r4

[9] European Commission (13 November 2018), Migration and Home Affairs, https://bit.ly/2ODjw2I

[10] European Commission (undated), *Justice*, https://bit.ly/2hkaTfH

- Civil Justice Programme, 2007-2013;
- Criminal Justice Programme, 2007-2013;
- Drug Prevention and Information Programme, 2007-2013;
- Daphne III (violence against women, children and young people), 2007-2013;
- Fundamental Rights and Citizenship, 2007-2013;
- PROGRESS (Anti-discrimination and diversity, Gender equality), 2007-2013.

Bulgaria receives extensive financial support in order to address deficiencies in the areas of justice and security. The most significant portion of the funds comes from the European Union. Under the EU multiannual financial framework 2014-2020, Bulgaria benefits from EUR 15.445 billion. Of this amount, the allocation for the country through Internal Security Fund – Police is EUR 32 million, through Internal Security Fund – Borders – EUR 40.4 million and through Asylum, Migration and Integration Fund – EUR 10 million.[11] These funds are managed through the International Projects Directorate of the Ministry of Interior.

Also, through 10 national programmes, Bulgaria benefits from European Structural and Investment Funds of EUR 9.9 billion.[12] One of these programmes, Operational Programme 'Good Governance', with a budget of EUR 335.9 million, contributes partially to improving security and justice by supporting beneficiaries such as the Ministry of Interior, the Academy of the Ministry of Interior, the Psychology Institute of the Ministry of Interior, the Ministry of Justice, the Supreme Judicial Council, and NGOs and professional associations working in the area of justice.[13] The Managing Authority of this programme is the Administration of the Council of Ministers.[14]

Other sources of funding are the Norwegian Financial Mechanism (FM), disbursing EUR 1.2537 billion,[15] and the Financial Mechanism of the European Economic Area (EEA), disbursing EUR 1.5481 billion,[16] in the period 2014 – 2021. The overall responsibility for the two mechanisms rests with a National Focal Point, the Central Coordination Unit Directorate of the Council of Ministers. Furthermore, different programmes are managed by different programme operators. The Programme Operator for the Justice Programme of the Norwegian FM is the Ministry of Justice, and for the Home Affairs Programme, the Ministry of Interior. Under the Norwegian FM, The Ministry of Interior is currently implementing a project for the development of the communication infrastructure of the Ministry of Interior as well as a Bulgarian–Norwegian project for combating trafficking in persons.[17] Under the same fund, the Ministry of Justice will work on improving penitentiary facilities, on measures for improving assistance to domestic violence victims and work with perpetrators, and on increasing the capacity of the justice system to apply the decisions of the European Court of Human Rights. The Civil Society Programme under the EEA FM is a consortium of NGOs managing the Active Citizens Fund Bulgaria.[18] The Fund will channel support to non-governmental organisations with

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[11] See European Commission, Migration and Home Affairs, Bulgaria at https://ec.europa.eu/home-affairs/financing/fundings/mapping-funds/countries/bulgaria_en.

[12] See European Commission, European Structural and Investment Funds at https://cohesiondata.ec.europa.eu/countries/BG.

[13] See Information System for Management and Monitoring of EU Funds in Bulgaria 2020 at http://2020.eufunds.bg/en/1/0/Project/Search?showRes=True&page=g2Fc088IRqc%3D.

[14] Author not indicated, Operational Programme "Good Governance"2014—2020 (p95), https://bit.ly/2P2Pk16

[15] See Memorandum of Understanding on the implementation of the Norwegian Financial Mechanism 2014 – 2021 at https://www.eeagrants.bg/assets/resourcedocuments/1572/MoUNGrants20142021_en.pdf.

[16] See Memorandum of Understanding on the implementation of the EEA Financial Mechanism 2014 – 2021 at https://www.eeagrants.bg/assets/resourcedocuments/1577/MoUEEAGrants20142021_en.pdf.

[17] See Ministry of Interior, International Projects Directorate, Norwegian FM at https://bit.ly/2E55G0M

[18] See Active Citizens Fund at https://www.activecitizensfund.bg/public/portfolios/view.cfm?id=30.

the aim of strengthening active citizenship and empowering vulnerable groups. Specifically, the fund supports initiatives that contribute to:[19]

- Strengthened democratic culture and civic awareness;
- Increased support to human rights;
- Empowerment of vulnerable groups;
- Addressing gender equality and gender-based violence;
- Increasing civic engagement in environmental protection/regarding climate change;
- Enhancing the capacity and sustainability of the civil society sector, including of civil society organisations.

1.1.2   Ongoing and emerging challenges in the areas of security and justice

The relevance of the Thematic Fund Security (TFS) to European priorities is discussed below in section 2.2.1.1.

1.1.2.1   *European priorities and challenges*

The **European Agenda on Security** identifies three priorities: (1) terrorism and foreign terrorist fighters; (2) serious and organised cross-border crime; and (3) cybercrime.[20] Additional priorities are identified in a more recent Council infographic:[21] cybercrime; drug trafficking; facilitation of illegal immigration into the EU; organised theft and burglary; trafficking in human beings; excise and Missing Trader Intra Community (MTIC) fraud; firearms trafficking; environmental crime; criminal finances; document fraud.

EUROPOL's 2017 Serious and Organised Crime Threat Assessment highlights the following criminal activities:[22]

- Cybercrime (encompassing many different crimes) as facilitator of criminal activities and as a source of new criminal opportunities;
- Organised property crime – many EU member states report a steady increase in burglaries in recent years;
- The illicit drugs market remains the largest criminal market in the EU;
- Migrant smuggling is now one of the most profitable and widespread criminal activities in the EU and is considered to be comparable in scale to the European drugs market;
- Trafficking in human beings for labour exploitation is expected to continue to grow.

Eurojust's Annual Report 2017 notes that the number of cases referred to it by national authorities in 2017 increased by 10.6% compared with 2016, and the main types of case were **fraud**, **drug trafficking** and **money laundering**.[23]

1.1.2.2   *Security issues specific to Bulgaria*

The Commission's 2018 CVM report notes that '*The Bulgarian economy and society **remains vulnerable to infiltration by organised crime…***'.[24]

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[19] Open Society Institute – Sofia, in consortium with the Workshop for Civic Initiatives Foundation and the Trust for Social Achievement Foundation, Active citizens fund, About Us, https://bit.ly/2QnLpkf

[20] European Commission (24 April 2015), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The European Agenda on Security*, https://bit.ly/2wLjONv

[21] Council of the European Union (2018), *Infographic - EU fight against organised crime: 2018-2021*, https://bit.ly/2qYH8W3

[22] European Police Office (2017), *European Union Serious and Organised Crime Threat Assessment - Crime in the age of technology*, https://bit.ly/2qYjAAP

[23] Eurojust (2017),EUROJUST Annual Report 201 (p23), https://bit.ly/2Poff9S

Frontex's 2018 Risk Analysis states that there was a 27% reduction in the number of clandestine entries into the EU at border crossing points from 2016 to 2017, which it links to a significant drop in detections at the Bulgarian land border with Turkey, and it suggests that this '...*raises questions about the effectiveness of checks.*'[25] There are few other mentions of Bulgaria in this document, except that it is identified as **the one country for which FRAN[26] and EDF[27] data for December 2017 were not available at the time of publication**, and it was one of five countries (out of 30) for which asylum data were not available for December 2017, which may imply a capacity issue.[28]

In 2015, the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs stated that:[29]

> *Bulgaria is strategically situated along the Balkan Route for illicit drugs and other contraband trafficked from Southwest Asia into Western Europe. International drug trafficking organizations continue to traffic cocaine, heroin, synthetic drugs, and increasingly chemical precursors through Bulgaria into consumer countries in Western Europe.*
>
> *In 2014, drug trafficking organizations with ties to Africa and the Middle East continued to partner with Bulgarian organized crime networks to transport cocaine and heroin into Europe from South America.*

In 2018, it identifies Bulgaria as a **transit country for South American cocaine** and **heroin from Afghanistan**.[30]

Bulgaria adopted its Law on Combating Trafficking in Persons in 2003 and established the National Commission for Combating Trafficking in Human Beings (NCCTHB) in 2004. Since then, the NCCTHB has been the principal authority implementing national policy in the field and coordinating the efforts of all other players. The U.S. Department of State provides annual diagnostics of the THB situation around the world in its Trafficking in Persons Report that ranks countries in tiers based on their efforts to combat THB. In the period **2015 - 2017, Bulgaria had been demoted to a Tier 2 Watchlist status** due to its insufficient efforts to meet the minimum standards for eliminating THB. However, the 2018 report promoted Bulgaria to Tier 2 (i.e. removed from the Watchlist) status due to the government's increased efforts in allocating more funding for victim services, opening two new facilities in Sofia for trafficking victims, including a crisis centre for child victims, improving victims' identification and increasing the number of convicted traffickers.[31] Nevertheless, the report states that '*The Government of Bulgaria does **not fully meet the minimum standards for the elimination of trafficking**'* and it notes some persistent challenges, namely that judges and prosecutors still continue to lack training on working with trafficking victims, courts continue to issue suspended sentences for most convicted traffickers, and officials lack knowledge of trafficking indicators, which hinders effective victim identification, especially among foreign nationals and women exploited in prostitution.

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[24] European Commission (13 November 2018), *Commission Staff Working Document Bulgaria: Technical Report Accompanying the Document Report From the Commission to the European Parliament and the Council on Progress in Bulgaria Under the Cooperation and Verification Mechanism* (footnote 109), https://bit.ly/2rotxr7

[25] Frontex (February 2018), *Risk Analysis for 2018* (p20), https://bit.ly/2whHwnX

[26] Frontex Risk Analysis Network.

[27] European Document Fraud.

[28] Frontex (February 2018), *Risk Analysis for 2018* (p42, p27), https://bit.ly/2whHwnX

[29] U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs, *2015 International Narcotics Control Strategy Report (INCSR)*, https://bit.ly/2QfTuYO

[30] United States Department of State Bureau for International Narcotics and Law Enforcement Affairs (March 2018), *International Narcotics Control Strategy Report, Volume I, Drug and Chemical Control March 2018* (p120, p197), https://bit.ly/2u4VBnL

[31] See U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, Trafficking in Persons 2018 Report, Bulgaria Country Narrative at https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282621.htm.

Building on the benchmarks, the CVM report of November 2017 pointed to a total of 17 recommendations (distributed over all 6 benchmarks), which Bulgaria would need to meet to conclude the CVM process.[32] The 2018 CVM report[33] recalls that in 2017 (p1)

> *...despite the progress made on the CVM benchmarks, this had been held back by unfavourable conditions in terms of governmental instability, unpredictability in the legislative process, and a media environment that has not been conducive to reform. While these issues went beyond the specific scope of the CVM, such factors have nevertheless had an impact on the progress of reform.*

The 2018 CVM report notes that there has been government stability since the 2017 report and it points to the adoption of a general anti-corruption framework in January 2018 as the most significant single step. Some other previously adopted reforms have been implemented and reforms are ongoing in other areas. Nevertheless, there is reported to be a continuing '**high risk of corruption in many sectors in Bulgaria**', including within the judicial system, police, customs administration, and the public procurement system,[34] and the 2017 Corruption Perceptions Index ranks Bulgaria 71, with its score having changed little since 2012.[35]

The 2018 CVM report points to a continuing deterioration of the media environment, and the potential negative effect of this on independence of the judiciary, and on society's ability to hold lawmakers, government and other powerful figures to account (p2).

As suggested by the introduction of the CVM, Bulgaria's accession to the EU in 2007 did not mean full integration. The labour markets of all EU member states opened to Bulgarian (and Romanian) workers only in the 2014 and the country is still not part of the Euro Zone and of the Schengen Area. Bulgaria has made repeated attempts to join the Schengen Area and although it meets the technical criteria, its requests have been opposed by a number of member states on the basis of deficiencies in the areas of rule of law and fighting corruption. Bulgaria has had similar difficulties in joining the Euro Zone. In 2018, Bulgarian authorities formally stated their firm intention to apply to the European Exchange Rate Mechanism – ERM II (commonly referred to as the euro zone waiting room) by July 2019, and their commitment to progress in a number of finance-related areas as well as in judicial infrastructure and anti-money laundering.[36]

The **Prosecutor's Office** has been the subject of continued attention in the context of the CVM. In 2016, the European Commission's Structural Reform Support Service (SRSS) developed an analysis of Bulgaria's Prosecutor's Office.[37] The analysis made a number of recommendations for strengthening the work of prosecutors. Swiss assistance to prosecutors has touched upon some areas of prosecutorial work identified by the analysis, namely, development of capacity to identify and freeze assets of offenders and improvement of financial investigation expertise. Other recommendations made by the analysis have still not been addressed in a systematic manner, e.g. the finding that the capacity of the Inspectorate of the Supreme Judicial Council to control the work of prosecutors should be strengthened. The recommendation of the CVM with regard to

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[32] See European Commission, Progress report Bulgaria 2017 [COM(2017)750] at https://ec.europa.eu/info/files/progress-report-bulgaria-2017-com-2017-750_en.

[33] European Commission (13 November 2018), Report From the Commission to the European Parliament and the Council on Progress in Bulgaria Under the Cooperation and Verification Mechanism, https://bit.ly/2ztE60x

[34] GAN Integrity (December 2017), Bulgaria Corruption Report, https://bit.ly/2E3CaiE

[35] Transparency International (2018), Corruption Perceptions Index 2017, https://bit.ly/2FkCLLc

[36] See Bulgaria's letter at https://www.consilium.europa.eu/media/36125/st11119-en18.pdf.

[37] See Executive Summary of the Analysis at http://www.mjs.bg/Files/Executive%20Summary%20Final%20Report%20BG%2015122016.pdf.

the Prosecutor's Office is to establish a roadmap for the implementation of the recommendations of the SRSS report, including a mechanism for reporting progress to the wider public.[38]

While the area of justice has been one of the focal points of the CVM report, **juvenile justice** has not received as much public attention. At the same time, this is an area in which Bulgaria still struggles to meet international standards. The 2016 report of the UN Committee on the Rights of the Child made a number of recommendations in this area, noting that Bulgaria has failed to meet many of the recommendations made in previous reports.[39] In the area of juvenile justice, the report reiterates that Bulgaria needs to implement, as a matter of priority, the recommendations on juvenile justice made in the preceding report,[40] namely:

- Reform the Juvenile Delinquency Act and the Criminal Procedure Code with a view to withdrawing the notion of anti-social behaviour;
- Make a clear definition of the legal age of criminal responsibility in order to guarantee that children under the age of fourteen years are treated outside of the criminal justice system;
- Set up an adequate system of juvenile justice, including juvenile courts with specialised judges for children, throughout the country;
- Use deprivation of liberty, including placement in correctional-educational institutions, as a means of last resort and, when used, regularly monitor and review it;
- Provide a set of alternative socio-educational measures to deprivation of liberty, and a policy to effectively implement them;
- Ensure that children deprived of their liberty remain in contact with the wider community;
- Focus on strategies to prevent crimes in order to support children at risk at an early stage;
- Train judges and all law enforcement personnel who come into contact with children;
- Ensure independent monitoring of detention conditions and access to effective complaints, investigation and enforcement mechanisms.

The scope of Swiss assistance in the area of juvenile justice, as initially planned, closely follows these recommendations.

1.2   Overview of the TFS in Bulgaria

According to the terms of reference for this evaluation, the Thematic Fund 'Security' (TFS) has included a total of 10 projects (see Annex 4). The total Swiss contribution to these 10 projects is given in the terms of reference as CHF 9,850,000.[41]. According to the terms of reference, eight of the ten projects were ongoing as of mid-2018, with two having been completed in mid-2015.[42] One additional project is identified on the website of the Bulgarian-Swiss Cooperation Programme, although it is not included it in the list provided in the terms of reference: *'Swiss-Bulgarian cooperation on identification and long–term assistance of children and adult victims of trafficking in human beings'*.[43] Also, the website lists three anti-trafficking projects, while the

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[38] See European Commission, Progress report Bulgaria 2017, p. 5.

[39] See United Nations, Convention on the Rights of the Child, CRC/C/BGR/CO/3-5, November 2016, p. 18 at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGR%2fCO%2f3-5&Lang=en.

[40] See United Nations, Convention on the Rights of the Child, CRC/C/BGR/CO/2, para 69 at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FBGR%2FCO%2F2&Lang=en.

[41] The FDFA website indicates a total Swiss contribution of CHF 9,724,253. FDFA (27.11.2017), *Thematic Fund Security Bulgaria*, https://bit.ly/2PSBG1I

[42] The two completed projects are *'Schengen Issues: Development of personnel capacities and awareness raising'*, and *'Environmental security'*.

[43] Bulgarian-Swiss Cooperation Programme (05.04.2017), *Swiss-Bulgarian cooperation on identification and long–term assistance of children and adult victims of trafficking in human beings*, https://bit.ly/2OLhliB

list provided in the terms of reference identifies only one. In fact, the three projects were incorporated into a single project ('Prevention of and combat against human trafficking').

Table 1 (below) summarises the projects listed in the terms of reference, by category. 37% of Swiss TFS funding[44] has been allocated to policing, 24% to the protection of victims of trafficking, 20% to combating organised crime and corruption, and 17% to juvenile justice.

Table 1: Project categories

Category	% of Swiss Contribution (CHF)	Number of projects
Policing	37.4%	3
Protecting victims of THB	23.6%	1
Combating organised crime and corruption	20.3%	3
Juvenile justice	17.3%	2
Schengen/ Prüm	1.3%	1
Total	**100%**	**10**

Source: based on information provided in the evaluation terms of reference

The TFS is governed by four types of agreement:

- The Framework Agreements between the Swiss Federal Council and the Government of Bulgaria;
- The Thematic Fund Agreement between the Swiss Federal Council (represented by the Swiss Agency for Development and Cooperation (SDC)) and the government of Bulgaria;
- The Mandate Agreement between SDC and the Swiss Intermediate Body (SIB);[45]
- Activity Agreements between the SIB and relevant executing agencies (EA);
- Although not specifically mentioned in the framework documents available to the evaluation team, there are also Partnership Agreements between the Swiss partners and the EAs.

The **Framework Agreement** provides the framework for all Swiss Cooperation activities in Bulgaria. It specifies the commitment and implementation periods, which are five and ten years respectively from the date of approval of the Swiss Contribution by the Swiss Parliament (07 December 2009), which means that the commitment period expired on 06 December 2014 and the disbursement period will expire on 06 December 2019. The National Coordination Unit (NCU) in Bulgaria is the Monitoring of EU Funds Directorate of the Council of Ministers of the Republic of Bulgaria. The Swiss Federal Council authorised two Swiss institutions to act on its behalf: (1) The Federal Department of Foreign Affairs, acting through SDC (responsible for the TFS, among other things); and (2) The Federal Department of Economic Affairs, acting through the State Secretariat for Economic Affairs. The Swiss Embassy in Sofia is the contact point for official communication with the Bulgarian NCU. The Framework Agreement states that '*In general, Bulgaria is responsible for the identification of Projects to be financed by the Contribution, whereas Thematic Funds are worked out by Switzerland.*'

Annex 4 of the Framework Agreement covers rules and procedures for Thematic Funds (all Thematic Funds, not only Security). Annex 4 of the Framework Agreement divides TFS funding allocations between activities which were already specified in the Framework Agreement (57%) (**'retained' projects**), and funding reserved for activities to be proposed by either of the parties after the execution of the Framework Agreements (28%) (**'new' projects**). In Bulgaria, there were nine retained activities (see Annex 4 of this evaluation report),

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[44] The figures here do not include co-financing.
[45] The Swiss Intermediate Body (SIB) acted as the fund manager. One security project, 'Schengen Issues: 'Development of personnel capacities and awareness raising' had a different SIB (Fedpol). Neither that project nor that SIB are covered by this evaluation. All references to SIB in the report refer to the consortium responsible for management of the TFS.

including one that appears not to have taken place, *'Exchange practice in the field of migration'* (total budget CHF188,230).[46] Annex 4 of the Framework Agreement also identified two potential areas for inclusion in the TFS at a later stage: *Prevention of and combat against Human Trafficking*; *Supporting measures for the Bulgarian Border Police*. The first of these was subsequently included, although not the second. Table 2 below (based on information provided by the SIB) presents the initial Swiss funding allocations and the subsequent reallocations.[47]

Table 2: Allocation of Swiss funding to 'retained' and 'new' TFS activities

	Initial Swiss share		Reallocation	Swiss share after reallocation	
	CHF	% of total Swiss share	CHF	CHF	% of total Swiss share
TFS Management	1,449,885.00	14.9%	439,360.00	1,889,245.00	19.4%
Reserve Evaluation	0.00	0.0%	50,000.00	50,000.00	0.5%
Activities retained in the Framework Agreement	5,611,096.00	57.7%	-241,708.00	5,369,388.00	55.2%
Activities proposed by either party at a later stage	2,523,157.00	25.9%	-107,652.00	2,415,505.00	24.8%
Unallocated funds	140,000.00	1.4%	-140,000.00	0.00	0.0%
Total	**9,724,138.00**	**100.0%**	**0.00**	**9,724,138.00**	**100.0%**

Source: based on data provided by the SIB.[48]

The **TFS Agreement** complements the content of Annex 4 of the Framework Agreement. Among other things, it specifies the implementation period of the TFS in Bulgaria, namely **27 July 2011 to 31 May 2019**.

The **Framework Agreement** indicates that a maximum of 60% of eligible expenses may be grant funded except for projects co-financed by central, regional, or local budgets, in which case the maximum grant is 85%. The **TFS Agreement** indicates that up to 90% of eligible expenses may be grant funded where activities are co-financed by NGOs. Article 9 of the TFS Agreement specifies the role of the **Steering Committee**. The agreement also indicates the membership of the Steering Committee. Article 7.3 of the TFS Agreement tasked the SIB with establishing the Steering Committee in consultation with SDC and the NCU, and then performing the role of 'member-secretary'. Article 9.4 states that *'The presidency of the Steering Committee shall be assured by SDC; the SIB shall lead the secretariat of the Steering Committee.'* The Swiss Cooperation Office (SCO) in Bulgaria notes that in fact SDC did not perform the role of president. The responsibilities of the EAs do not appear to be specified in any of these documents.[49] The TFS Agreement specifies that there should be reporting at the level of the overall fund (SDC responsibility) and at activity level (SIB responsibility). EAs are required to submit at least one annual report and a final report.

Table 3: Responsibilities of key actors in the management of the TFS

Body	Responsibilities

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[46] SDC (undated), *Annex 4: Rules and Procedures for Thematic Funds and Special Projects*, p9.

[47] There are some small differences between the allocations presented in the Framework Agreement and the initial allocations presented in Table 2.

[48] Swiss Intermediate Body (07 December 2018), *Budget Reallocation TFS BG for funds administrated by the SIB version 26.01.2018*.

[49] The responsibilities of the EAs are specified in the Bulgarian TFS Agreement.

Body	Responsibilities
SDC	Supervision & steering of the TFS. Conclude Mandate Agreement with the SIB and supervise SIB's operational monitoring and the financial control activities, analysis of SIB reporting and follow-up with the NCU. Ensure the steering of the TFS. Analysis of SIB reporting.
NCU	Inclusion of the Security Fund in the portfolio of Supporting Measures. Monitoring of TFS implementation and provision of feedback to SDC. Facilitation of TFS implementation. Facilitation of Bulgarian co-financing.
SIB	Establishment & management of the TFS. Establishment of activity (project) portfolio. Contracting & supervision of EAs. Controlling activities & reporting on the TFS.
Steering Committee	*'Provide guidance on strategic matters with a view to meeting the objectives of the Security Fund and with regard to ethics, compliance with applicable law and regulatory policies, environmental safety and health policies, financial practices, disclosure and reporting. It is responsible for overseeing management and ensuring that systems are in place to manage the risks involved'.* (The Steering Committee was '*to be established by the SIB after consultation with SDC and the NCU'.* The SIB was also responsible for developing the rules and management principles of the Steering Committee in consultation with SDC and the NCU).

The members of the Steering Committee are specified as follows: one representative of the Bulgarian Ministry of Interior, the Ministry of Justice, the Prosecutor's Office, the Association of Prosecutors, the NCU, SDC, the SIB and of civil society.

The leadership ('presidency') of the Steering Committee was to be assured by the SDC, while the SIB was to provide ('lead') the secretariat of the Steering Committee.

1.3   Projects covered

This evaluation is based on a review of five case study projects. These are listed in Table 4 (below). Further details are provided in Annex 4. For ease of reading, abbreviated titles are used in this report as indicated in Table 4.

Table 4: Case study projects

Project titles as indicated in the terms of reference	Abbreviated project titles	Executing Agency
Tracing of stolen vehicles	Stolen Vehicles	Criminal Police Main Directorate of the Ministry of Interior
Capacity building for police officers - 'human rights based policing'	Human Rights Policing	Academy of the Ministry of Interior
Combating organized crime, trafficking of human beings and money laundering	Organised Crime	Prosecution Office of the Republic of Bulgaria
Juvenile justice	Juvenile Justice	Ministry of Justice
Prevention of and combat against human trafficking	Preventing THB & Protecting Victims	NCCTHB, IOM, ANIMUS

2   Evaluation

2.1   Scope, approach, and timing of the Module 2 evaluation

The Module 2 evaluation is based on a review of five case study projects identified by SDC. The approach consisted of:

- Desk research
- Consultations with stakeholders in Bulgaria. These were primarily in Sofia. There were also meetings with stakeholders in Varna in the context of the Juvenile Justice project
- Consultations with project partners in Switzerland
- A survey of Bulgaria participants in training, workshops, study visits, and similar activities (case study projects only). The survey received 91 responses, of which 10 indicated that they had not participated in TFS activities, or were not sure if they had participated in TFS activities or not. One of the 10 indicated that they had only participated in a closing conference.

Desk research was undertaken from mid-July 2018 to mid-September. The evaluation mission to Bulgaria was undertaken from 15 to 19 October, starting with a kick-off meeting involving the National Coordination Unit, the Swiss Cooperation Office, Steering Committee members and representatives of executing agencies, and ending with a debriefing meeting involving the National Coordination Unit, the Swiss Cooperation Office, and Steering Committee members and executing agencies.

The following conclusions and lessons learnt are based on a review of the five case study projects (Table 4). However, stakeholder feedback suggests that these observations are generally applicable to the TFS overall.

2.2   Relevance

2.2.1   Findings

2.2.1.1   *General overview*

The relevance of any effort to assist Bulgaria should be assessed in light of the policy context described above. At the same time, it must be kept in mind that the areas outlined by the CVM may also be the ones that would attract the attention of most donors. Therefore, it may prove useful at times to depart from them in order to address challenges that are not in the limelight but are still important.

The areas of the TFS in Bulgaria are aligned with the European Agenda on Security.[50][51] The broad range of projects implemented in Bulgaria clearly contributes towards the European Agenda on Security in the area of organised crime, while the areas of terrorism and cybercrime are less targeted under the current Swiss Contribution. On the operational side, TFS projects have contributed / are expected to contribute (for the ongoing projects) to:

- Improved use of existing communication systems (i.e. use of SIS to track stolen / trafficked vehicles in Bulgaria and forensic data);
- Increased operational cooperation (e.g. police cooperation in THB cases, Joint Investigation Teams between Swiss and Bulgarian authorities); and
- Strengthened training capacities (i.e. of the Academy of the Ministry of Interior in various fields including in forensic sciences).

Table 5 (below) lists the priorities adopted by the **Council of the European Union** for the fight against organised and serious international crime between 2018 and 2021. It also indicates which of these priorities were addressed directly by the TFS. When comparing the TFS with these priorities, it is important to consider that the Framework Agreement was concluded in September 2010, and implementation of the TFS commenced in July 2011. Moreover, it would be unrealistic to expect the TFS to cover all priorities, given the

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[50] https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-security_en Communication from the commission to the European parliament, the council, the European Economic and Social Committee and the Committee of the Regions, The European Agenda on Security, Strasbourg 2015.
[51] The European Agenda on Security implements the Political Guidelines of European Commission President Jean-Claude Juncker in the area of security and replaces the previous Internal Security Strategy (2010-2014).

amount of funding available. Nevertheless, the **TFS did directly address four of the current EU priorities**. Moreover, the **TFS projects focusing on organised crime and money laundering can be considered as a contribution to all priorities.**

Table 5: EU priorities for the fight against organised and serious international crime 2018-2021

EU priority	Addressed directly by the TFS
Cybercrime	No
Drug trafficking	No
Facilitation of illegal immigration into the EU	Yes
Organised theft and burglary	No
Trafficking in human beings	Yes
Excise and Missing Trader Intra Community (MTIC) fraud	No
Firearms trafficking	No
Environmental crime	Yes
Criminal finances	Yes
Document fraud	No

Source: EU priorities are taken from the Council of the European Union[52]

A more contemporaneous set of EU priorities are those identified by the Council of the European Union in June 2011, which are listed in Table 6 (below). Here again, few of these priorities are addressed directly by the TFS. However, again, the TFS projects focusing on corruption and organised crime are **relevant to all priorities**.

Table 6: EU priorities for the fight against organised crime between 2011 and 2013

Priority	Directly addressed by the TFS
Weaken the capacity of organised crime groups active or based in West Africa to traffic cocaine and heroin to and within the EU.	No
Mitigate the role of the Western Balkans as a key transit and storage zone for illicit commodities destined for the EU and logistical centre for organised crime groups, including Albanian-speaking organised crime groups.	No
Weaken the capacity of organised crime groups to facilitate illegal immigration to the EU, particularly via southern, south-eastern and eastern Europe and notably at the Greek-Turkish border and in crisis areas of the Mediterranean close to North Africa.	No
Reduce the production and distribution in the EU of synthetic drugs, including new psychoactive substances.	No
Disrupt the trafficking to the EU, particularly in container form, of illicit commodities, including cocaine, heroin, cannabis, counterfeit goods and cigarettes.	No
Combat all forms of trafficking in human beings and human smuggling by targeting the organised crime groups conducting such criminal activities in particular at the southern, south-western and south-eastern criminal hubs in the EU.	Yes
Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in	Yes

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[52] Council of the European Union (2018), *Infographic - EU fight against organised crime: 2018-2021*, https://bit.ly/2qYH8W3

Priority	Directly addressed by the TFS
criminal activities.	
Step up the fight against cybercrime and the criminal misuse of the internet by organised crime groups.	No

Source: priorities are taken from Council of the European Union[53]

While **juvenile justice** and **human rights-based policing** do not appear in either of the above lists of European priorities, the two TFS projects covering these issues are **highly relevant to European values and practices**.

2.2.1.2 *Specific observations*

The <u>policing</u> case study projects are rather **focused and target specific areas of police work,** often with a strong component on new premises, equipment and technologies. Bulgarian stakeholders (from state institutions and civil society organisations) confirm that **respect for human rights has been an issue in police practices,** and the police are still being observed by different actors. The Human Rights Policing project was very much needed and demonstrated willingness to change and improve.

The Prosecutor's Office of the Republic of Bulgaria (PORB) notes that the five thematic areas covered by the <u>Organised Crime</u> project are **based on its own needs analysis and deal with issues that could not be funded from the PORB's regular budget.**[54] The project **partially addresses the recommendations of the European Commission's SRSS** (see **Error! Reference source not found.** above).The five activities **reflected the strategic goals of the PORB's new (in 2013) management**, the central aim of which was to enhance the effectiveness of the criminal justice system. The leadership development activity is **part of a PORB reform process** and addresses the need to modernise the functioning of the PORB. The anti-money laundering and joint investigation team (JIT) project activities both directly **addressed improved operational cooperation with Switzerland**, although **Swiss partners consider that adequate JIT documentation already exists** at European level. The SIB, however, points at the template developed by the project which specifically addresses bilateral cooperation between Switzerland and Bulgaria. The anti-trafficking activity aimed to **address gaps in legislation and practice regarding the investigation and prosecution of human trafficking crimes**, the prevention of trafficking, and the protection of victims. The crime scene evidence activity provides PORB with its own capacity to quickly collect and analyse 'hot' evidence in high profile cases. This is the only activity to include procurement of equipment.

The <u>Preventing THB & Protecting Victims</u> project addresses the **National Anti-Trafficking Strategy 2017-2021**.[55] Swiss funding is the **only source of funding for cooperation in this area with Switzerland** (this cannot be covered by EU funding) and it is the **only source of international funding for the protection and reintegration of victims in Bulgaria**. The project also includes measures to enhance the Bulgarian NRM, and prevention campaigns and research into push factors. **Swiss partners (International Organisation for Migration (IOM) Bern, Fedpol, FIZ) confirm that the project also addressed their needs,** enabling them to better understand the push factors in Bulgaria and to develop closer working relations with relevant Bulgarian institutions and organisations. The incorporation of three projects implemented by different EAs (NCCTHB,

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[53] Council of the European Union (June 2011), *Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013 - 3096th JUSTICE and HOME AFFAIRS Council meeting Luxembourg, 9 and 10 June 2011,* https://bit.ly/2Qaw3j3

[54] Leadership development; crime scene evidence collection and analysis; money laundering; joint investigation teams, human trafficking;

[55] Republic of Bulgaria National Commission for Combating Trafficking in Human Beings (undated), *National Strategy for Combating Trafficking in Human Beings 2017-2021,* https://bit.ly/2RiUZ4B

IOM, and ANIMUS)[56] into one 'programme', led by the NCCTHB, enhanced the coherence of activities and helped to avoid gaps and duplication.[57] Some contributed to a delay in launching activities, although delays are mainly attributed to leadership issues in the NCCTHB which were resolved in 2015.

The relevance of the <u>Juvenile Justice</u> **project has been undermined by several factors.** In principle, the project is **highly relevant to the needs of Bulgaria, as indicated in the gap analysis prepared by the International Institute for the Rights of Children (IDE).**[58] **However, lack of progress with the legislative aspect of the project shifted the focus of the project** more towards child-friendly interviewing. The project thus **created the perception of having taken on a hidden ethnic dimension,** since the legislative element of the project (focusing mainly on children in <u>conflict</u> with the law as opposed to children in <u>contact</u> with the law) was expected to affect primarily Roma children. Lack of progress with the legislative aspect of the project is attributed by some stakeholders to the **insufficient involvement, from the start, of key actors.**[59] The project could have benefited from a clearer initial understanding of whether the focus was on children in conflict with the law (perpetrators), children in contact with the law (victims, witnesses, children affected by family law cases), or both. If both were the focus of the project, the measure of attention given to each group should have been clearly defined because it seems that different stakeholders had very different ideas on this matter.

Much effort has been expended in developing a new draft law on Juvenile Justice but some feedback suggests that **a new law is not necessarily needed to solve this problem,** as existing laws already have adequate provisions, and the problem could be addressed simply by repealing the out of date (and conflicting) legislation. **The focus and structure of training on child-friendly interviewing have been criticised, as has the selection of courts for the pilot children's chambers** (see Annex 7 for further information). The <u>Juvenile Justice</u> project was launched with strong, high-level political support, but more recently there has been limited political support for the project. This is perhaps not surprising given that there have been four governments and eight different Ministers of Justice since the project started in 2012. It is also reported that key actors within the government are opposed to some of the central juvenile justice principles promoted by the project (which addresses UN observations and recommendations).

2.2.2   Conclusions on relevance

The TFS has been **relevant to European priorities** and case study projects have **addressed needs and priorities in Bulgaria.** Projects have **generally been appropriate for institutional absorption capacities, although some EAs have struggled with the demands of project management.** This was partly due to lack of experience and the unexpected demands of project management, as well as the demands of carrying out project work on top of regular duties, which take precedence (see 2.4.1.2 for further discussion on this point).[60] The flexibility of the projects to accommodate changes during the course of the implementation was appreciated by Bulgarian stakeholders. This flexibility contributed to the achievement of the expected results, and enabled planned activities to be complemented with additional activities, for example by using leftover funds to purchase additional equipment, or to provide additional training.

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[56] A general overview of the roles of the three EAs in the return of victims of trafficking from Switzerland and their reintegration is presented in Annex 6

[57] IOM notes that the concept for its activities was initially developed in late 2011 while the project started in early 2015, approximately three years later. In the meantime, the project context changed, with Bulgaria increasingly becoming a transit country, and this necessitated adaptation of some project activities to incorporate different state employees. IOM reports that 1,000 asylum seekers enter Bulgaria per year and the state is not adequately prepared.

[58] Institut International Des Droits De L'enfant and the Ministry of Justice of the Republic of Bulgaria (03.07.2014), *Gap Analysis of the Bulgarian Juvenile Justice System*, https://bit.ly/2PmUE3F

[59] Actors not sufficiently involved include the local Commissions for Combating Juvenile Delinquency (which are understood to be concerned about losing their jobs/ status), and the MLSP (which apparently does not have the capacity to care for eight to fourteen year olds in conflict with the law).

[60] The SIB notes that the same principle applied in Romania, where it worked satisfactorily.

The apparent lack of a strategic approach in identifying and prioritising security and justice development needs led to a diverse portfolio of projects operating at different levels, which made it possible to address different EU security priorities, but which may at the same time have limited the effectiveness and impact of the TFS.

2.2.3   Recommendations for enhancing the relevance of a potential future TFS

1. A more strategic approach to the identification and prioritisation of security and justice needs in Bulgaria would facilitate planning for a future TFS. While strategic planning in these areas is not the responsibility of the NCU, it could perhaps promote and facilitate a more strategic approach with regard to the planning of a future TFS.
2. Projects would benefit from enhanced identification of needs, through increased involvement of Swiss partners as well as operational staff and outside stakeholders (e.g. civil society organisations and academics). Among other things, this would have helped avoid the need for changes in project implementation (e.g. stolen vehicles, change from fixed to mobile cameras).
3. The experience of the Juvenile Justice project suggests that projects addressing policy issues may be particularly challenging in a fast-changing political environment. It may therefore be advisable to limit future TFS involvement in policy development.
4. More thorough context and risk analysis would be beneficial, taking into account frequent changes in political leadership, high turnover of staff involved in the projects, and the challenges presented by procurement processes in Bulgaria. This applies particularly to projects aiming to support changes in legislation and policy, which may be particularly challenging, as they are likely to affect many institutional actors and other interests. It should not be assumed that the application of international standards will automatically be accepted by all concerned.
5. Project concepts and proposals should incorporate a realistic analysis of project management capacities taking into account the demands of Swiss funding rules, the expectations of potential institutional partners in Switzerland, the challenges presented by Bulgarian public procurement processes, constraints on the availability of project staff, and changes in staff between project concept and the start of implementation. The TFS should systematically invest time and resources at the start of projects to build those capacities for future smooth implementation of the project. This issue could also be partly mitigated by ensuring that EAs understand the rules around TFS funding from the outset.
6. In the area of trafficking in human beings, the NCCTHB suggests that there should be greater emphasis on identifying and supporting victims amongst migrants and asylum seekers, as little is currently known about trafficking within these groups. IOM considers that there should be greater emphasis on labour exploitation and supporting third country nationals in general (victims transiting through Bulgaria).

2.3   Effectiveness

2.3.1   Findings

2.3.1.1   *General overview*

Overall the population in Bulgaria is expected to receive improved services from the Police, and greater respect of human rights in the practice of the Police. The Police have integrated a new methodology on training in human rights-based policing (based on practical cases) and more efficient checks by the Traffic Police due to the cameras and system installed in police cars through the 'stolen vehicles' project. Nevertheless under both projects the main procurement and achievements were only recently completed, leaving too little time to measure the changes and impacts on practices, case identifications and resolution rates, and satisfaction of the population. It is evident that the Organized Crime project has involved a significant effort to promote changes in the PORB's institutional culture and enhance processes in specific areas, and the project has produced important positive results. However, it is unclear how these are influencing the overall performance of the PORB, for example in terms of prosecution and conviction rates for

specific crimes. The Juvenile Justice project has changed thinking in the approach to child victims and perpetrators, but this is limited to a small number of locations, mainly Varna. It has not been possible to bring Bulgaria's juvenile justice legislative framework in line with European and international standards. Victims of trafficking have been repatriated, protected and reintegrated, but there is limited information on the effectiveness of training and awareness-raising/ prevention campaigns.

Bulgarian stakeholders appreciated cooperation with Swiss partners, and this was mentioned as a success factor in the context of several projects. There was significant bilateral cooperation during project implementation and personal contacts were established, but it is not so evident that strong, ongoing, institutional partnerships have been established. The language barrier was mentioned as a challenge in establishing and maintaining contacts, especially after project implementation. Another constraint was that, in some cases, EAs were not able to express the scope and objectives of proposed cooperation sufficiently clearly to engage potential Swiss partners.

The survey included three questions on effectiveness, which generated 81 responses:

- Question 2. To what extent did the activities enhance your knowledge and skills?
- Question 4. To what extent did the activities help you to enhance your work?
- Question 5. To what extent did the activities help you to solve concrete issues?

Figure 1: Survey – effectiveness of TFS training, workshops, study visits, etc.
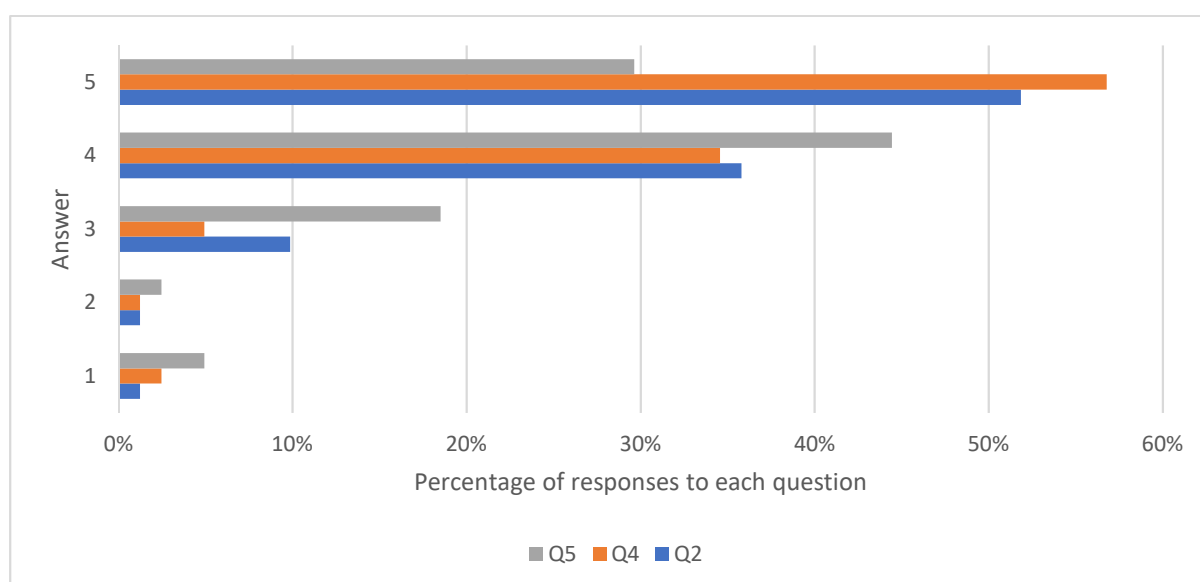
A large majority of respondents answered all three questions with a '5' or a '4', where '5' indicates 'Very much', and '1' indicates 'Not at all'. Thus, a **large majority of respondents consider that participation in TFS training, workshops, study visits, etc. enhanced their knowledge and skills and enabled them to enhance their work**. While the **majority considered that the activities helped them to solve concrete issues,** 26% of respondents answered '3' or less, indicating that the **activities were less effective in helping to solve concrete issues**.

2.3.1.2   *Specific observations*

Stolen Vehicles

The vehicle identification system became operational on 09 September 2018. It is connected to several national databases[61] and to the SIS. The system addresses two main goals: (1) traffic control (speed control,

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[61] Stolen vehicles; stolen licence plates; blacklisted cars; car insurance; technical checks.

technical checks, insurance, etc.); and (2) crime (stolen vehicles, stolen licence plates). The cameras are used for both speed control and automated scanning of licence plates. During its first month of operation, the system produced the following results:

- More than 1,000 hits for vehicles without valid insurance (fines were issued);
- 17 hits in the national database – 5 for stolen vehicles, and 12 for stolen licence plates.

There were no hits in the SIS database in the first month of use, and it is too early to assess the impact on identification of foreign-trafficked cars. It is also too early to assess changes in public perceptions and behaviour, including that of drivers. However, the deployment of the new cameras in conjunction with various databases should increase the effectiveness of the police in the street when checking suspect vehicles. It is also expected that the system will help to reduce corruption, as all hits are recorded and transmitted to a Police centre, and Police officers are also filmed when stopping and checking suspect cars and drivers.

Human Rights Policing

Two manuals were developed under the Human Rights Policing project and are used by the Academy of the Ministry of Interior (in the education of cadets) and the National Police (e.g. Traffic Police). The construction of the training facility, called the 'Polygon', at the Academy of the Ministry of Interior is an important, visible and tangible result, both within the Police force and for the general public in Bulgaria. Interviewed cadets were very positive about the introduction of practical cases integrating human rights-based policing topics in their education and were very enthusiastic about the Polygon, which they have already used. Representatives of the Traffic Police and lecturers from the Academy suggest that the Academy's curriculum has always been mainly theoretical, while practical training has tended to be done at the end, or when officers start their work. The manuals and the Polygon have **introduced a new dimension and new methodology to the Academy, based on practical cases.** The new infrastructure (the Polygon) allows **practical sessions to be planned in a systematic manner.** Interviewees consider that the manuals and the Polygon are a great help, not only for training, but also for enhancing the visibility of the training of police officers. The Academy reports that **the number of complaints against police officers has decreased in the last few years** (although no data was provided). It was also suggested that human rights training for the Gendarmerie in advance of the Bulgarian Presidency of the EU contributed to trouble-free policing of key events.

The report produced by Bulgarian Helsinki Committee during the project was not mentioned by the Police and the Academy of the Ministry of Interior and **it is unclear if any aspects of it have been used.**[62] The Bulgarian Helsinki Committee did not receive feedback from the Academy of the Ministry of Interior on their report and there were no follow-up discussions between the Bulgarian Helsinki Committee and the Academy and the Police .

Organised crime

Leadership development covered (a) current managers within the Prosecutor's Office of the Republic of Bulgaria (PORB), and (b) 150 young, potential leaders. Current managers were trained in management subjects in which they normally do not undergo training, for example, human resource management, budgeting, work planning, and financial management. The 150 young potential leaders were selected for training on the basis of objective criteria developed and applied by an external organisation. 50 were trained each year in 2015, 2016, and 2017. The PORB reports that a significant aspect of the training was that it is reported to have **introduced a new, highly interactive approach to the training of prosecutors that developed critical thinking skills and teamwork, leading to enhanced networking and cooperation between prosecutors**. The PORB notes that post-training feedback was highly positive, and three of the participants met by the evaluators confirmed this, noting also that the **training was highly motivational**. They indicate that the training has been **very helpful to their work** in areas such as planning, resource management, time management, and teamwork.

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[62] The report was on police activity in Bulgaria and professional standards for respect for human rights.

The PORB has developed its own **independent capacity to collect and analyse 'hot' evidence** in high-profile cases in a timely manner. The equipment and trained personnel are in regular use. However, it is unclear to what extent this has enhanced the outcomes of prosecutors' investigations.

The anti-trafficking activity has led to **improved cooperation between the PORB and at least one non-governmental organisation, and the PORB has signed an agreement with the NCCTHB on the exchange of information on victim protection**. There is enhanced understanding amongst prosecutors about the vulnerability of victims and the fact that they often do not know their rights. Legislative amendments improving the provisions that define and criminalize trafficking in the Penal Code have been proposed to the MoJ.

The anti-money laundering activity addressed a need to enhance the capacity of prosecutors to freeze Bulgarian-owned assets in Switzerland. PORB reports that this activity has **raised awareness amongst prosecutors about white collar crime** and has developed resources to support their work in this area. In particular, with the assistance of the Basel Institute on Governance, the project **identified why requests for information from Switzerland have frequently been declined in the past**, and developed guidelines on requesting information from Switzerland. The **guidelines enhance cooperation** by explaining the roles and responsibilities of different institutions. Direct engagement with various authorities in Bern **made prosecutors aware of the need to do more groundwork** before submitting requests for information to Switzerland. The PORB has established a network of 25 specialised prosecutors as a resource for other prosecutors.

Bulgarian law gives little guidance on the involvement of Bulgarian prosecutors in JITs. The JIT activity developed guidelines and a template for a model JIT agreement with Switzerland. This activity complements documentation already available at EU level and **led directly to the establishment of a JIT with Switzerland**.

Overall, the PORB assesses the project as having been effective. However, **lack of systematic outcome data and limited knowledge amongst external stakeholders about the project** mean that it is **difficult to triangulate effectiveness from different perspectives**.

Juvenile justice

12 new Blue Rooms were constructed with Swiss funding, bringing the total in Bulgaria to 25. **The Ministry of Justice (MoJ) considers that there are now sufficient Blue Rooms around the country to meet needs.** However, the MoJ reports that **in the three Blue Rooms opened between April 2016 and March 2017 only 26 children have been interviewed up to October 2018, and 23 of these were in Varna** (see Table 7). None of the five Blue Rooms opened in 2018 have so far been used, and four remain to be opened as of October 2018. The limited use of the Blue Rooms (apart from Varna), appears to be linked to weaknesses in the organisation of the training and selection of pilot courts for the establishment of specialised children's chambers. SDC suggests that stronger involvement of the relevant courts from the start would possibly have helped to accelerate the application of child-friendly justice concepts and practices.

Table 7: Number of children interviewed in Swiss-funded Blue Rooms

Location	Date opened	Civil cases	Criminal cases	Total
Varna	April 2016	22	1[63]	23
Pleven	December 2016		2	2
Kozloduy	March 2017	1		1
Vratsa	February 2018	0	0	0
Haskovo	August 2018	0	0	0

[63] Child victim.

Location	Date opened	Civil cases	Criminal cases	Total
Smolyan	August 2018	0	0	0
Dobrich	October 2018	0	0	0
Razgrad	October 2018	0	0	0
Targovishte	Not yet opened			
Silistra	Not yet opened			
Kardzhali	Not yet opened			
Lovech	Not yet opened			
			Total	26

Source: based on MoJ data

A total of 95 judges, prosecutors, police officers, social workers and mediators were trained between February 2015 and September 2018, and 12 of these undertook additional training of trainers. The training covered various topics relating to juvenile justice, including child psychology and working with children in a more child-centred manner. Stakeholder feedback suggests that **attitudes towards children amongst the target group have changed** (e.g. need to limit the questioning of a child in front of a judge to a single occasion), and one police officer considers that judges in Varna have become 'nicer' towards child perpetrators who appear before them. IDE considers that one of the most important aspects of the training it provided was that **professionals from different backgrounds learnt from each other, and learnt about each other's roles in the juvenile justice process.** However, the **relevance of the training content has been criticised by Bulgarian stakeholders**, and trained trainers **have not been able to train others since then** (see Annex 7 for details).

However, neither the pilot children's chamber concept nor the training has extended beyond the small number of locations in which the project was active. Stakeholder feedback suggests that judges in Varna are the only ones who really applied the pilot children's chambers in practice. There was also no opportunity to exchange experiences between courts in different parts of Bulgaria. Although it is in principle possible for a court to establish specialised children's panels (chambers) on the basis of an administrative order by the court's president, this approach conflicts with the principle of random case assignment as stated in the Judicial System Act. Therefore, **judges feel that assigning such cases to specialised judges would make the court president vulnerable to disciplinary action** unless a legislative provision specifically authorises specialisation in cases involving children.

Although a new law on juvenile justice was drafted, **the MoJ considers that it cannot take the law in its current form any further,** as there are major objections from several institutions, and the draft law was also criticised during the public consultation. Nevertheless, **an important outcome of the work on the draft law is that it exposed important obstacles**, in particular the resistance of the national and local Commissions for Combating Juvenile Delinquency (concerns about losing their jobs and status), and the Ministry of Labour and Social Policy (MLSP) (which is reported to lack capacity to care for children between the ages of eight and 14 who are in conflict with the law).[64] The work done in the context of the draft law did, however, lead to changes in the Criminal Procedure Code regarding the interviewing of children in child-friendly premises.[65]

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[64] Two other significant questions have emerged from the process: (1) whether the educational support body working with children in conflict with the law should be located under the MoJ, the Council of Ministers or elsewhere and (2) who should impose measures – judges or social workers?

[65] According to information provided by the MoJ (in Bulgarian): On September 26, 2015 amendments to the Penal Code entered into effect aimed at increasing the effectiveness of prevention and combating sexual abuse and sexual exploitation of children and child pornography, and strengthening the protection of the victims of these crimes. On November 5, 2017 a new text came into force in the Criminal Procedures Code in Art. 140 para. 5 according to which the interrogation of a minor and juvenile witness can be done by taking measures to avoid contact with the accused, in

Preventing THB & protecting victims

Further details on this project are provided in Annex 8.

Unlike other TFS projects, this project deals mainly with symptoms/ results, rather than underlying issues, which are complex and beyond the scope of the project, although there have been some efforts to understand push factors in different locations. Consideration of effectiveness therefore has to focus on how the project has improved the identification, return, protection, and reintegration of victims. The NCCTHB's crisis centre in Sofia can be clearly understood as a substantive, positive development, and TFS funding has temporarily increased the number of victims that IOM has been able help. However, in some areas limited information is available about outcomes.

Study visits in 2016 and 2017 by Bulgarian experts to Switzerland and Swiss experts to Bulgaria are reported to have **enhanced bilateral cooperation between Bulgaria and Switzerland**. Bulgarian police talked to Bulgarian workers in Switzerland to check for trafficking, and Swiss police were taken to Varna, from where many victims originate, to help them understand the 'push' factors behind trafficking. There was also an action week in Bern and Zurich in March 2018 involving bilateral police cooperation that **generated information for a JIT**. Enhanced bilateral cooperation was also supported by the work of the **bilateral working group that developed the bilateral guidelines on trafficked persons**.[66] The working group involved IOM, FIZ, KSMM (fedpol),[67] prosecutors, border police, the NCCTHB, the MLSP, and the General Directorate Combating Organized Crime, Ministry of Interior (GDCOC). However, one interviewee who participated in several project activities in Bulgaria and Switzerland was **not aware of the bilateral guidelines**.[68] As of 28 October 2018, the guidelines do not appear to be available on the English or Bulgarian versions of the websites of ANIMUS or the NCCTHB. This suggests that the **guidelines may need to be further/ better promoted**. Feedback from FIZ suggests that **promotion of the guidelines may have been overlooked** in the project plan. The ANIMUS public awareness campaign is considered by ANIMUS to have raised awareness of the risks of human trafficking and labour exploitation. **150 people responded in one week to its fake 'Green Caviar' job offer,** and this in turn led to significant media interest in the campaign. ANIMUS established a transit centre (a specialised programme of its existing crisis centre – different from the NCCTHB crisis centre) in order to better meet the special needs of victims of trafficking. **It is not known what difference the transit centre has made.** ANIMUS notes that the four-year duration of the project enabled it to consolidate its work and develop new ideas and approaches. This was particularly important for the effectiveness of its campaign to prevent labour exploitation. ANIMUS employed a market research company to evaluate the impact of its awareness-raising campaigns each year and adjusted subsequent campaigns accordingly (an example of good practice). ANIMUS notes that a summary of all evaluation results indicates the following:[69]

- Approximately 32% of the adult population were reached with campaign materials each year;
- More than two thirds of those surveyed who have seen the campaign materials indicate that their awareness and knowledge of the issue have increased;
- Approximately half say that the information is relevant for them and targets people like them, and they understand the risk of trafficking in human beings for exploitation;
- Two thirds say that the materials are informative.

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specially equipped rooms (the so-called blue room) or by videoconference, which in the pre-trial proceedings is held in the presence of a judge.

[66] ANIMUS/FIZ (undated), *Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons*, https://bit.ly/2z1Au58

[67] KSMM is the Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants, Fedpol. For further information on KSMM, see KSMM (November 2016), *Fact Sheet Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)*, https://bit.ly/2OMeTZ3

[68] ANIMUS/FIZ (undated), *Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons*, https://bit.ly/2z1Au58

[69] E-mail from ANIMUS to the review team, 03 December 2018.

However, there seems to be limited understanding of the effects or impact of campaigns in terms of changes in people's behaviour or changes in the phenomenon.

Similarly, research was undertaken into public recollection about a campaign to prevent trafficking for sexual exploitation. This includes an important conclusion about people having increased awareness of the risks of foreign job offers (one third of respondents). However, the document does not appear to link awareness with actual changes in behaviour or changes in labour exploitation trends.[70]

It would have been interesting to look at the groups who were most aware of various campaigns, and to look at the exploitation trends in those groups compared with other groups. It is possible that the people who were most likely to be aware of the campaigns already had greater awareness than other groups to begin with. If so, it is possible that the campaigns may not have been so successful in reaching and influencing some at-risk groups. Alternatively, it is possible that the groups whose awareness increased are exactly the most at-risk groups.

The NCCTHB notes that the **quality and scope of the services for protection and assistance of victims of trafficking in Bulgaria have improved**. The first specialised long-term residential service for adult victims of trafficking in Sofia was established in July 2017 with accommodation for 10 clients. The first specialised long-term residential service for child victims of trafficking (the Crisis Center for Children) was established in Sofia in July 2017 with accommodation for 10 people. This **doubled the NCCTHB's victim support capacity nationally** and established the first such services in Sofia. This is important, as this city offers the best opportunities for reintegration. The two services appeared to have been effectively merged into one, at least temporarily. The NCCTHB reports that the two services have **assisted 17 adult victims of trafficking and one child.**[71] Feedback from the centre indicates that **several victims have been successfully assisted to secure jobs and pursue higher education**. Funding constraints and lack of cooperation from some parents have **limited professional teaching of some children in the centre to just four hours per week**. The **effectiveness of the NCCTHB's prevention campaign is not known**. However, it is likely to have been enhanced by the mapping of vulnerable groups in several cities. The NCCTHB confirms that, at least **in Varna (a major source of victims), the local commission and NGOs have taken follow-up actions,** and in Sliven the findings will be incorporated into the next action plan. A significant outcome of the project is that the **government and NGOs are now cooperating to assist victims of trafficking,** which was challenging to begin with. Moreover, **the NCCTHB's profile is reported to have been strengthened** through its coordination of the project.

IOM has **supported 171 victims of trafficking with Swiss funding since 2015** (see Table 8).[72] 54% of these are male. 37% percent of these cases involved labour exploitation, 31% sexual exploitation, and 27% begging.[73] 90% were adults and 10% were minors. The main destination countries were: Spain (38), France (35), Sweden (21), Germany (11), and Portugal (8). IOM support includes return assistance, housing, economic empowerment, psychological and medical care, among other things. Thus people's lives have been improved. It is expected that improvements in the scope and quality of services to victims will reduce re-victimisation rates.

Table 8: Victims of trafficking supported by IOM Bulgaria with Swiss funding

Year	Female	Male	Total
2015	10	3	13

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[70] Noema (March 2018), *Level of Remembering the campaign for prevention of human trafficking for the purpose of sexual exploitation*.

[71] NCCTHB (September 2018), *Swiss-Bulgarian Cooperation in Identification and Long-term Assistance of Children And Adult Victims of Trafficking in Human Beings (NCCTHB Project) Short info-sheet*.

[72] IOM has supported additional victims with funding from other sources.

[73] The total number of victims classified by form of exploitation is 168, compared with 171 in Table 8, which gives the number of victims per year.

Year	Female	Male	Total
2016	32	35	67
2017	27	27	54
2018 (as of September)	10	27	37
Totals	79	92	171

Source: IOM Bulgaria

IOM notes that the **Ministry of Foreign Affairs and Bulgarian embassies are now cooperating actively in the return of victims of trafficking**, and Bulgarian embassies are proactively contacting IOM Bulgaria for assistance. There is also good cooperation between IOM and PORB.

2.3.1.3   Partnerships

The Criminal Police Main Directorate and the Academy of the Ministry of Interior both recognised that inputs from Swiss experts and visits to Switzerland were instrumental in drafting documents and technical specifications, and that the results (namely design and purchase of training facilities and equipment) could not have been achieved without the Swiss expertise and experience. The partnerships were established under the project and lasted during project implementation, but it is **not clear if partnerships will continue in the future**. However, the SCO points out that not all partnerships were planned to continue – they were instead intended to catalyse/ facilitate specific improvements.

The PORB notes **good cooperation with the Basel Institute on Governance** in the context of the money laundering component. In the context of the anti-trafficking activity, the **PORB engaged with KSMM, the Federal Department of Justice and Police, prosecution offices in Zurich and Bern, and FIZ.** The PORB also notes, however, that **three planned study visits to Switzerland did not take place** due to lack of engagement on the part of the envisaged Swiss partners, despite several approaches by the PORB and the SIB. The SCO points out that the reason for this was that **the requests of the PORB were not sufficiently well developed and the Swiss institutions were therefore reluctant to devote time to this.**

A new partnership was established between the MoJ and the IDE for the purposes of the Juvenile Justice project, but it is **unclear to what extent this will continue beyond the project** given the limited substantive outcomes over the project's six-year implementation, and the current lack of political commitment.

Good cooperation was established between the NCCTHB and Fedpol, and it is understood that this is continuing. ANIMUS continued its existing cooperation with FIZ in the development of the bilateral guidelines on trafficked persons.[74]

2.3.2   Conclusions on effectiveness

Case study projects have produced some important changes at project level (i.e. amongst those involved in project activities). However, while some follow-up research has been undertaken at project level, there is limited information about outcomes, or how these have been, or are expected to be, translated into wider changes amongst systems, institutions, and target groups. Swiss partners have made important contributions to the case study projects. In some cases these are new partnerships, and in other cases they are a continuation of partnerships that already existed. Not all partnerships are expected to continue. In one case (Juvenile Justice), it seems unlikely that the expertise and knowledge contributed by the Swiss partner will be fully exploited, at least in the medium term. Swiss support in the area of trafficking in human beings has led to system enhancements, and has increased the number of victims that could be supported during the project. The new facilities and equipment installed under the projects with the Police are tangible outcomes, made possible thanks to Swiss expertise, and have shown promising results in the first month(s) of use. However it

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[74] ANIMUS/FIZ (undated), *Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons*, https://bit.ly/2z1Au58

is difficult to predict future use and broader changes at institutional levels based on a few months of use at the time of evaluation.

2.3.3   Recommendations for enhancing the effectiveness of a potential future TFS

1.   The recommendations on relevance are also important for effectiveness (see 2.2.3).
2.   In order to enhance engagement by Swiss institutions and organisations in future, the fund manager should provide clear guidance for Bulgarian institutions regarding the expectations of Swiss institutions and organisations when they are approached for support and/ or partnerships by Bulgarian institutions. It is also important that Bulgarian institutions are guided to the most appropriate potential Swiss partners, as this may not always be clear, in view of the Swiss federal system. It is also important to involve Swiss institutions in the project development and design stages so that expectations and possibilities are clearly understood on both sides.
3.   There should be greater emphasis on outcomes during all project phases (project development, design, implementation, and follow-up). This means identifying more clearly what specific changes in performance, behaviour, etc. are expected and in which specific target groups or systems. Systematic monitoring and assessment of outcomes of key activities (changes/ impact) should be incorporated into project design, which means also considering how this will be done, by whom, and how much it will cost. This should be included in the budget. This is important to inform ongoing project implementation and future intervention design. This applies particularly to training, awareness-raising/ prevention campaigns, and new equipment (e.g. forensic equipment). A future TFS should provide systematic support to develop EAs' capacity in this area, and this is likely to require specialist expertise, for example in the area of human resource management, data analysis, etc. The EAs and SIB appear to have focussed primarily on activities and outputs in their monitoring activities. Ongoing outcome monitoring and assessment and reporting responsibilities should be clearly allocated between EAs and any future TFS manager.

2.4   Efficiency

2.4.1   Findings

2.4.1.1   *General organisation and management*

The SCO highlights the important role played by the SIB in concluding Activity Agreements with EAs, developing the project pipeline, ensuring that project proposals complied with SDC requirements, and ensuring that projects have been/ will be successfully completed.

Bulgarian stakeholders are mainly **highly satisfied with the collaboration with Swiss institutions and experts as well as with the SIB,** in terms of both content and efficiency. **The SIB was instrumental in identifying partners and establishing partnerships with Swiss institutions**, and in obtaining information during the course of implementation. The SIB was also perceived by Bulgarian stakeholders as **very responsive towards EAs in solving concrete issues**. However, there has possibly been unintentional **over-reliance on the SIB,** for example in developing project proposals that complied with SDC standards and in solving some issues, and the SCO suggests that this may also have had implications regarding project ownership.

The **Preventing THB & Protecting Victims EAs are highly critical of the performance of the SIB in the earlier stages of project implementation,** suggesting that there was a lack of understanding of the subject, micro-management, and mistrust of the EAs on the part of the SIB. Cooperation improved significantly following a change of counterpart at the SIB.

However, many Swiss partners report a **complicated structure, with many 'layers' and players involved**: the SDC, the SCO, and the SIB, Swiss project institutions, and Swiss project experts. Many interviewees in Switzerland have stressed the lack of overview of the TFS and how their work fitted in the broader picture.

Information provided by Swiss project partners and experts indicates that reporting lines and arrangements have varied significantly between projects (some experts in Switzerland prepared and submitted reports following activities to their respective agency in Switzerland, to the EA and / or to the SIB). These aspects have possibly contributed to a lack of use of data generated by project activities, which could have been used for internal evaluation during the implementation of the TFS and provided a solid basis for the final evaluation.

The SCO considers that the SIB has not been sufficiently responsive to its concerns (for example on the level of local representation in Bulgaria) and requests for information (for example on the outcomes of various activities). It also considers that the SIB has generally not fulfilled its expected TFS knowledge management role. This last point is to some extent reflected in feedback from Swiss partners. However, in the SIB's terms of reference, there is **no mention of knowledge management**.[75] One EA suggests that reporting requirements (monthly, quarterly, and project completion) are excessive, for example compared to European Commission requirements. **Given the lack of systematic information about project outcomes** (see 2.3)**, it could be questioned how useful these reports are.** The SIB's terms of reference (covering both Romania and Bulgaria) make one passing reference to monitoring, but there is no detail or explanation about what this means in practice. However, one point under Objective 2 does refers to '*Annual reports that allow to assess periodically the status of achievement of the proposed objectives…*', and the last point under Objective 2 is '*The financing, outcome and impact of the TF Security are adequately publicized in Romania resp. Bulgaria and Switzerland.'* These two points imply that **outcome monitoring and assessment were envisaged** but there is **no information about how it would be done, who was to be responsible** for different aspects of these tasks, or how they were to be incorporated into TFS management processes. The nine-page (2,600 words) terms of reference are surprisingly light on detail, considering this document covers two mandates (contracts) amounting to approximately CHF 4.8 million.

EAs are overwhelmingly in favour of maintaining the present TFS structure in future, with a management and financial structure that is independent of national programme management structures and systems. This is because the present structure to some extent avoids the complexity associated with national systems and it provides flexibility to overcome bureaucratic obstacles. However, two of the Preventing THB & Protecting Victims EAs do suggest that channelling Swiss funds through Bulgarian financial management structures (e.g. the MoI) could facilitate the availability of co-financing. In this context, it is interesting to note the approach of the EEA & Norway Grants: feedback from the Norwegian Embassy in Bucharest points out that there is minimal involvement of donor structures in operational aspects of the funding - an explicit aim of the donor is to reinforce national programme management capacities.

2.4.1.2   *Long implementation times*

Various factors have contributed to very long implementation times. It has been suggested that shorter implementation periods could have avoided some problems (e.g. Juvenile Justice).

Several EAs noted the **long delay between the development of project concepts and the start of project activities**. SDC points out that in order to ensure the inclusion of security/ justice projects in the Framework Agreement with Bulgaria, and the subsequent TFS, it was necessary to start with general concepts to save time. However, these needed to be developed much further before they could be funded. This in turn required a significant effort on the part of the SIB, since the **project proposals put forward by the EAs were generally of low standard.**

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[75] Author not given (11 April 2017), *Swiss-Romanian and Swiss-Bulgarian Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union – Security Fund – Terms of Reference for Fund Management Amended Version 11.04.2017*. Although the author is not mentioned in the terms of reference, the evaluators were informed by the SIB that they were prepared by the SIB at the request of SDC.

Several changes of government, and even more frequent changes at ministerial level (with accompanying changes in project teams), have **undermined the achievement of objectives** (e.g. Juvenile Justice has taken six years to complete) and continuity of project activities (Juvenile Justice, and workshops to develop a manual on human rights-based policing at the Academy of the MoI). The SIB notes that the weak link between project management and the EA leadership has also undermined achievement of objectives and contributed to delays. It reports that this has been highly disruptive in hierarchical institutions, such as those typically designated as EAs under the TFS.

Turnover of staff participating in project activities hindered the continuity of activities: this was particularly the case in the workshops to develop a manual on human rights-based policing at the Academy of the MoI in Sofia (this was stressed by the Swiss expert but was apparently not an issue on the Bulgarian side).

Challenges and delays resulting from long and complicated procurement processes were not anticipated. This is especially the case with procurement of the automated plate recognition / camera system under the Stolen Vehicles project. The PORB had wanted to work with a specific NGO but was advised to apply Bulgarian public procurement law and there was thus no guarantee that the PORB would be able to work this NGO, as price would have been the determining factor. As a result, the relevant expert had to be contracted directly by the SIB. One Bulgarian stakeholder considers that difficulties with Bulgarian public procurement law delayed the project by one or two years.

While the SCO notes that Bulgarian law and practice permit additional payments to civil servants for working on projects, feedback from EAs is that **Bulgarian law is unclear on the status of state employees working on projects if this type of work is not included in their job descriptions**. They are not remunerated for the time they work on projects, and this is often not recognised as a positive contribution to the development of their institutions. They are often expected to take on project responsibilities without any reduction in their regular workload. At the TFS evaluation debriefing meeting on 19 October, it was noted that **this issue is a contributory factor to project delays in general**. The PORB pointed out (during a different meeting) that because of the heavy workload experienced by key staff over the **protracted implementation of the Organized Crime project**, it was **unlikely that these experienced staff (all full-time prosecutors, apart from the project coordinator) would be willing to support any future project**. The project had just one person dedicated full time to project coordination, which was perhaps insufficient for the coordination of such a complex project. That person was contracted directly by the SIB. According to the SIB, there was a mechanism through which the PORB was able to claim 'some incentive remuneration' but this only applied to a few people because the number of people in the PORB's project team in practice significantly exceeded the number indicated in the budget.[76]

The SIB points out that the entire management team of the NCCTHB was selected with the help of the SIB, and contracted for the duration of the project by the NCCTHB and paid from project funds. However, this is different from asking existing state employees to work on projects that are not in their official job descriptions. The NCCTHB staff were contract staff hired for a fixed period specifically to work on the project. Moreover, reliance on the donor to pay for national staff working on projects could imply systematic transfer of national payroll responsibility to the donor, and could undermine national ownership.

Bulgarian stakeholders reported that **implementation and financial rules to be followed under the TFS were not clear from the start** and time was required for the EA to understand them. This might also have caused some of the delays and project extensions (reported by the MoI). The SIB points out that guidelines and templates were made available to the EAs at the start of their projects. However, this does not automatically mean that everything was clear to EAs from the outset. The SIB suggests that TFS rules did not contribute significantly to delays, implying that the responsibility lies exclusively with EAs.

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[76] Email from the SIB to the lead international evaluator (27 November 2018).

2.4.1.3   Cost-effectiveness

The long time that elapsed between the development of project concepts and project completion implies **increased management overhead costs**, especially in the case of the SIB.

Documents produced by two projects do not appear to have been well disseminated/ utilised (Preventing THB & Protecting Victims bilateral guidelines, report by the Bulgarian Helsinki Committee under the Human Rights Policing project).[77] [78] The SIB points out that the former was only printed in September and the latter was an internal document. **The cost effectiveness of new training methodologies and curricula will be undermined** if they are not properly institutionalised and regularly used and updated (Juvenile Justice, Organized Crime, Preventing THB & Protecting Victims). **Overall, the Juvenile Justice project, as it currently stands, represents poor cost effectiveness:** project outputs are being used to a limited extent; project benefits have limited sustainability; and a significant outcome was not achieved (change in legislation), despite significant work.

Procurement savings were reported in relation to the Stolen Vehicles project and the Preventing THB & Protecting Victims project. Savings in the case of the former will be used to procure additional equipment. This flexibility was very much appreciated on the Bulgarian side (e.g. this should be done under the tracking stolen vehicles project if time allows). **However, some CHF 200,000 savings in the case of the Preventing THB & Protecting Victims project were reallocated to the SIB** rather than to the renovation of new facilities for victims of trafficking, as proposed by the NCCTHB.[79] This is reported to have caused tension. The SIB points out that the **NCCTHB's utilisation rate was (and remains) very low** and that there was no possibility that this funding would have been used. At the same time, the heavy demands of other projects led to the SIB cost extension, and it therefore made sense to reallocate the funding in this way.

Several EAs suggest that **cost-effectiveness could be enhanced by establishing a significantly stronger SIB presence in Bulgaria, and reducing the scope of SIB functions performed in Switzerland, thereby reducing the need for SIB travel between Switzerland and Bulgaria.** This would reduce TFS management costs and would enhance overall efficiency and effectiveness by providing more systematic in-country support equipped with detailed knowledge of Bulgarian rules and regulations (e.g. on public procurement).

The NCCTHB and IOM note that the **timing of funding instalments from the SIB has created financial difficulties**. IOM suggests that it has interrupted the effective functioning of the NRM. It is understood that although they received an advance, it took longer than expected for this to be replenished. The SIB suggests that any difficulty was due to the EAs' cash flow management.

Swiss partners reported **complicated financial structures and procedures**, leading to delays in reimbursement of expenses. This aspect should be simplified if a second TFS is to be implemented.

2.4.1.4   Organisation of activities

The survey includes two questions on the format and organisation of training, workshops, study visits, etc.:

- Question 6. Overall, how effective was the format of the activities? (99 responses)
- Question 7. Overall, how effective was the organisation of the activities? (100 responses)

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[77] The SIB points out that the review of the National Referral Mechanism assessment and documents produced by ICMPD are available on websites, including that of the ICMPD.

[78] In its comments on the draft of this report, the SIB states: *'The Helsinki Committee report was an internal report intended to support the drafting of the Human Rights and Policing Training Manual and is not a public document. The Human Rights Manual was itself produced in 3000 copies and became the official training manual of the academy.'*

[79] As noted elsewhere in this report, the NCCTHB's currently merged adult/ child centre in Sofia informed the evaluators that some children receive only four hours of formal teaching per week due to funding constraints.

The responses are summarised in **Error! Reference source not found.** below. A large majority of respondents answered with a '5' or a '4', where '5' indicates 'Very effective' and '1' indicates 'Not at all effective.' Thus respondents were well-satisfied with the format and organisation of these activities.

Figure 2: Survey – format and organisation of training, workshops, study visits, etc.
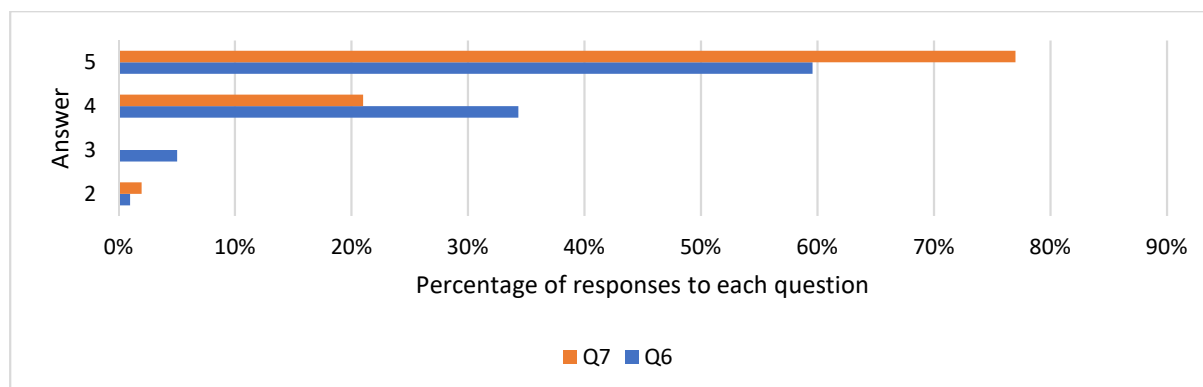
2.4.1.5   Steering Committee

The Steering Committee seemed reluctant to engage in critical analysis of the points raised by the evaluators at the debriefing, including the role and performance of the SIB, possibly because of concerns that this might jeopardise future Swiss cooperation and funding. **Membership of the Steering Committee appears to be comprised primarily of EAs**, all of whom seem to be represented on the committee. In view of this, it is perhaps **unrealistic to expect Steering Committee members to initiate or engage in strategic discussion that could have implications for their future access to TFS funding**. Moreover, the SIB has the pre-eminent role in the management of the TFS, including the management of the Steering Committee, and this **may undermine the independence of the committee with respect to the SIB**.

2.4.1.6   Swiss visibility

All of the Bulgarian stakeholders interviewed by the evaluators were clearly perfectly aware of the source of project funding. However, it is not known to what extent there is wider awareness of Swiss TFS funding in Bulgaria. The SIB seems to have had a higher profile amongst EAs than the SCO in Bulgaria and some stakeholders suggest that an enhanced SDC presence in Bulgaria would contribute to enhanced effectiveness – this would also support enhanced SDC visibility.

The SIB points out that Swiss funding has not been sufficiently publicly acknowledged by Bulgarian actors. For example, in an article published on 25 October 2018 that reports on public comments made by the Mayor of Sofia about the NCCTHB's two crisis centres, there is no reference to Swiss support in the Mayor's reported statement.[80]

2.4.2   Conclusions on efficiency

While recognising the **considerable achievement of the completion of all TFS projects**, there is **significant room for improving the efficiency of a future TFS**. The **TFS management allocation had to be increased by 34%** in order to take account of the unexpectedly high demands placed on the SIB. Ultimately, TFS **management costs have accounted for 19% of the entire TFS budget** (see Table 10 in Annex 4). The **SIB has played a critical role** in ensuring the implementation and completion of the TFS projects and EAs are highly satisfied with the support provided by the SIB, including identification of Swiss partners. However, the set-up of the TFS appears to have led to a situation where the SIB was expected to address many issues that

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[80] Novinite.com (25 October 2018), *Crisis Centre for Child Victims of Human Trafficking to Open Doors in Sofia in 2019*, https://bit.ly/2RJfqIR

might reasonably have been considered the responsibility of Bulgarian actors (e.g. revision/ fine-tuning of project proposals to meet SDC standards). Given the significant challenges encountered in launching and implementing projects, it is perhaps not surprising that there has been an **emphasis on implementing activities while little is known about outcomes** (i.e. the purpose for which funds have been provided).

Various factors have contributed to **long implementation times**, including several **changes of government** and **more frequent changes at ministerial level**, together with **changes in project teams** and **turnover of staff** participating in project activities. **Bulgarian procurement processes were unexpectedly long and complicated**. Employees of Bulgarian state institutions generally have to **undertake project work on top of their regular duties**, which take precedence, and this has possibly also contributed to delays. Moreover, despite the availability of TFS performance incentives, it appears that Bulgarian civil servants often do not receive any/ enough payment for the additional work they undertake in the context of projects.

Limited institutionalisation of new methodologies and curricula may undermine cost-effectiveness. One project (although completed) has fallen well short of the expected outcomes, and this has to be considered as having low cost-effectiveness.

2.4.3   Recommendations for enhancing the efficiency of a potential future TFS

Efficiency recommendations relate to the management set-up of a possible future TFS. This will be addressed further in the Module 3 report, which is also informed by: the results of the Module 1 evaluation (Romania); a review of case study project reports from several other countries; and meetings with strategic Swiss stakeholders. The efficiency recommendations presented here are therefore preliminary and may be superseded by Module 3 recommendations.

1. Stakeholder feedback indicates that it would be desirable to continue to provide funding directly to EAs via a dedicated fund management structure (Bulgarian or Swiss, or a Bulgarian-Swiss partnership), rather than to use state structures and processes.
2. The NCU should advocate for clarification of Bulgarian law to ensure that work by employees of state institutions done on projects is recognised and remunerated as part of their work. The regular workload of staff working on projects should be reduced accordingly, or they should be paid overtime for taking on project responsibilities in addition to their regular workload.
3. The NCU should analyse the impact of public procurement law on project implementation and should suggest clarifications/ adjustments. Where executing wish to work with specific Bulgarian partners (as in the case of the PORB) it would be advisable for those partners to be included from the start as an integral element of project design in order to avoid encountering difficulties with public procurement processes at a later stage. Also funding would need to be allocated to the activities all partners in the project design.
4. The role of a possible future fund management structure should be more limited. In particular, it should explicitly exclude the preparation or editing of project documentation, which should be the role of EAs. Rather than doing this for EAs, a future fund manager should instead focus on providing systematic capacity-building support on this and other project management issues (e.g. assessment of, and reporting on, outcomes).
5. A future fund management structure should incorporate a Bulgarian institutional partner, such as a non-governmental organisation (NGO) or consulting firm, to facilitate coordination and communication, and provide systematic capacity building on the theory of change, project design, monitoring and analysis of outcomes, etc. but this should exclude preparation or editing of project documentation. The scope of fund management functions performed in Switzerland should be reduced, thereby reducing the need for SIB travel between Switzerland and Bulgaria.
6. It is likely that there will still be a need for some kind of presence in Switzerland to facilitate partnerships between Bulgarian and Swiss institutions, among other things. This function could be performed by an entity or individual independent of the fund management structure.

7. The roles and responsibilities of key actors should be more clearly defined, and there should be clearer lines of communication. This includes the SDC, the SCO, the future fund manager, and the Steering Committee. The national authorities should be responsible for convening the Steering Committee and providing the secretariat.

2.5   Sustainability

2.5.1   Findings

Sustainability can be considered at two levels. Firstly, short-term sustainability relates to continuing benefit from project outputs and outcomes. Secondly, strategic sustainability relates to the capacity of institutions and systems to continue to build on project outcomes, and the development of capacity to identify and address continuous incremental development needs in a strategic way. **Short-term sustainability is generally good but strategic sustainability is doubtful**. Some aspects of strategic sustainability could perhaps have been better addressed by the TFS (e.g. ensuring that the NIJ was involved as a central player in the development and delivery of new training curricula). However, strategic sustainability is largely outside the influence of the TFS, as the underlying constraints are related to the context in which the TFS operates in Bulgaria (e.g. changing justice sector priorities, and high levels of staff turnover).

Use of new cameras (Stolen Vehicles project) has **generated more fines for the Traffic Fund, which can be used for further equipment and infrastructure development**.[81] The system has been in the testing phase since 08 September 2018 and it is too early to really assess sustainability, however the prospects are good. **This project has also inspired other projects** (e.g. an EU-funded border control project).

The Human Rights Policing project led to more internal discussions on human rights in police practices in Bulgaria. **Changing perceptions on this issue will take time but the police officers and lecturers from the Academy of the MoI consider that the process has started**. Existing training materials (police tactics, police law, etc.) have been updated using the information from manuals produced by the project. There have been many requests from within the National Police to use the new Polygon. The Polygon is innovative and will help to maintain and increase the quality of education at the Academy of the MoI.

The PORB notes that the leadership training implemented during the Organized Crime project has been further **disseminated by those who took part in it, and that networks established during the training continue to be active**. The PORB notes that the National Institute for Justice (NIJ) has expressed interest in 'taking further' the PORB's leadership and applying it to the court system. However, it is **not clear to what extent there have been further developments in institutionalising the training, or how frequently this type of training, including refresher training, will be repeated for prosecutors**.

Stakeholder feedback (Juvenile Justice project) indicates that the train-the-trainers concept did not work because the trained trainers did not have any opportunity to conduct training for others. The training has also not been institutionalised by the NIJ. Judges interviewed do not know why, but suggest that perhaps the project should have involved the NIJ more. Thus there is **still no system to ensure that all professionals involved in juvenile justice and the judiciary** *'receive appropriate training organized in a systematic and on-going manner'*.[82] Staff turnover in courts, the prosecution service, police, and social services means that **benefits of the training will be lost over time unless the training is properly institutionalised**. The **physical sustainability of the Blue Rooms is reported to be good**, since this concept was already well-established in Bulgaria. They are located in social services or municipal buildings and it is reported that running costs will be

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[81] In the UK the use of traffic fines as a possible source of funding is a contentious issue. See for example YouGov UK (06 November 2015), *Should Speeding Motorists Pay for the Police?*, https://bit.ly/2FfAy3T

[82] Institut International Des Droits De L'enfant and the Ministry of Justice of the Republic of Bulgaria (03.07.2014), *Gap Analysis of the Bulgarian Juvenile Justice System*, p46, https://bit.ly/2PmUE3F

covered by courts. However, they have been **little used to date (with the exception of Varna) and this must throw their longer-term sustainability into doubt**.

The <u>Preventing THB & Protecting Victims</u> project (2015-2018) incorporates the third round of Swiss funding for IOM Bulgaria. There is no sustainability in the sense of solving the issue, as trafficking in different forms seems likely to continue indefinitely, regardless of the actions of a single country to address the problem. The sustainability of the project therefore has to be assessed in terms of (1) the sustainability of positive outcomes for the victims that have been supported, (2) the sustainability of services and structures developed and enhanced with project support, and (3) the sustainability of national and international networks. **Information about the sustainability of service user outcomes is not available.** It is **impossible, on the basis of the available information, to assess the sustainability of the training organised by the three EAs**: it is unclear to what extent sustainability will be affected by personnel changes, and it is unclear to what extent training has been institutionalised (i.e. if any institution(s) in Bulgaria are able to fulfil ongoing training needs in this area). Training of trainers does not appear to be mentioned in the 55-page credit agreement, and it does not appear to have been carried out by the three EAs.

As planned, **the NCCTHB has acquired its own facilities for the shelters**. **The municipality of Sofia will fund the running of the shelters** and this has already been included in the municipality's budget for 2019. However, the current set-up of the shelters appears to be very fluid (currently merged in one residential building), and it is **possible that sustainability will be ensured in a way that differs from what was initially envisaged**. Important project outputs will help to **maintain the quality and effectiveness of the NRM and the NCCTHB's two new long-term victim support shelters in Sofia**.[83] The sustainability of the training provided in Austria is unclear since the **trainees were not staff of the NCCTHB, but of the NGOs contracted to run the NCCTHB's two long-term residential centres for victims of trafficking**. Moreover, at the time of the evaluation, the two centres had been temporarily merged and it is understood that there was **just one person working there who had participated in the training**. The NCCTHB has, however, organised additional training in Sofia and has engaged the persons running its existing shelters on the Black Sea coast to train staff at the new shelter(s) in Sofia.

According to the NCCTHB, Swiss funding is the only international source of funding for the protection and reintegration of victims of trafficking in Bulgaria. While IOM does receive funding from other sources, its **capacity will be reduced when the project finishes, and ANIMUS notes that the end of Swiss funding poses a significant challenge to the continuation of its labour exploitation awareness-raising work**.

A review of EU-Phare and Transition Facility project fiches suggests that similar support has already been provided in the past (see Annex 5). While TFS support may not be direct repetition of previous support, this situation does point to **continuing long-term structural sustainability issues and reliance on external support**. EEA & Norway Grants support has also been provided in some of the same areas in recent years.

Of the 78 survey responses received to the question, 'To what extent are you still using the new knowledge and skills in your work?' 85% responded with a '4' or a '5', where '5' indicates 'Very much', and '1' indicates 'Not at all'. Thus a large **majority of respondents are still, to a large extent, using new knowledge and skills** gained during participation in TFS training, workshops, study visits, etc.

2.5.2   Conclusions on sustainability

The **prospects for sustainability are mainly good in the short-term**. However, sustainability is likely to be **undermined in the longer term** by: continuing frequent leadership and personnel changes, which imply changing priorities and loss of experience; lack of a strategic approach to addressing sector development

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[83] These include: a methodology for the supporting child victims of trafficking in the Crisis Centre; the NRM assessment methodology developed by ICPMD; the case monitoring template; and the bilateral guidelines on trafficked persons, which the NCCTHB considers can be easily adapted for use with other countries.

needs and the requirement for continuous incremental improvement; and limited institutionalisation of key outputs. The long history of international support in the area of security and justice, much of it closely related to the subjects covered by the TFS, suggests that there is likely to be a need for support in these areas for some time to come to meet institutional 'maintenance' requirements and more strategic development needs.

2.5.3   Recommendations for enhancing sustainability in future

1. The experience of the Juvenile Justice project suggests that improved risk analysis and risk mitigation strategies when projects are developed would be highly desirable.
2. Project proposals should incorporate actions for institutionalisation of project outputs such as new training methodologies and curricula. Institutions such as the NIJ should be involved in project design and delivery to ensure that this happens.
3. Systematic involvement of academic institutions and NGOs in research would help to assess baselines, validate changes and identify new trends and risks.
4. The recent end of project conference of the Preventing THB & Protecting Victims project is a good example of providing visible and official endorsement of project outputs and performance and system changes. Such an approach would have been especially useful for the sustainability of other case study projects, such as Juvenile Justice, Organized Crime, and Human Rights Policing.
5. The NCCTHB notes that policy work should start early during project implementation in order to ensure that this work can be fully supported by the project until the policy is complete.

2.6   Swiss added value

Swiss and Bulgarian stakeholders identify a range of areas in which Swiss experience, approaches, and specific expertise are considered particularly helpful and useful in the context of the TFS:

- Cooperation with Switzerland in the area of human trafficking is not covered by EU funding. Swiss funding enabled knowledge and cooperation gaps to be filled. Cooperation with Switzerland is more intensive than with other countries.
- The NCCTHB reports that Switzerland is currently the only international source of systematic funding for the protection of victims in Bulgaria.
- Swiss cooperation is flexible, pragmatic and open-minded. Swiss institutions are open to discussion, and to showing how they work, even in the justice and security sectors.
- There are often differences between the approaches in different Swiss cantons and regions; the federal system in Switzerland offers a variety of approaches. This, combined with modest administrative requirements, is helpful to partner countries in further developing their systems.
- The Swiss juvenile justice system is restorative, and mediation with children in criminal proceedings is fully integrated.
- Know-how exchanges:
    - Switzerland has brought internationally-recognised expertise, in particular from the Basel Institute on Governance / International Center for Asset Recovery.
    - Swiss partners have brought practice-oriented approaches to Bulgaria (e.g. Human Rights Policing).
    - The Bulgarian Police note that Swiss expertise and experience were essential in drafting technical specifications for procurement and other documents.

2.7   Benefits to Swiss partner institutions

Swiss stakeholders identified several areas in which Swiss institutions are benefiting from their participation in the projects of the TFS in Bulgaria:

- Swiss partners have shown lot of interest in their involvement in projects in Bulgaria, including some almost doing it on a voluntary basis (e.g. IOM Bern in Animus project, FIZ to continue to promote guidelines on their own budget beyond the project phase).
- Networking and exchange of experiences has been highlighted as one of the most valuable benefits to Swiss institutions and practitioners (study visits, meetings). In the case of Preventing THB & Protecting Victims, Swiss Police were able to see push factors in Varna.
- Swiss institutions increased their knowledge and understanding of the reality in Bulgaria, which is essential in areas such as investigating human trafficking in Switzerland, and when working on the return of victims of trafficking.
- Preventing THB & Protecting Victims project activities supported/ inspired prevention activities in 2016 and 2017.
- The experience of PORB (see 2.3.1.3) demonstrates that EAs must make a clear and compelling case to potential Swiss partners.
- Supporting security and justice projects also brings increased visibility for Swiss institutions internationally and this was pointed out by the Savatan Police Academy. Its experts interviewed are highly motivated to contribute to international cooperation projects, but would appreciate feedback on their involvement and contribution in order to learn and improve in the future.

2.8   Main country level recommendations

1. A more strategic approach to the identification and prioritisation of security and justice needs in Bulgaria would facilitate planning for a future TFS. While strategic planning in these areas is not the responsibility of the **NCU**, it could perhaps promote and facilitate a more strategic approach with regard to the planning of a future TFS.
2. There should be greater emphasis on outcomes at all stages (changes in the performance or behaviour of target institutions, systems, or groups). Expected or desired outcomes should be clearly identified at the planning stage, and data on actual outcomes should be systematically collected during implementation, analysed, and reported in project and programme reports.
3. In the event that a future Swiss Contribution TFS in Bulgaria continues to channel funds through a fund manager, it is recommended that **SDC** limit the role of such a body. In particular, it is recommended that the following are specifically <u>excluded from its remit</u> as it appears there may have been over-reliance on the SIB under the current TFS:
    a. Preparation and editing of project documentation, budgets, etc.
    b. Coordination of the Steering Committee and provision of its secretariat.
4. While the role of the Switzerland-based SIB has been essential in facilitating contacts and partnerships between Swiss and Bulgarian institutions and organisations, it is recommended that **a future fund manager** incorporate a Bulgarian institutional partner (e.g. an NGO or consulting firm) to facilitate coordination and communication locally, to perform some management tasks, and to provide systematic capacity building in the areas of project design, management, and outcome assessment. The scope of fund management activities undertaken in Switzerland should be reduced accordingly. It is likely that there will still be a need for some kind of presence in Switzerland to facilitate partnerships between Bulgarian and Swiss institutions, among other things. This function could be performed by an entity or individual independent of the fund management structure.
5. It is recommended that the terms of reference for a future fund manager or intermediate body provide greater detail on key aspects of its role and responsibilities (e.g. regarding outcome monitoring and assessment, among other things).
6. It should be ensured that EAs fully understand Swiss funding rules and procedures from the start. The SIB did provide financial guidelines, project manuals, guidelines for the use of the logo, reporting templates etc. at the first Steering Committee meeting, but it seems that they may not have been clearly understood at the time.
7. It is recommended that the **NCU** and the **SDC/ SCO** ensure that the roles and responsibilities of different actors in a future TFS are more clearly defined, as well as the lines of communication.

8. The experience of the Juvenile Justice project suggests that the risks and objectives of projects aiming to develop legislation and policy should be more thoroughly assessed before funding is committed.

9. It would be highly desirable to reduce the time between project concept development and project start, and also to reduce project implementation time, for example by limiting the use of no-cost extensions to exceptional circumstances. Multiple factors are involved and improvements will involve dialogue between the **SDC**, the **NCU, EAs**, the **fund manager and potential Swiss partners**.

10. The **NCU** should advocate for the status of staff of Bulgarian state institutions who work on projects to be clarified. In particular, their institutions should remunerate them for their work on projects, and their other responsibilities/ workload should be reduced accordingly.

11. Project proposals involving the introduction of new training methodologies or curricula should incorporate activities to ensure that they are properly institutionalised, reused, and adapted and updated as necessary. This may mean involving additional project partners, such as the NIJ. This should be assured by the **NCU** and a **future fund manager**.

Annexes

Annex 1.   List of stakeholders consulted

In addition to the Steering Committee, representatives of the following institutions, bodies, and organisations were consulted in Bulgaria and Switzerland for the Module 2 Evaluation. Some consultations were undertaken via Skype or telephone.

Project	Stakeholders in Bulgaria	Stakeholders in Switzerland
General	• SCO • Ministry of Interior, International Projects Departments • Former Deputy Minister of Interior	SDC Swiss Intermediate Body
Stolen Vehicles	• Deputy Director of National Police • Criminal Police Main Directorate of the Minister of Interior • Project manager and expert • International projects division • Data center • Traffic Police • Chief	Cantonal Police Neuchatel
Human Rights Policing	• Academy of the Ministry of Interior: • Rector • Dean of the Faculty • Project manager and staff involved • Trainers who drafted the manual • Instructors who use the manual • Trainees trained on the manual / using the Polygon • Polygon training facility • Bulgarian Helsinki Committee	Savatan Police Academy

Project	Stakeholders in Bulgaria	Stakeholders in Switzerland
Juvenile Justice	- Deputy Minister of Justice - Ministry of Justice project team - Former project manager - Judge/ Former Deputy Minister of Justice - UNICEF - Institute for Social Activities and Practices - Judges from Varna pilot chambers - Representative of Varna police - Representative of Varna Child Protection Service	IDE
Organized Crime	- Prosecutor's Office of the Republic of Bulgaria (prosecutors responsible for project management and implementation) - Prosecutors – participants in the leadership development programme - External leadership development trainer - Center for the Study of Democracy	Federal Office for Justice Federal prosecutor Basel Institute on Governance / International Center of Assets Recovery
Preventing THB & Protecting Victims	- National Commission for Combating Trafficking in Human Beings (Executive Secretary and members of the project team) - Crisis Center of the National Commission for Combating Trafficking in Human Beings - Police Organised Crime Directorate, Anti Trafficking Unit - United States Embassy - ANIMUS - IOM - Former NCCTHB project manager - Manager of a shelter in Burgas	Fedpol FIZ IOM Bern

Annex 2.   List of documents reviewed

Programme documentation

- Framework Agreement Between The Swiss Federal Council and The Government of The Republic of Bulgaria Concerning The Implementation of The Swiss-Bulgarian Cooperation Programme to Reduce Economic and Social Disparities Within The Enlarged European Union

- Annex 1: Conceptual Framework of the Swiss-Bulgarian Cooperation Programme
- Annex 2: Rules and Procedures for the overall Swiss-Bulgarian Cooperation Programme
- Annex 3: Rules and Procedures for Projects
- Annex 4: Rules and Procedures for Thematic Funds and Special Projects
- Annex 5: Rules and Procedures for the Project Preparation Facility and The Technical Assistance Fund
- The Swiss - Bulgarian Cooperation Programme Thematic Fund Agreement for the Security Fund Hereinafter Referred to As "Security Fund Agreement" Between The Swiss Agency for Development And Cooperation (SDC) of The Swiss Confederation And The Monitoring of EU Funds Directorate of The Council of Ministers of The Republic of Bulgaria, as The National Coordination Unit (NCU) And The Ministry of Interior of The Republic of Bulgaria, And The Ministry of Justice of The Republic of Bulgaria, And Prosecutor's Office of the Republic of Bulgaria on The Grant for The Security Fund To Be Implemented During The Period 27th of July, 2011 – 31st of May, 2019
- Thematic Fund Security Annual Reports 2015, 2016, 2017

- Project documentation
    - Credit proposals
    - Logframes
    - Project proposals
    - Budgets
    - Monthly, quarterly, annual and final reports
    - Documentation produced under projects:
        - Training manuals
        - Studies
- Swiss-Romanian and Swiss-Bulgarian Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union – Security Fund – Terms of Reference for Fund Management Amended Version 11.04.2017

In addition to the above-mentioned programme documentation, the following documents and websites were referred to:

- Active Citizens Fund
  https://www.activecitizensfund.bg/public/portfolios/view.cfm?id=30.

- ANIMUS/FIZ (undated), *Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons*
  https://bit.ly/2z1Au58

- Author not given (11 April 2017), *Swiss-Romanian and Swiss-Bulgarian Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union – Security Fund – Terms of Reference for Fund Management Amended Version 11.04.2017.*

- Author not indicated, *Operational Programme "Good Governance"2014—2020*
  https://bit.ly/2P2Pk16

- Bulgarian-Swiss Cooperation Programme (05April 2017), *Swiss-Bulgarian cooperation on identification and long–term assistance of children and adult victims of trafficking in human beings* https://bit.ly/2OLhliB

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Annex 3. SDC Assessment grid

Assessment grid for evaluations of SDC projects/programmes

Key Aspects based on DAC criteria		Score (choose only one answer for each question)	Justification - compulsory (please write a short explanation with the main points and refer to the chapter(s) where the information that justify your assessment can be found)
Assessment of relevance			
1. The extent to which the objectives of the SDC projects/programmes are consistent with the demands and the needs of the target groups (incl. gender-specific requirements).	☐ ☒ ☐ ☐ ☐	*Very good: Fully consistent* *Good: Largely consistent* *Poor: Only partly consistent* *Bad: Marginally or not at all consistent* *Not assessed / Not applicable* [1]	Immediate target groups are mainly state institutions. Projects are mainly relevant to their needs. Gender is not a prominent concern, with the exception of trafficking, where it is directly linked to different forms of exploitation that anti-trafficking activities aim to protect against.
2. The extent to which the objectives of the SDC projects/programmes are consistent with the demands and the needs of partner country (institutions respectively society) as well as the sector policies and strategies of the partner country	☐ ☒ ☐ ☐ ☐	*Very good: Obvious consistency with demands and needs of society and in line with relevant sector policies and strategies*[2] *Good: Consistency with demands and needs of society and in line with relevant sector policies and strategies* *Poor: Consistency with demands and needs of society not visible but in line with relevant sector policies and strategies* *Bad: Not consistent* *Not assessed / Not applicable* [1]	Overall, TFS activities correspond to the demands and needs of Bulgaria. However, although the Juvenile Justice project addresses international juvenile justice principles, it does not appear to have the full support of the present government.
3. The extent to which the design of projects/programmes is adequate to achieve the goal and objectives (definition of target groups; choice of approach and operational elements; articulation of components; choice of partners; consistency with SDC policies and experiences).	☐ ☒ ☐ ☐ ☐	*Very good: Fully adequate* *Good: Largely adequate* *Poor: Only partly adequate* *Bad: Marginally or not at all adequate* *Not assessed / Not applicable* [1]	Project design supports achievement of immediate objectives, although the two justice projects are rather complex and in one case possibly over-ambitious in view of frequent changes of political leadership (with the benefit of hindsight)
Assessment of effectiveness			
4. The extent to which the planned objectives at <u>outcome</u> level have been achieved taking into account their relative importance. If possible, distinguish the quality and quantity of results achieved.	☐ ☒ ☐ ☐ ☐	*Very good: Fully achieved or overachieved* *Good: Largely achieved* *Poor: Partly achieved* *Bad: Marginally achieved* *Not assessed / Not applicable* [1]	Stakeholder feedback suggests that immediate outcomes are likely to be achieved but there is no outcome monitoring data to validate this. Outcomes are likely to be less than expected in the case of one project due to lack of political support.
	☐ ☐ ☐	*Very Good: Strong evidence of contribution* *Good: Evidence of contribution* *Poor: Few evidence of contribution*	There is little evidence of poverty reduction. In theory, most projects contribute to poverty reduction. Two

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[1] This category applies a. if the ToR of the evaluation explicitly exclude the assessment of the criteria and/or of the key aspect(s) or b. if there is no information available to assess the criteria.
[2] The policies and strategies should not be in opposition to the needs of the society (applies mainly in governance and human rights).

| 5. The extent to which the projects/programmes contribute to poverty reduction, inclusion and/or reduction of vulnerabilities.[3] | ☐
☒ | Bad: No contribution
Not assessed / Not applicable [1] | projects address this more directly, but a change in focus of one of these means that it will not have the expected outcome. |

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[3] Dimensions for consideration are: a) economic (income and assets); b) human capacities (health, education, nutrition); c) ability to take part in society (status and dignity); d) political capacities (institutions and policies); e) resilience to external shocks.

6. The extent to which the outcomes achieved contribute to improved governance from a system perspective.[4]	☐ *Very good: Strong evidence of contribution* ☒ *Good: Evidence of contribution* ☐ *Poor: Few evidence of contribution* ☐ *Bad: No contribution* *Not assessed / Not applicable* [1] ☐	All case study projects contribute to systemic governance and institutional culture improvements. However, it is unclear to what extent project benefits will be fully institutionalized and lead to permanent changes in institutional culture. One of the justice projects will not make the expected contribution to governance due to frequent changes in political leadership and lack of political support.
7. The extent to which the outcomes achieved contribute to gender-specific results.	☐ *Very good: Strong evidence of contribution* ☐ *Good: Evidence of contribution* ☐ *Poor: Few evidence of contribution* ☐ *Bad: No contribution* ☒ *Not assessed / Not applicable* [1]	With the exception of anti-trafficking activites, there is little evidence of gender-specific results. SDC notes that gender mainstreaming was not a strategic principle of the Swiss Contribution.
Assessment of efficiency		
8. The extent to which the relation between resources (mainly financial and human resources) and time (e.g. delays compared to planning) required and results achieved is appropriate (Cost-benefit ratio - CBR).	☐ *Very good: Positive CBR based on a cost-benefit analysis (CBA)* ☒ *Good: Positive CBR, based on qualitative justification* ☐ *Poor: Poor CBR, based on qualitative justification* ☐ *Bad: Bad CBR demonstrated* ☐ *Not assessed / Not applicable* [1]	The SIB succeeded in ensuring that the TFS was completed despite significant challenges, mainly relating to institutional capacities and procedural matters in Bulgaria. However, this meant that the financial allocation to TFS management had to be increased and it eventually accounted for approximately 20% of the TFS budget. A lot of resources were invested in one project that will fall well short of its expected outcomes. In two cases, project outputs do not appear to have been well disseminated/ utilized so far.
9. The extent to which the approaches and strategies used by the SDC projects/programmes are considered efficient (Cost-efficiency).	☐ *Very good: Highly efficient* ☒ *Good: Efficient* ☐ *Poor: Partly efficient* ☐ *Bad: Not efficient* ☐ *Not assessed / Not applicable* [1]	The SIB has been a key feature of the TFS. Without the SIB, TFS results and outcomes would likely have been signficiantly constrained. However, this has also meant that TFS management costs have inevitably been relatively high (approximately 20% of the TFS budget).
Assessment of sustainability		

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[4] Dimensions for consideration are: a) structure (informed policies, laws, corresponding to basic HR obligations; degree of decentralization/multilevel concertation/cooperation); b) good governance in the performance/interaction of responsible actors/institutions (GGov principles: participation, transparency, accountability, equality&non-discrimination, effectiveness & efficiency, rule of law); c) capabilities, behavior, empowerment of actors/institutions for positive change; d) consideration of important global or regional governance dimensions.

10. The extent to which the positive results (outputs and outcomes) will be continued beyond the end of the external support. Considering also potential risks in the context.	☐ *Very good: Very likely based on evidence* ☒ *Good: Likely based on evidence* ☐ *Poor: Little likelihood based on evidence* ☐ *Bad: Unlikely based on evidence* ☐ *Not assessed / Not applicable* [1]	Short-term, project-level sustainability is generally good although in some cases limited institutionalization of outputs may constrain sustainability in the medium-term.
11. The extent to which partner organizations are capable to carry on activities. Capacity includes technical, financial capacity, human resources and importance of the activity for the organization.	☐ *Very good: Strong capacity (also to further develop without support)* ☒ *Good: Reliable capacity* ☐ *Poor: Little capacity (require further support)* ☐ *Bad: Still too weak capacity* ☐ *Not assessed / Not applicable* [1]	In the short-term, partner organizations are expected to maintain activities but there must be doubts about their capacity to maintain and further develop activities without more support in future.

Additional information (if needed): Click here to enter text.
Project: Swiss Contribution Thematic Fund Security Bulgaria
Assessor: Roderick Ackermann, Magali Bernard
Date: 13 December 2018

Annex 4. All TFS projects in Bulgaria

Based on the terms of reference for this evaluation. Case study projects are highlighted

Table 9: All TFS projects in Bulgaria

	Executing Agency	Progress to mid-2018	Start End *Extension*	Swiss Contribution (CHF)	Bulgarian co-financing (CHF)[84]	Total budget (CHF)	Retained (X)
Schengen Issues: Development of personnel capacities and awareness raising[85]	MoI	Finished in June 2015	Ended June 2015[86]	100,000	Not known	100,000	X
Tracing of stolen vehicles	MoI	Ongoing	15.09.2012 31.08.2015 *31.12.2018*	800,000	141,176	941,176	X
Exchange practice in the field of migration				0	0	0	X
Juvenile Justice	MoJ, UNODC; Judges Association	Ongoing	15.09.2012 31.12.2015 *31.03.2018[87]* *31.12.2018[88]*	709,292	150,000	859,292	X
Prevention of Juvenile Delinquency	MoI		26.11.2013 31.12.2018[89]	654,840	115,560	770,400	X
Capacity building for police officers - "Human Rights Based Policing"	MoI, Police Academy		01.07.2013 30.06.2018	1,152,819	203,439	1,356,258	X

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[84] Co-financing figures are taken from the website of the Bulgarian-Swiss Cooperation Programme (24.10.2018) http://swiss-contribution.bg/en/funds/security

[85] Different SIB (Fedpol), and therefore not listed on the website of the Bulgarian-Swiss Cooperation Programme.

[86] Information from the terms of reference for this evaluation.

[87] Status report of 22.02.2018 indicates that a further extension to 31.12.2018 was requested.

[88] According to the Bulgarian-Swiss Cooperation website (updated 23.04.2018), https://bit.ly/2yxcjMh

[89] Start and end dates from the Bulgarian-Swiss Cooperation website (updated 19.04.2018), https://bit.ly/2RdjlNf

	Executing Agency	Progress to mid-2018	Start End *Extension*	Swiss Contribution (CHF)	Bulgarian co-financing (CHF)[84]	Total budget (CHF)	Retained (X)
Capacity building of forensic experts	MoI, Police Academy, Institute of Criminology	Ongoing since beginning of 2013	01.11.2012 30.04 2018[90]	1,000,000	176,470	1,176,470	X
Environmental security	Association of Prosecutors	Finished in July 2015	22.10.2012 30.06.2016[91]	174,000	19,333	193,333	X
Combating organized crime, trafficking of human beings and money laundering	Prosecution Office (PORB)	Ongoing	01.04.2014 31.12.2017 *30.09.2018*	878,437	146,195	1,024,632	X
Overcoming Institutional Capacity Gaps to Counter Corruption and Organized Crime in Bulgaria	Centre for the Study of Democracy (CSD) - Bulgarian think-thank NGO	Ongoing	01.01.2014 30.06.2018[92]	552,000	61,336	613,336	
Prevention of and combat against Human Trafficking	NCCTHB, IOM, Animus Foundation	Ongoing.	01.07.2014 31.12.2017[93] *31.12.2018*	1,863,478	249,376	2,112,854	
		Total Swiss contribution to the listed projects		**7,884,866**		**9,147,751**	

Source: based on information in the review terms of reference, project documentation, and on feedback from SDC and the SCO.

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[90] From the website of the Bulgarian-Swiss Cooperation Programme (updated 23.04.2018), https://bit.ly/2OKA8uq

[91] From the website of the Bulgarian-Swiss Cooperation Programme (updated 20.04.2018), https://bit.ly/2Pmy1wo

[92] From the website of the Bulgarian-Swiss Cooperation Programme (updated 20.04.2018), https://bit.ly/2OMmhDB

[93] Status report 22.02.2018 extensions requested to: 31.07.2018 for the ANIMUS component (Immediate and Unconditional Protection of Trafficked Person); 31.12.2018 for the IOM component (Return and Reintegration of Victims of Trafficking in Human Beings); 31.12.2018 for the NCCTHB component (Swiss-Bulgarian Cooperation on Identification and Long-Term Assistance of Children and Adults Victims of Trafficking in Human Beings)

Information in Table 10 below is provided by the SIB and includes information on management and evaluation costs and financial reallocations.[94]

Table 10: Budget Reallocation TFS BG for funds administrated by the SIB version 26.01.2018

SAP number	Project number SCO BG	Project title	Swiss share in CHF	Reallocation	Proposed new Swiss share in CHF	Comments
7F-07927.01.01		TF Management	1,449,885	439,360	1,889,245	Reallocation from Projects BG6-ES, BG3-JJ, BG5-HRBP, BG10-THB and Unallocated funds
		Reserve Evaluation	-	50,000	50,000	Reallocation of CHF 25.000 from Project BG5-HRBP and CHF 25.000 from BG10-THB
Subtotal TF Management			**1,449,885**	**489,360**	**1,939,245**	
7F-07927.01.02	BG8-FOR	Capacity building of forensic experts	1,000,000	-	1,000,000	
7F-07927.01.03	BG6-ES	Environmental security	180,000	-6,000	174,000	Reallocation of CHF 6.000 to TF Management
7F-07927.01.04	BG2-TSV	Tracing of stolen vehicles CHF	800,000	-	800,000	
7F-07927.01.05	BG3-JJ	Juvenile Justice	850,000	-140,708	709,292	Reallocation of CHF 140.708 to TF Management
7F-07927.01.06	BG5-HRBP	"Human Rights Based Policing" - Capacity building for police officers	1,277,819	-125,000	1,152,819	Reallocation of CHF 100.000 to TF Management and CHF 25.000 to Reserve Evaluation
7F-07927.01.07	BG4-JD	Prevention of Juvenile Delinquency	624,840	30,000	654,840	Reallocation of CHF 30.000 from Project BG 10-THB
7F-07927.01.08	BG7-COC	Combating organized crime, trafficking of human beings and money laundering	878,437	-	878,437	
7F-07927.01.09	BG9-CSD	Overcoming Institutional Capacity Gaps to Counter Corruption and Organized Crime in Bulgaria	552,027	-	552,027	

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[94] Swiss Intermediate Body (07 December 2018), *Budget Reallocation TFS BG for funds administrated by the SIB version 26.01.2018.*

SAP number	Project number SCO BG	Project title	Swiss share in CHF	Reallocation	Proposed new Swiss share in CHF	Comments
7F-07927.01.10	BG10-THB	Prevention of and combat against Human Trafficking	1,971,130	-107,652	1,863,478	Reallocation of CHF 30.000 to Project BG4-JD, CHF 52.652 to TF Management and CHF 25.000 to Reserve Evaluation
		Unallocated funds	140,000	-140,000	-	Reallocation of CHF 140.000 to TF Management
Subtotal Project Funds			**8,274,253**	**-489,360**	**7,784,893**	
TOTAL TFS			**9,724,138**	**-**	**9,724,138**	

Annex 5. EU Phare and Transition Facility justice and home affairs support in Bulgaria

Table 11 below summarises EU Phare and Transition Facility support to Bulgaria provided in the area of justice and home affairs. The projects are listed in Table 12 on the following page. Both tables are based on analysis of project fiches available on the European Commission's website.[95] Projects have been categorised by the author for the purposes of this analysis, i.e. the categorisation is not the European Commission's. The two following tables are not necessarily exhaustive and they may include errors due to the way information is presented on the Commission's website.

Table 11: Summary of EU Phare and Transition Facility justice and home affairs funding for 1999-2007 (EUR)

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total
Border management	3,000,000	9,000,000		7,300,000	2,900,000	14,457,000	16,695,000	14,445,000	150,000	**67,947,000**
Judiciary	2,000,000	3,000,000	2,000,000	11,100,000	3,800,000	11,850,000	9,350,000	6,900,000	4,180,000	**54,180,000**
Police	4,500,000					3,860,000	4,700,000	3,800,000	580,000	**17,440,000**
Corruption				3,500,000	2,000,000			2,225,000	1,500,000	**9,225,000**
Emergency management							3,150,000	5,250,000		**8,400,000**
Asylum & migration			1,750,000		3,750,000		1,850,000		600,000	**7,950,000**
Penitentiary system						1,795,000	2,100,000	2,400,000	850,000	**7,145,000**
Organised crime			1,200,000						2,220,000	**3,420,000**
Academy of the Ministry of Interior					1,400,000				1,075,000	**2,475,000**
Victims of crime								2,000,000		**2,000,000**
Forensics								1,250,000	525,000	**1,775,000**
Probation								1,650,000		**1,650,000**

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[95] European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, https://bit.ly/2QwoFuO

Total		9,500,000	12,000,000	4,950,000	21,900,000	13,850,000	31,962,000	37,845,000	39,920,000	11,680,000	183,607,000

Table 12: EU Phare and Transition Facility support projects in areas covered by TFS Bulgaria

Year	Project number	Project title	Category	EU funding allocation (EUR)
1999	BG9911 Project 1	Institutional strengthening of the Bulgarian Border police	Border management	3,000,000
1999	BG9911 Project 2	Institutional strengthening of the Bulgarian police: upgrading of criminal information systems and strengthening managerial techniques	Police	4,500,000
1999	BG9911 Project 3	Strengthening the independence of the Judiciary and the institutional capacity of the Ministry of Justice and European Legal Integration to implement the Acquis of the European Union in the field of Justice	Judiciary	2,000,000
2000	BG 0005.02	Modernising Border Police Equipment at the Turkish Border	Border management	9,000,000
2000	BG 00.05.01	Strengthening the Public Prosecutor's Office	Judiciary	3,000,000
2001	BG 0103.07	Combatting money laundering	Organised crime	1,200,000
2001	BG 0103.06	Strengthening the Refugees Agency	Asylum & migration	1,750,000
2001	BG 0103.03	Recruitment and training strategy for the Judiciary	Judiciary	2,000,000
2002	BG 0203.11	Further Strengthening of border Control and Management of future EU External Borders (blue borders)	Border management	5,300,000
2002	BG 0203.10	Implementation of the National Schengen Action Plan: building up the national information system in compliance with Schengen requirements	Border management	2,000,000
2002	BG 0203.06	Strengthening the institutional capacity of the PPO for combating organized and economic crime and corruption	Judiciary	1,800,000
2002	BG 0203.05	Technical assistance to implement key measures of the Programme for the Implementation of the National Anti-Corruption Strategy	Corruption	1,000,000
2002	BG 0203.04	Improvement of administrative justice in view of the fight against corruption	Corruption	800,000
2002	BG 0203.02	Implementation of the National Anti-Corruption Strategy: Development of an integrated system for countering corruption in the Ministry of the Interior	Corruption	1,700,000
2002	BG 0203.01	Implementation of the Strategy for Reform of the Judiciary in Bulgaria	Judiciary	9,300,000

Year	Project number	Project title	Category	EU funding allocation (EUR)
2003	BG2003/004-937.08.05	Strengthening of the accommodation capacity of the Bulgarian State Agency for Refugees	Asylum & migration	3,750,000
2003	BG2003/004-937.08.04	Mobile Units for Border Control and Surveillance on the Bulgarian-Turkish Border and Implementation of the Best EU Control Practices in the Border Area "Green Border")	Border management	2,900,000
2003	BG2003/004-937.08.03	Institution building of the Academy of the Ministry of the Interior and improving the quality of training	Academy of the Ministry of Interior	1,400,000
2003	BG2003/004-937.08.02	Support of the Implementation of the Strategy for Reform of the Judiciary Through the Introduction of Information Technologies	Judiciary	3,800,000
2003	B G2003/004-937.08.01	Reform of the Civil and Penal Procedures	Corruption	2,000,000
2004	2004/016-919.02	Further strengthening police investigation capacity (crime statistics, undercover operations and investigative techniques and forensics)	Police	1,800,000
2004	BG2004/016-711.08.06	Further Strengthening of Border Control and Management of the Future EU External Borders through Modernisation of Technical Equipment, Development of Centralised Information Systems and Introduction of EU Best Practices and Standards in the Field of Border Control	Border management	8,822,000
2004	BG2004/016-711.08.05	Establishment of Mobile Units for Border Control and Surveillance on the Bulgarian Western Border and Implementation of the EU Best Practices for Integrated Border Control in the Border Area – Third Stage	Border management	2,735,000
2004	BG2004/016-711.08.04	Modernising Bulgarian Police and enhancing its efficiency	Police	2,060,000
2004	BG2004/016-711.08.03	Streamlining the Penitentiary System in Bulgaria	Penitentiary system	1,795,000
2004	BG2004/016-711.08.02	Strengthening of the Bulgarian Judiciary	Judiciary	1,100,000
2004	BG2004/016-711.08.01	Support for Further Implementation of the Strategy for Reform of Bulgarian Judiciary	Judiciary	6,700,000
2004	BG2004/006-	Mobile units for border control and surveillance on the Bulgarian-Turkish and Black Sea borders and	Border management	2,900,000

Year	Project number	Project title	Category	EU funding allocation (EUR)
	070.03.02	implementation of the EU best practices for integrated border control in the border area – second stage		
2004	BG2004/006-070.03.01	Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies II Phase	Judiciary	4,050,000
2005	2005/ 017-684.02	To reinforce and increase the Bulgarian capacity to plan for, manage and react to emergencies and natural disasters by enhancing the relevant institutional structures and support mechanisms and development of the relevant methodologies, guidelines and standards	Emergency management	3,150,000
2005	BG 2005/017-586.02.02	Improving the standards & practices of policing at local level in Bulgaria and enhancing the quality of its management	Police	1,000,000
2005	BG 2005/017-586.02.01	Further Strengthening of the Administrative Capacity of Bulgarian Police and Providing Conditions for Application of the Classified Information Protection Act in the Public Administration of the Republic of Bulgaria – a Stage in the Protection of EU Classified Information.	Police	1,400,000
2005	BG 2005/017-353.07.06	Implementation of EU acquis in the field of asylum - Dublin II and EURODAC Regulations	Asylum & migration	1,850,000
2005	BG 2005/017-353.07.05	Further Strengthening of Border Control and Management of the Future EU External Borders through Modernisation of Technical Equipment, Development of Centralised Information Systems and Introduction of EU Best Practices and Standards in the Field of Border Control	Border management	16,695,000
2005	BG 2005/017-353.07.04	Modernising Bulgarian Police and enhancing its efficiency	Police	2,300,000
2005	BG 2005/017-353.07.03	Streamlining the Penitentiary System in Bulgaria	Penitentiary system	2,100,000
2005	BG 2005/017-353.07.02	Strengthening of the Bulgarian Judiciary	Judiciary	1,100,000
2005	BG-2005/017-353.07.01	Support for Further Implementation of the Strategy for Reform of Bulgarian Judiciary	Judiciary	8,250,000
2006	2006/018-343.09.01	Strengthening the Capacity of the Anti-Corruption Commission to Counteract Corruption in Public Administration and Judiciary	Corruption	2,225,000

Year	Project number	Project title	Category	EU funding allocation (EUR)
2006	2006/018-343.07.09	Strengthening the Sustainability and the Role of the Probation Service	Probation	1,650,000
2006	2006/018-343.07.08	Building up of digital radio-communication system "TETRA" OR EQUIVALENT, incorporating in the common system (112) intended for emergency calls response of structural units of National Fire Safety and Civil Protection Service along the roads of European infrastructural corridors	Emergency management	5,250,000
2006	2006/018-343.07.07	Improvement of the Operative Capacity of the Bulgarian Border Police Staff	Border management	3,645,000
2006	2006/018-343.07.06	Establishment and Strengthening of a National System for Support of Crime Victims	Victims of crime	2,000,000
2006	2006/018-343.07.05	Improving the standards & practices of policing at local level in Bulgaria and enhancing the quality of its management – SECOND PHASE	Police	1,500,000
2006	2006/018-343.07.04	Further strengthening forensic capacity for inspections of crime scenes	Forensics	1,250,000
2006	2006/018-343.07.03	Modernising Bulgarian Police and Enhancing its Efficiency	Police	2,300,000
2006	2006/018-343.07.02	Further Strengthening of Border Control and Management of the Future EU External Borders through Modernisation of Technical Equipment, Development of Centralised Information Systems and Introduction of EU Best Practices and Standards in the Field of Border Control	Border management	10,800,000
2006	2006/018-343.07.01	Support for Further Implementation of the Strategy for Reform of Bulgarian Judiciary	Judiciary	6,900,000
2006	BG-2006/018-164.03.01	Streamlining the Penitentiary System in Bulgaria	Penitentiary system	2,400,000
2007	BG-2007/019-303.05.13	Strengthening the Role of the Bulgarian Prison Service	Penitentiary system	850,000
2007	BG-2007/019-303.05.12	Elaboration and strengthening of the Human Resource Management System in the Ministry of Interior as a factor in the fight against corruption among its personnel	Corruption	1,500,000

Year	Project number	Project title	Category	EU funding allocation (EUR)
2007	BG-2007/019-303.05.11	Effective practical application of the new EU acquis in the field of migration policy and further strengthening the Migration Directorate institutional capacity	Asylum & migration	600,000
2007	BG-2007/019-303.05.10	Improving and extending the level of training in the field of countering organized crime for the Bulgarian MoI	Organised crime	620,000
2007	BG-2007/019-303.05.09	Further strengthening forensic capacity of the expert services of Ministry of Interior for collection and examination of material traces for crime scenes	Forensics	525,000
2007	BG-2007/019-303.05.08	A Further Step Toward a Higher Quality of Training of Bulgarian Judiciary	Judiciary	780,000
2007	BG-2007/019-303.05.07	Strengthening the public management of the judiciary and court administration	Judiciary	1,800,000
2007	BG-2007/019-303.05.06	Strengthening the uniform application of the new procedural legislation in Bulgaria	Judiciary	1,600,000
2007	BG-2007/019-303.05.05	Enhancement of the capacity of the Bulgarian Police through the introduction of European models and methods for crime analysis	Police	580,000
2007	BG-2007/019-303.05.04	Further strengthening of the Academy of the Ministry of the Interior through unification and standardisation of the vocational training of the officers of the Ministry of the Interior	Academy of the Ministry of Interior	1,075,000
2007	BG-2007/019-303.05.03	Development of the institutional capacity of the Ministry of Interior for building up the VIS national interface for connecting Border Control System and Visa System to EU Visa Information System and for connecting Visa system to VISION Network	Border management	150,000
2007	BG-2007/019-303.05.02	Enhancement of Republic of Bulgaria's Ministry of Interior capacity to fight organised crime	Organised crime	1,000,000
2007	BG-2007/019-303.05.01	Enhancement of the administrative capacity of the Police in counteraction to drug crimes at national and regional level	Organised crime	600,000

Annex 6.　　　Swiss-Bulgarian referral mechanism

Figure 3: Swiss-Bulgarian referral mechanism

| Police in CH identify VOT | → | Swiss organisations provide support to VOT in CH, e.g.:
• FIZ
• ASTREE
• CSB Geneva
• Antenna MayDay | → | IOM CH refers VOT to IOM BG | → | IOM BG refers VOT to ANIMUMS | → | ANIMUS provides crisis support & accommodation for up to 6 months | → | NCCTHB provides long-term support (up to 1 year) | → | IOM BG provides reintegration support |

Source: based on a summary, provided by ANIMUS, of the Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons

Annex 7.   Additional information on the Juvenile Justice project

The project aimed to: (1) revise the Bulgarian legal framework on juvenile justice to bring it in line with European and international standards;[96] (2) enhance the knowledge and capacity of judicial and law enforcement authorities regarding practical application of international standards for child-friendly justice – in practice, developing a more child-friendly interviewing environment and approaches; (3) establishment of five pilot children's chambers together with relevant standards and guidelines;(4) development of guidelines for the establishment of juvenile courts.

Feedback from the EA suggests that the training on child-friendly interviewing did not take sufficient account of the significant differences in attitudes and institutional set-up between Switzerland and Bulgaria (e.g. significant differences in the status of social workers in the two countries). Moreover, the training focused almost exclusively on criminal law matters (mostly children in conflict with the law) while in Bulgaria most cases involving children are civil. Thus, many civil judges are reported to have participated, and in Varna, most cases before the specialised panels were civil (e.g. custody cases, domestic violence cases, protection measures under the Child Protection Act are all examined by civil judges).

Some judges who have been trained under the project are critical of the organisation of the training. Judges were not warned in advance that the same three judges per court who had attended the first module would also need to attend the second and third modules, and then be trained as trainers. As a result, too few judges were trained. This also meant that the project did not always work with the most suitable potential trainers. Stakeholder feedback indicates that not enough judges working on children's cases were trained and there is a need for more training.

When the courts were selected for the establishment of specialised, pilot children's chambers, they included two very large regions (Varna and Plovdiv) and one very small court with only a few judges (Kozloduy). This selection was not optimal as it did not include medium-sized courts which are common in Bulgaria.

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[96] The Juvenile Delinquency Act of 1958 that permits children as young as eight years to be effectively incarcerated in special institutions (although under Bulgaria's Penal Code, only persons above the age of 14 could be criminally liable and under the Child Protection Act, the state through its social systems shall take measures to protect children under the age of 14 from being involved in activities that are damaging to the development of the child)

Annex 8.   Additional information on the Preventing THB & Protecting Victims project

Study visits in 2016 and 2017 by Bulgarian experts to Switzerland and Swiss experts to Bulgaria are reported to have **enhanced bilateral cooperation between Bulgaria and Switzerland**. Bulgarian police talked to Bulgarian workers in Switzerland to check for trafficking, and Swiss police were taken to Varna from where many victims originate, to help them understand the 'push' factors behind trafficking. There was also an action week in Bern and Zurich in March 2018 involving bilateral police cooperation that generated information for a JIT. Enhanced bilateral cooperation was also supported by the work of the bilateral working group that developed the bilateral guidelines on trafficked persons.[97] The working group involved IOM, KSMM (fedpol),[98] prosecutors, border police, the NCCTHB, the MLSP, and the GDCOC.

The NCCTHB notes that the quality and scope of the services for protection and assistance of victims of trafficking in Bulgaria have improved. The first specialised long-term residential service for adult victims of trafficking in Sofia was established in July 2017 with accommodation for 10 clients. The first specialised long-term residential service for child victims of trafficking (the Crisis Center for Children) was established in Sofia in July 2017 with accommodation for 10 people. This doubled the NCCTHB's victim support capacity nationally and established the first such services in Sofia – previously, the facilities in Varna and Burgas were the only ones in the country. The location of the new facility/ facilities in Sofia is important, as this city offers better opportunities for reintegration. At the time of the evaluation, the adult and child services were temporarily housed in the same residential building as it was considered inefficient to maintain two separate facilities in view of the small number of clients (four in total, including one child). The two services appeared to have been effectively merged into one, at least temporarily. Since their establishment, the two services have, according to the NCCTHB, assisted 17 adult victims of trafficking and one child.[99] However, information provided by the centre indicates that eight children have passed through. Feedback from the centre indicates that several victims have been successfully assisted to secure jobs and pursue higher education, with one currently studying pharmacy. Where possible, children have been enrolled in school, but this has not always been possible as parents did not provide the necessary documentation. Funding constraints have limited professional teaching of children in the centre to just four hours per week – otherwise, centre staff undertake informal teaching and children are expected to study by themselves.

The effectiveness of the NCCTHB's prevention campaign is not known. However, it is likely to have been enhanced by the mapping of vulnerable groups in several cities. The mapping revealed important differences between communities. For example, in one community the predominant destination of victims is France, where they are exploited in the construction industry, or in male prostitution. Among other things the mapping was intended to inform the action plans of the Local Commissions on Combatting Trafficking in Human Beings, and the NCCTHB confirms that, at least in Varna (a major source of victims), the local commission and NGOs have taken follow-up actions, and in Sliven the findings will be incorporated in the next action plan.

IOM has supported 171 victims of trafficking with Swiss funding since 2015 (see Table 8).[100] 54% of these are male. 37% percent of these cases involved labour exploitation, 31% sexual exploitation, and 27% begging.[101] 90% were adults and 10% were minors. The main destination countries were: Spain (38), France (35), Sweden

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[97] ANIMUS/FIZ (undated), *Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons*, https://bit.ly/2z1Au58

[98] For further information on KSMM, see KSMM (November 2016), *Fact Sheet Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)*, https://bit.ly/2OMeTZ3

[99] NCCTHB (September 2018), *Swiss-Bulgarian Cooperation in Identification and Long-term Assistance of Children And Adult Victims of Trafficking in Human Beings (NCCTHB Project) Short info-sheet.*

[100] IOM has supported additional victims with funding from other sources.

[101] The total number of victims classified by form of exploitation is 168, compared with 171 in Table 8, which gives the number of victims per year.

(21), Germany (11), and Portugal (8). IOM support includes return assistance, housing, economic empowerment, psychological and medical care, among other things. Thus people's lives have been improved.

Table 13: Victims of trafficking supported by IOM Bulgaria with Swiss funding

Year	Female	Male	Total
2015	10	3	13
2016	32	35	67
2017	27	27	54
2018 (as of September)	10	27	37
Totals	79	92	171

Source: IOM Bulgaria

IOM notes that the Ministry of Foreign Affairs and Bulgarian embassies are now cooperating actively in the return of victims of trafficking, and Bulgarian embassies are proactively contacting IOM Bulgaria for assistance. There is also good cooperation between IOM and PORB.

One interviewee who participated in several project activities in Bulgaria and Switzerland was not aware of the bilateral guidelines developed under the project by ANIMUS and FIZ.[102] As of 28 October 2018, the guidelines do not appear to be available on the English or Bulgarian versions of the websites of ANIMUS or the NCCTHB. This suggests that the guidelines may need to be further/ better promoted.

The ANIMUS public awareness campaign is considered by ANIMUS to have raised awareness of the risks of human trafficking and labour exploitation. 150 people responded in one week to its fake 'Green Caviar' job offer, and this in turn led to significant media interest in the campaign.

ANIMUS established a transit centre (a specialised programme of its existing crisis centre – different from the NCCTHB crisis centre) in order to better meet the special needs of victims of trafficking. This involved the development of procedures and a methodology, and training for transit centre staff on the provision of basic legal counselling.

Overall, the project cannot solve the issue of trafficking from Bulgaria as it deals mainly with the results and symptoms of trafficking, but not the causes or push factors, such as poverty, which require a much larger, long-term policy response. Demand factors are even harder to influence. The issue of victims trafficked through Bulgaria could be the most challenging of all, since Bulgaria has little or no influence over the push factor or the demand factors.

The project does not address the issue of limited Bulgarian social services capacity to meet victims' needs.

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[102] ANIMUS/FIZ (undated), *Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons*, https://bit.ly/2z1Au58

**External Evaluation on the Thematic Fund Security
of the Bulgarian-Swiss Cooperation Programme BSCP**

MANAGEMENT RESPONSE

1. Background

This is the management response to the final report (December 2018) on the Thematic Security Fund (TFS) in Bulgaria (Module 2), which is part of the External Review of the Swiss Contribution in the security sector. This wider evaluation consists in 3 modules, one referring to Romania, one to Bulgaria and a third covering a broad review of the Swiss Contribution in security and justice related themes. The main objectives of this External Review are:

- Assess the impact and results achieved by the TFS thus contributing to the **accountability** towards stakeholders both in Bulgaria and in Switzerland;
- Identify good/poor practices and innovative approaches, generate lessons to be retained and draw **recommendations**, both at country level and in the theme security for a possible extended Swiss support in reducing economic and social disparities in the Enlarged EU.

The final report is the result of a mandate commissioned by the Swiss Agency for Development and Cooperation (SDC) to a team of three independent experts (two internationals and one Bulgarian national), who conducted the external evaluation in the period September 2018 – December 2018. The module 2 is based on a review of 5 case study projects selected by SDC. It has involved a desk review of TFS framework and individual project documentation, meetings with executing agencies and other stakeholders in Bulgaria as well as meetings with Swiss project partners. Mission in Bulgaria took place from 15 September to 22 of October 2018.

The purpose of this management response is to present a consolidated appraisal of the Division New EU Member States in Bern and the Swiss Contribution Office in Bulgaria on the findings and recommendations shared in the report. Its main addressees are: SDC and NCU (to build on lessons learnt for similar projects or for a possible next Swiss Contribution), Bulgarian and Swiss Institutions involved in the projects (to capitalise on lessons learned and assure, where relevant the sustainability of the results achieved) and the review team.

Since the launch of the Swiss-Bulgarian Cooperation Program in 2010, a total number of 12 security projects have been elaborated in Bulgaria. 9 of them are implemented while 2 were discontinued. At the time of the evaluation, the portfolio of the TFS consisted of 8 projects still under implementation. 37% of the TFS funding in Bulgaria has been allocated to policing, 24% to the protection of victims of trafficking, 20% to combating organised crime and corruption, and 17% to juvenile justice.

2. General Appreciation of the Evaluation Report and Evaluation Process

SDC acknowledges the receipt and approves the final report(s) prepared by the evaluation team. Overall, the report on Module 2 and its annexes are good, concise and correspond to

the ToRs and main evaluation questions defined in the frame of the inception report. The level of details, comments and recommendations is strategic, what is compliant with SDC expectations. SDC acknowledges that the assessment is based on good knowledge of the projects and procedures and that the evaluation team managed, within the restricted time of the mandate, to comprehend the complexity of the TFS and the changing context in which the projects have been implemented. The good structure of the report written in an easy to comprehend language and complemented with illustrative figures is also appreciated.

3. Position towards main findings

Relevance
SDC agrees to a great extend with the evaluation findings as regards "Relevance". Lack of strategic orientation of TFS is obvious while looking at "project" level. However the relevance needs to be considered while having in mind that complementarity and subsidiarity were dominant principles for the selection of the projects[1]. SDC is of the opinion that niche approach and perseverance in pursuing initially agreed objectives are additional ingredients for the relevance of the Swiss Contribution. This is particularly valid for the projects Organised Crime (PORB) and Trafficking in Human Beings in which sub-sectors the Swiss Contribution is among the few to dare to engage beyond just punctual or sporadic interventions.

Effectiveness
SDC agrees to a great extent with the evaluation team's findings as regards "Effectiveness", particularly the limited information about outcomes. Important changes at project level were achieved, but the general overview on how to embed them into the domestic system is missing.

In the case of the Juvenile Justice project a more effective risk management would have resulted in an earlier response to the frequent shifts in Government priorities along with the lack of management capacity. An appropriate mitigation measure would have been to expand the involved stakeholders while seeking for broader policy support. Focusing the project entirely on the priorities of and with a set up solely within a state institution (Ministry of Justice) increased dependence of this project on political changes and shifts in political agenda, while overall the topic remains high in public space[2].

SDC agrees with the evaluation conclusion that Swiss partners made important contributions to most of the projects but that their role in the projects need to be further clarified for better mutual benefits. As regards involvement of Swiss partners and prospects for the future partnerships, SDC is of the opinion that there should be better understanding and delineation between the two main roles of Swiss counterparts - the one of a "service or know-how provider" or the one of "reciprocal institutional exchange in a partnership dynamic".

Efficiency
As mentioned above, SDC agrees with the conclusion that the lack of systematic outcome monitoring at project and at TFS levels made it sometimes difficult to identify specific changes resulting from the project(s). The recommendation of the evaluation in this respect is valuable. Lack of a systematic monitoring at activities level and its triangulation within the dynamic context was maybe a deficiency of the SIB due to the lack of local counterpart.

The SIB and TFS modalities allowed for implementing simultaneously projects with multitude of actors – state institutions (Police/Ministry of Interior, Ministry of Justice), judicial authorities (PORB), para state authorities (NCCTHB) and NGOs while maintaining sufficient level of congruence. SDC recognises the important role of the SIB as an independent operator outside of constrains intrinsic to the Bulgarian administrative system. This needs to be duly considered in the search of an optimal management mechanism for possible consequent support in this domain, in light also of the limited expertise at SDC on security domain and approaches.

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[1] Main TFS Activities were defined in the period 2009 – 2010 based on the prevailing national priorities back then.
[2] See reactions and debates on recently unveiled National Strategy for Children

SDC takes note of the opinion that remuneration to operational staff/civil servant for their involvement in project activities may be considered as a factor of motivation. Nevertheless ineligibility of "topping up" on salaries of involved civil servants was a principle adhered throughout the entire BSCP since its very beginning. It would be however advisable in case of an extended support in this domain to understand better how time and task attribution in relation with project's activities are articulated in the respective institutions.

SDC agrees to a great extend with the findings and recommendations of the evaluation on the role of the TFS Steering Committee. In fact, this stakeholder platform was designed to provide strategic opinions and advice, but it focused mostly on operational aspects.

As regards cumbersome procurement process contributing to significant delay of the projects, SDC agrees only partially with this finding. In most of the cases, the lack of anticipation, planning and discipline in systematic follow up on the process are key causes for such delay. However, involvement of Swiss expertise on important elements (technical specifications in the case of "Stolen Vehicles" project) and supervision by SIB improve the efficiency in procurement process. In case of a future support in this domain where combination of soft and hard measures is foreseen, a good procurement plan and capacity building allocation are part of the measures to mitigate risks of inefficiency.

Intermediate review/assessment was not planned in the TFS. It is recognized that this measure can help to address efficiency aspects.

Sustainability
SDC agrees with the evaluation team that the sustainability prospects are generally good on short term and that in the longer term the prospects for institutionalizing and further development of projects benefits are less positive, due to often changing political priorities and considerable rates of staff turnover in state institutions and agencies.

As regards sustainability in the legal and policy framework, SDC is of the opinion that earlier political analysis and consideration of ongoing support activities by other donors can contribute a lot in understanding the policy making in Bulgaria and in securing complementarity to better aims towards systemic changes.

"Face-to-face" contacts and personal exchange between Swiss and Bulgarian authorities were important ingredients for establishing the partnership and for its continuation beyond projects.

As regards THB programme where a "programmatic" approach was chosen, sustainability considerations prevail through empowering NCCTHB as central authority coordinating the efforts of multiple players at National level.

Swiss added value and benefits to Swiss partner institutions
We find the conclusion of the evaluation with regards to Swiss added value and the benefits to Swiss partner institutions as very relevant. SDC believe that the level of satisfaction of partners is mainly due to the SIB constant support to the Swiss and Bulgarian parties.

Peer reviews performed by respective Swiss counterparts/homologs that were endeavoured under few of the projects (Stolen vehicles, Forensic, Polygon) proved to be instrumental in understanding how the Bulgarian systems function and where the Swiss expertise can be targeted best. To streamline mutual benefits in project implementation, it would be beneficial to consider "early matching exchanges" between Swiss and Bulgarian homologs active in different sub-sectors of the security and justice sectors, as recommended by the evaluation.

4. Management Response to the recommendation

Please, refer to the table in the Annex 1.

Annex 1:

Recommendations and Management Response on main country level recommendations

Recommendations	Management Response	Responsibility / Timing
1. A more strategic approach to the identification and prioritisation of security and justice needs in Bulgaria would facilitate planning for a future TFS. While strategic planning in these areas is not the responsibility of the NCU, it could perhaps promote and facilitate a more strategic approach with regard to the planning of a future TFS.	<mark>Response: Partially agree</mark> Although not being directly in charge of developing and implementing strategic framework/policy NCU is formally constituted to secure respect and coherence of various reform streams and financial (non-state) instruments including the ones of the EU (compliance, avoiding duplications, complementarity). The NCU however lacks management capacity (human not hardware) but shows some progress in certain sectors but less in "Security". With little improvements of NCU strategic steering in "Security" domain, a lot can be catalyse to improve this situation. The role of national authorities to maintain the strategic coherence is of crucial importance. Niche approach while maintaining ties to the policy aspects may prove more pragmatic particularly when field experience/expertise is translated into policy adjustments (bottom-up approach worked well in Bulgaria). Programme approach is one additional measure to adopt a more strategic angle. In the program approach, the correlation b/w operational progress (outputs level) and reforms/policy process can be better articulated. Measures: 1. Map relevant strategic policy framework(s) at National (strategies 2027) and EU level (enforcement of Directives). 2. Exchange with Norway/EEA players (Brussels level) to delineate/complement interventions. 3. Explore local needs (outside Sofia). 4. Define, together with Swiss homologs, niches of possible mutual/operational interests. 5. Devise a NCU embedded "Security" cluster (group of experts). Assess capacity and demands there to better coordinate abundance of instruments and multiple financing in this sector.	1-3: by the experts teams mandated after the 1st technical discussion + SCO/NCU (share of tasks) 4: HQ with support of security expert.

Recommendations	Management Response	Responsibility / Timing
2. There should be greater emphasis on outcomes at all stages (changes in the performance or behaviour of target institutions, systems, or groups). Expected or desired outcomes should be clearly identified at the planning stage, and data on actual outcomes should be systematically collected during implementation, analysed, and reported in project and programme reports.	Response: fully agree Recommendation is relevant. But in a niche and subsidiary strategic approach in many subdomains (if decided), portfolio may remain scattered, thus making systematic monitoring at program level (aggregation, etc.) a challenge. Outcomes/effects shall be determined using the theory of change at program level at early stage. It is important also to highlight, to the extent possible, how the desired outcomes (supported by the Swiss Contribution) are contributing to intrinsic/own "tasks" or national programs of the local recipient institution. Measures: • Consider a training in "Theory of change" (ToC)and PCM for all the EAs that will/may be involved in the programme. • At start of design process, arrange for Logical framework based on ToC at program level, with few but clear outcomes indicators; the objective systems of the program components will be developed based on the program logframe and show clear contribution/articulation to it. • Cross check/verify relevance of outcomes with intrinsic agenda/tasks of Bulgarian partners. • Devise a monitoring system for benchmarking operational progress with "outcome" ingredients at program level. • In the frame of the approval process, analyse, as part of capacity and stakeholders assessments, how the "internal control" and "decision" systems in the respective state institution/domain works in order to better place measures for an upscale of results at policy/institutional level. • Foresee a PCM controller at TFS/programme level.	NCU, Program Operator, EA when designing the program based on clear guidance of the Swiss side
3. In the event that a future Swiss Contribution TFS in Bulgaria continues to channel funds through a fund manager, it is recommended that SDC limit the role of such a body. In particular, it is recommended that	Response: Partially agree As a matter of principle SDC prefers to look at management modalities holistically thus shaping characteristics of an effective model/approach in the given country context rather to stick to a "ready-made model" that may work(ed) everywhere. Same applies for the tasks/roles.	

Recommendations	Management Response	Responsibility / Timing

the following are specifically excluded from its remit as it appears there may have been over-reliance on the SIB under the current TFS:
 	
   a. Preparation and editing of project documentation, budgets, etc.
   b. Coordination of the Steering Committee and provision of its secretariat.
	The solution of a state operator would be more relevant and logic to favour ownership and the use of country system, provided that leaving the full responsibility to the Bulgarian authorities takes precedence over progress and quality demanded by the Swiss party. Other risk factors can also appear in this modality– misuse of funds and corrupted procurements, accumulating delays, lagging reporting etc.
	
	It is also to be mentioned that SIB has put a lot of energy in assisting the Swiss and the Bulgarian partners in the project management tasks (quality and standard), since these structures did not necessarily possess PCM knowledge and reporting, invoicing and other such tasks were a challenge for them.
	
	Limiting the role of the management instance may affect the quality of the projects development, preparation, assessment of risk factors etc. Considering the current situation, the implementation of the security programme may take much more time and the results will be much more difficult to achieve if the management instance does not assist these tasks.
	
	In the case of SC1, SIB was tasked as the first level of screening and assessment of project proposal and had to ensure quality assurance before submission of the credit proposal and project document to the Swiss side.
	
	We agree that the concept/role of the Steering Committee shall be revisited. In the case of TFS it was in fact an "operational board" rather than a platform for strategic steering.
	
	The Coordination and the Secretariat of a security programme Steering Committee could be taken by a Bulgarian authority in order to increase the ownership on the programme, provided that this body is mandated by the NCU. An extended "Board of Experts/Advisors" can be complemented to advise on subdomains aspects but also improve on transparency and strategic positioning.	

Recommendations	Management Response	Responsibility / Timing
	Measures: • Establish a list of characteristics for an efficient (local) management body and identify the model on this base, in dialogue with NCU; • Assess the needs to include in a security program a capacity building component with specific measures to support the development of local capacities and revise the role of the program operator (PO) and its Swiss/international backstopping accordingly; • Consider hiring the PO and its backstopper before program and program components are defined and planned.	
1. While the role of the Switzerland-based SIB has been essential in facilitating contacts and partnerships between Swiss and Bulgarian institutions and organisations, it is recommended that a **future fund manager incorporate a Bulgarian institutional partner** (e.g. an NGO or consulting firm) to facilitate coordination and communication locally, to perform some management tasks, and to provide systematic capacity building in the areas of project design, management, and outcome assessment. The scope of fund management activities undertaken in Switzerland should be reduced accordingly. It is likely that there will still be a need for some kind of presence in Switzerland to facilitate partnerships between Bulgarian and Swiss institutions, among other things. This function could be performed by an entity or individual independent of the fund management structure.	<mark>Response: Partially agree</mark> Having a strong Bulgarian counterpart in case a backstopping component should be devised is also important to follow closely on domestic context changes and propose adequate adjustments, where relevant in project implementation (steering at national domain level). At the same time, the Bulgarian counterpart should reinforce the coordination, the communication and the administrative process at the programme level. The Security domain (Police, Justice) is sensitive one. It is not given that the Swiss partners will be willing to assume the financial and image risks to cooperate directly with Bulgarian institutions or NGOs as fund manager or EAs. Moreover, there is a risk that an NGO promotes its own agenda during the implementation of the security programme or if not, simply be accused to do so. Therefore, SCO recommends the involvement of a Swiss/international institution to facilitate partnerships between Bulgarian and Swiss institutions. Measures: Ensure that the Swiss/international institution to backstop the programme operator, in whatever form, is also able to monitor the context, has the capacity to support locally and manage project development of Bulgarian partners and at the same time to coordinate efficiently the cooperation with possible Swiss partners.	

Recommendations	Management Response	Responsibility / Timing
5. It is recommended that the terms of reference for a **future fund manager** or intermediate body provide greater detail on key aspects of its role and responsibilities (e.g. regarding outcome monitoring and assessment, among other things).	<mark style="background-color:#00FF00">Response: fully agree</mark> Yes, see measures suggested above	
6. It should be ensured that EAs fully understand Swiss funding rules and procedures from the start. The SIB did provide financial guidelines, project manuals, guidelines for the use of the logo, reporting templates etc. at the first Steering Committee meeting, but it seems that they may not have been clearly understood at the time.	<mark style="background-color:#00FF00">Response: fully agree</mark> Measures: Also to simplify the requirements (reporting for example) and to arrange for training and capacity building upfront (see also above). Include in this briefing considerations on procurement modalities, associate risk factors and strategies to mitigate delays.	
7. It is recommended that **NCU** and the **SDC/ SCO** ensure that the roles and responsibilities of different actors in a future TFS are more clearly defined, as well as the lines of communication.	<mark style="background-color:#FF0000">Response: Not agree</mark> The roles and responsibilities were clearly defined in the TFA. It is another perspective if they were well understood and mainstreamed throughout implementation. However, the commitment and capacity of the actors involved was different from what was initially assumed. In order to have project progressing and having a chance of success, and in response to recurrent institutional weaknesses, the Swiss side (SDC/SIB) had to intensify its involvement and expend its role in Fund implementation. Elaborating more rules or defining very detailed procedures will not necessarily improve the implementation quality and the commitments of actors (NCU Management and Control system in the case of SECO projects proved otherwise). On the contrary, there is a need to redefine roles based on capacity and competencies of involved partners.	

Recommendations	Management Response	Responsibility / Timing
	Measures: • Better define the roles based on capacity and competencies of involved partners and agree them with the partners. • Systematically crosscheck/verify if assumptions/roles are duly respected particularly at the beginning (at annual events or mid-term reviews). • Better define the communication lines and enforce discipline.	
8. The experience of the Juvenile Justice project suggests that the risks and objectives of projects aiming to develop legislation and policy should be more thoroughly assessed before funding is committed.	Response: Partially agree Transformation of results into policy/legislative adjustments is an important sustainability/impact ingredient. Indeed successful implementation based on risk mitigation in pursuing policy/legislative adjustments require different instruments and skills. Measures: • In program design, risks assessment and mitigation strategy shall require more attention. • Consider to devise a reserve fund in the program for supporting evaluation, evidence-based research and capitalization to foster upscaling and follow up in sustaining (policy) measures. • Expand the group of constituencies/stakeholders to back up reforms beyond just institutions (state).	
9. It would be highly desirable to reduce the time between project concept development and project start, and also to reduce project implementation time, for example by limiting the use of no-cost extensions to exceptional circumstances. Multiple factors are involved and improvements will involve dialogue between the **SDC**, the **NCU**, **EAs**, the	Response: Fully agree Yes, but not always possible. Difficult balance between attainment of results and respecting deadlines. Nevertheless "extension" should be considered as last resort and dealt with due consideration on case by case basis. In general the Fund manager/program operator shall have the leverage to push the progress and anticipate deviation with action plans. Measures: Condition possible extension/reallocation of funds to findings and recommendations of internal or mid-term reviews.	

Recommendations	Management Response	Responsibility / Timing
fund manager and potential Swiss partners.		
10. The NCU should advocate for the status of staff of Bulgarian state institutions who work on projects to be clarified. In particular, their institutions should remunerate them for their work on projects, and their other responsibilities/ workload should be reduced accordingly.	<mark>Response: Partially agree</mark> NCU can advocate but out of scope of the BSCP. It is important to understand better how time and task attribution in relation with project's activities are articulated in the respective institutions. Topping up shall be excluded in principle. Measures: Clear stipulation and rules at the level of the bilateral framework agreement.	
11. Project proposals involving the introduction of new training methodologies or curricula should incorporate activities to ensure that they are properly institutionalised, reused, and adapted and updated as necessary. This may mean involving additional project partners, such as the National Institute for Justice. This should be assured by the **NCU** and a **future fund manager**.	<mark>Response: fully agree</mark> In addition they must always be in reference/aligned to the present work/job profiles/skills and not an isolated set of trainings. System of credits and professional advancement have to be considered. Involvement of additional project partner may not always bring desired capacity hence it needs to be considered based on stakeholders analysis. Measures: Identify curricula/behaviour adjustments early during project design and anticipate/map entry points for institutionalisation. Identify "institutional" body in charge at National but also at local level.	

Swiss Contribution

Module 3

Overall conclusions and recommendations regarding Swiss Contribution funding to New member States in the areas security and justice

Evaluation

Prepared for SDC

20 December 2018

This report is part of a wider evaluation that consists of the following modules:

Module 1 – evaluation of the Swiss Contribution Thematic Fund 'Security' in Romania;

Module 2 - evaluation of the Swiss Contribution Thematic Fund 'Security' in Bulgaria;

Module 3 (this document) – a broader review of Swiss Contribution security and justice-related projects

Preface

This report is part of a wider evaluation that consists of the following modules:

- Module 1 – evaluation of the Swiss Contribution Thematic Fund 'Security' in Romania;
- Module 2 - evaluation of the Swiss Contribution Thematic Fund 'Security' in Bulgaria;
- **Module 3** – a broader review of Swiss Contribution security and justice-related projects taking into account:
  - The results of Module 1 and Module 2;
  - A review of security and justice-related projects in other countries;
  - Consultations with strategic Swiss stakeholders.

Evaluation team

Module 3 (this document) has been prepared by:

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List of abbreviations used in the report

Abbreviation	Definition
CVM	Cooperation and Verification Mechanism
DVI	Disaster Victim Identification
EA	Executing Agency
EEA	European Economic Area
EU	European Union
Fedpol	Bundesamt für Polizei (Federal Office of Police)
FIZ	FIZ Advocacy and Support for Migrant Women and Victims of Trafficking
IDE	International Institute for the Rights of Children
IOM	International Organisation for Migration
ISP	Swiss Police Institute
IT	Information Technology
KKPKS	Conference of Cantonal Police Chiefs
NCU	Missing Trader Intra Community (MTIC)
NGO	Non-Governmental Organisation
NMS	'New' Member State
REGA	Swiss Air-Rescue
SCO	Swiss Cooperation Office
SDC	Swiss Agency for Development Cooperation
SEM	State Secretariat for Migration (Switzerland)
SIB	Swiss Intermediate Body
TFS	Thematic Fund Security

Executive summary

Introduction

This report is part of a wider evaluation that consists of three modules: Module 1 covers the evaluation of the Swiss Contribution Thematic Fund 'Security' in Romania; Module 2 covers the evaluation of the Swiss Contribution Thematic Fund 'Security' in Bulgaria; Module 3 (this document) provides a broader review of Swiss Contribution security and justice-related funding. It incorporates the findings of Module 1 and Module 2, and it also takes into account discussions with strategic Swiss stakeholders (in addition to strategic inputs provided by some of the Swiss project partners consulted in the context of Module 1 and Module 2), and a desk review of 27 case study project completion reports (selected by the Swiss Agency for Development Cooperation (SDC)) covering projects in Estonia, Lithuania, Poland, and the Czech Republic. The evaluation commenced with desk research in mid-July 2018. Meetings with Romanian stakeholders and site visits took place in Romania between 24 September and 05 October. Meetings with Bulgarian stakeholders and site visits took place in Bulgaria between 15 and 22 October. Meetings with Swiss project partners and strategic stakeholders were undertaken in Switzerland during September, October, and November.

The Swiss Contribution has funded 82 security and justice projects in 10 countries. Approximately CHF 114 million was allocated to these projects, approximately 9% of the entire Swiss Contribution. Romania and Bulgaria accounted for 16% and 9% respectively of budgeted Swiss funding in this area. Overall, approximately 89% of the budgeted Swiss funding in this area is expected to be utilised. The first bilateral agreements were signed between Switzerland and the EU10 in 2007 and agreements with Romania and Bulgaria followed in 2010, and with Croatia in 2015. EU10 Swiss Contribution projects had to be completed by mid-2017, while for Romania and Bulgaria the implementation deadline is 2019. In Romania and Bulgaria, Swiss funding in the security and justice sectors has been channelled through two thematic funds, one for each country, and these have been managed by a Swiss intermediate body (a Swiss consortium).

Main conclusions

Swiss-funded projects have been **highly relevant to European security and justice priorities**. The Swiss Contribution has supported a wide range of projects. While this demonstrates the **flexibility** of Swiss funding, it also suggests a **limited strategic focus**, which may have made it **harder to leverage Swiss expertise**, and to plan the mobilisation of Swiss resources. Moreover, the diversity of projects makes it harder to understand the overall outcomes and impact of Swiss funding - while **projects are reported to have been effective**, there is limited substantive information about outcomes.

Strategic stakeholders in Switzerland suggest that it would be more effective for key Swiss institutions and agencies to enter into strategic, long-term partnerships with specific institutions in partner countries to address gaps and challenges in a more systemic, consistent, and logical way. This would also **enhance Swiss visibility**, which has not always been at the expected level. **Stronger involvement of Swiss institutions throughout the project lifecycle** would help to ensure a more strategic, systemic approach. The involvement of the same Swiss partners in several projects within partner countries would **create greater synergies** between projects and would build cooperation expertise in specific Swiss partner organisations.

Capacity-building projects are often **targeted mainly at middle- and lower-ranking operational staff**. Changing institutional culture and practices requires the active involvement of political, institutional, and agency leadership, as well as operational staff. It is therefore important to ensure that projects include a range of activities targeting different levels of the system, and that senior actors in partner countries are able to interact with similarly senior Swiss counterparts. This is particularly important where projects aim to support change in hierarchical institutions. **Senior actors need to be involved from the start to promote the right environment for institutional change.**

The vast majority of projects are reported to have been **successfully completed** although many were subject to **delays and time extensions**, often due to challenges relating to national procurement processes. In Romania and Bulgaria, the **Swiss intermediate body has performed a vital role** in finding solutions to many implementation challenges, but this has been an **expensive** arrangement, accounting for approximately 20% of Swiss Thematic Fund 'Security' (TFS) funding in the two countries, and it may have constrained national ownership. Stakeholders in both countries have expressed a **strong preference** for continuing to **maintain a Swiss funding mechanism that is separate from national systems and processes**.

Sustainability is generally good in the short-term, but in some cases, **project outputs have not been fully institutionalised** (e.g. new training methods and training curricula). In Romania and Bulgaria, frequent **changes in project, institution, and political leadership**, and **high levels of turnover** amongst operational staff are likely to limit sustainability.

Stakeholders identify three main aspects of **Swiss added value**: the **democratic model and neutrality** of Switzerland; the **flexibility** and **variety of approaches** due to its federal system; and Swiss know-how and specific **expertise**. Swiss stakeholders point out that cooperation in the context of the TFS is also useful for them where the cooperation addresses **Swiss strategic and operational priorities**, especially where it makes use of **specialist Swiss expertise**. They also note the importance of including themes in which institutions in Switzerland and in partner countries can learn together.

Recommendations

1.   Concept ideas and project proposals should respond to clearly-defined cooperation strategies developed through dialogue between key Swiss institutions and their counterparts in the EU13. Strategies should not simply be a list of agreed actions but should identify longer-term goals.

2.   Swiss institutions and partners should be involved at all stages: identifying themes; developing project concepts; project design; implementation; and follow-up (reflection/ lessons learned). Swiss security/ justice institutions should be invited to discuss themes and project concepts with counterparts in partner countries at an early stage.

3.   It is recommended to prioritise themes and projects that aim to develop capacity at institutional level rather than department level (i.e. projects that help institutions to help themselves, rather than projects that provide a short-term or limited 'fix').

4.   Where significant change of institutional culture is implied or required, it is recommended that projects incorporate activities for senior decision-makers and leaders (as well as middle management and operational staff). Such projects should include activities for senior decision-makers and leaders that are appropriate to their rank and status, including interaction with Swiss counterparts of the equivalent rank.

5.   Caution is advised when considering support for legislation or policy development projects, as the evidence suggests that these can be risky where there may be frequent changes in political and/ or institutional leadership. Where project success depends on passing and/ or implementing legislation, project approval could be made dependent on the completion of this process.

6.   There is scope for **greater involvement of academic institutions and non-governmental organisations (NGO)** in research, needs assessment, baseline studies, project design and implementation, outcome and impact assessment, and civil society mobilisation.

7.   There should be **greater emphasis on outcomes**, including effective outcome monitoring, analysis and reporting at fund and project levels.

8.   It is recommended **that the thematic fund approach in Romania and Bulgaria** be continued in the context of a second Swiss Contribution, although **with a significant national involvement in fund management**.

1   Introduction

1.1   Overview and methodology of Module 3

Whereas Module 1 covers the Thematic Fund 'Security' (TFS) in Romania and Module 2 covers the TFS in Bulgaria, this Module 3 report is intended to provide a broader perspective on Swiss Contribution funding in the areas of security and justice.

Module 3 incorporates findings from Module 1 and Module 2, but it also takes into account discussions with strategic Swiss stakeholders (in addition to the Swiss project partners already consulted in the context of Module 1 and Module 2), and a desk review of 27 case study project completion reports covering projects in Estonia, Lithuania, Poland, and Czech Republic (the projects were identified by the Swiss Agency for Development Cooperation(SDC)).

The evaluation commenced with desk research in mid-July 2018. Meetings with Romanian stakeholders and site visits took place in Romania between 24 September and 05 October. Meetings with Bulgarian stakeholders and site visits took place in Bulgaria between 15 and 22 October. Meetings with Swiss project partners and strategic stakeholders were undertaken during September, October, and November (see Table 1 below).

In addition to providing feedback on their involvement in specific projects in Bulgaria and Romania (see Module 1 and Module 2 reports), Swiss project partners have provided information about the added value of Swiss institutions and expertise, as well the benefits to Swiss institutions from participating in projects of the first Swiss Contribution. Feedback received was mainly, but not exclusively, related to their institutions and projects. Swiss project partners provided suggestions on: possible areas for future collaboration; ways to improve the development and implementation of projects; and ways to enhance their involvement in the event of a second Swiss Contribution.

Swiss strategic stakeholders additionally provided insight into Swiss priorities and specific areas where a possible second Swiss contribution should focus, in particular where there are persistent capacity gaps in partner countries and where Swiss institutions have an operational interest and/ or can provide specialist expertise.

Table 1: Swiss stakeholders consulted (Modules 1, 2, and 3)

Institution	Strategic institution	Project partner
Swiss Security Network (delegate)	x	
General Secretariat of the Conference of Cantonal Judiciary and Police Directors (KKJPD)	x	
Conference of Cantonal Police Chiefs (KKPKS) (Chairman)	x	
Savatan Police Academy (management & experts)	x	x
Federal Office of Police (Fedpol) Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM) and International Division	x	x
Office of the Attorney General	x	x
Federal Office for Justice	x	x
International Organisation for Migration (IOM) Bern	x	x
Cantonal Police (Geneva, Neuchâtel)		x
Basel Institute on Governance, International Centre for Asset Recovery		x

Institution	Strategic institution	Project partner
International Institute for the Rights of Children (IDE)		x
FIZ Advocacy and Support for Migrant Women and Victims of Trafficking		x
Association for the Development of the Probation Services in Eastern Europe (VEBO)		x
Swiss Air-Rescue (REGA)		x

1.2   Regional context (security/ justice)

1.2.1   History of support in the area

European Union (EU) pre-accession support for countries in Central and Eastern Europe **commenced in 1998 and provided continuous support in the area of justice and home affairs, through numerous projects, until their accession** in 2004 (EU10), 2007 (Romania and Bulgaria), and 2013 (Croatia). For example, in 1998, Poland was allocated funding of ECU[1] 16 million for two projects: *'Improving the efficiency of the court system and the public prosecutor's office'*;[2] and *'Eastern border management and infrastructure'*.[3] In total, the EU funded 46 justice and home affairs projects in Poland through the Phare programme (1998-2003), and subsequently through **Transition Facility (2004-2006)** (the list of projects is provided in Annex 2).[4] Similar support was provided to other EU candidate countries and during their transition to member states.

EEA & Norway grants 2004-2009 supported 57 Schengen and judiciary projects in eight new EU member states with funding of approximately **EUR 122 million**. Poland alone received 83% of this funding (see Annex 3).[5] **EEA & Norway Grants 2009-2014** supported 248 justice and home affairs projects with funding of approximately **EUR 188 million** (see Annex 3).[6] The majority of projects were in Poland (61), Bulgaria (53), Czech Republic (41), Romania (30), and Slovakia (25). Under the 2014-2021 programme, EEA & Norway Grants provide support in the following justice and home affairs areas:[7] [8]

- Asylum and Migration
- Correctional Services and Pre-trial Detention
- International Police Cooperation and Combating Crime
- Effectiveness and Efficiency of the Judicial System, Strengthening Rule of Law
- Domestic and Gender-based Violence
- Disaster Prevention and Preparedness

The EU's **Schengen Facility** provided approximately **EUR 961 million** to Estonia, Latvia, Lithuania, Poland, Hungary, Slovakia and Slovenia between 2004 and 2006 to finance actions related to the implementation of

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[1] ECU – European Currency Unit. Forerunner to the Euro.

[2] European Commission (undated), *Standard Summary Project Fiche: Project PL9804.01 Improving the efficiency of the court system and the public prosecutor's office*, https://bit.ly/2DmmxSO

[3] European Commission (undated), *Standard Summary Project Fiche: Project PL9804.02 Eastern border management and infrastructure*, https://bit.ly/2T94V2r

[4] European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, https://bit.ly/2Qw0FuO

[5] EEA Grants - Norway Grants, Financial Mechanism Office (undated), Project Portal 2004-2009, https://bit.ly/2Fihq95

[6] EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Our Projects, Projects by financial mechanism 2009-2014, Projects by sector, Justice and Home Affairs*, https://bit.ly/2z6vg8S

[7] EEA Grants - Norway Grants, Financial Mechanism Office, (undated), Priority Sectors and Programme Areas - EEA and Norway Grants 2014-2021, https://bit.ly/2FsW02F

[8] A total of EUR 2.8 billion is allocated to 15 countries, and regional programmes, under the 2014-2021 EEA & Norway Grants. EEA & Norway Grants (May 2016), *EEA & Norway Grants 2014-2020*, https://bit.ly/2UrFfyC

the Schengen Acquis and external border controls.[9] This was followed by The **Cash-Flow and Schengen Facility**, which provided approximately **EUR 476 million for Romania and Bulgaria** for actions implemented from 2007 to 2010, dealing with investment in construction, renovation or upgrading of border crossing infrastructure and related buildings; investments in any kind of operating equipment, including the Schengen Information System (SIS II), and related information technology (IT); training of border guards; and *'support to costs for logistics and operations, including payment of the salaries of the personnel required to fulfil the obligations of the beneficiary Member State in respect of the Schengen acquis'*.[10]

Besides the Schengen Facility, **new member states also participated in various other EU programmes**:[11]

- Migration Management – Solidarity in Action;
- Commission programme for the prevention of and response to violent radicalisation;
- Framework programme on police and judicial cooperation in criminal matters, 2003-2006;
- Administrative cooperation in the field of external borders, visas, asylum and immigration, 2002-2006;
- Daphne II (2004-2008) and Daphne III;
- Exchange programme for judicial authorities, 2004-2005;
- Judicial Cooperation in Civil Matters, 2002-2006.

Other recent and ongoing EU-wide funds and programmes in the area of justice and home affairs include:

Security[12]
- Asylum, Migration and Integration Fund, 2014-2020, EUR 3.1 billion;
- Internal Security Fund, 2014-2020, EUR 3.8 billion (Borders and Visa; Police cooperation, preventing and combatting crime, and crisis management);
- Secure Societies Challenge (security research) 2014-2020;
- General Programme 'Solidarity and Management of Migration Flows', 2007-2013, EUR 4 billion (External Borders Fund; European Return Fund; European Refugee Fund; European Fund for the Integration of third-country nationals);
- Prevention of and Fight against Crime, 2007–2013, EUR 600 million;
- Prevention, Preparedness and Consequence Management of Terrorism and other Security-related Risks, 2007-2013, EUR 140 million;

Justice[13]
- Justice Programme, 2014-2020, EUR 378 million
- Rights, Equality and Citizenship Programme, 2014-2020, EUR 439 million;
- Civil Justice Programme, 2007-2013;
- Criminal Justice Programme, 2007-2013;
- Drug Prevention and Information Programme, 2007-2013;
- Daphne III (violence against women, children and young people), 2007-2013;
- Fundamental Rights and Citizenship, 2007-2013;
- PROGRESS (Antidiscrimination and diversity, Gender equality), 2007-2013;
- Rights, Equality and Citizenship Programme 2014-2020 (EUR 439 million)

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[9] INTEGRATION (January 2010), *Evaluation of Norway Grants support to the implementation of the Schengen acquis and to strengthening of the judiciary in new EU and EEA member states* (p6-7), https://bit.ly/2IpV5r4

[10] European Commission (03 August 2015), *Report on the Implementation of the Schengen Part of the Temporary Cash-Flow and Schengen Facility (2007-2009) for Bulgaria and Romania*, https://bit.ly/2RUyTWF

[11] INTEGRATION (January 2010), *Evaluation of Norway Grants support to the implementation of the Schengen acquis and to strengthening of the judiciary in new EU and EEA member states* (p9), https://bit.ly/2IpV5r4

[12] European Commission (13 November 2018), Migration and Home Affairs, https://bit.ly/2ODjw2I

[13] European Commission (undated), *Justice*, https://bit.ly/2hkaTfH

1.2.2 Ongoing and emerging challenges in the area of security and justice, relevance of the Swiss Contribution

The **European Agenda on Security** identifies three priorities: (1) terrorism and foreign terrorist fighters; (2) serious and organised cross-border crime; and (3) cybercrime.[14] Additional priorities are identified in a more recent Council infographic:[15] cybercrime; drug trafficking; facilitation of illegal immigration into the EU; organised theft and burglary; trafficking in human beings; excise and Missing Trader Intra Community (MTIC) fraud; firearms trafficking; environmental crime; criminal finances; document fraud.

EUROPOL's 2017 Serious and Organised Crime Threat Assessment highlights the following criminal activities:[16]

- Cybercrime (encompassing many different crimes) as facilitator of criminal activities and as a source of new criminal opportunities;
- Organised property crime – many EU member states report a steady increase in burglaries in recent years;
- The illicit drugs market remains the largest criminal market in the EU;
- Migrant smuggling is now one of the most profitable and widespread criminal activities in the EU and is considered to be comparable in scale to the European drugs market;
- Trafficking in human beings for labour exploitation is expected to continue to grow.

Eurojust's Annual Report 2017 notes that the number of cases referred to it by national authorities in 2017 increased by 10.6% compared with 2016, and the main types of case were **fraud**, **drug trafficking** and **money laundering**.[17]

Swiss Contribution funding in the area of security and justice has been highly relevant to European priorities. It has funded projects in the following areas:

- Combating corruption and organised crime;
- Cross-border crime;
- Asset Recovery;
- Policing;
- Measures for securing borders;
- Asylum and migration;
- Combatting trafficking in human beings and protecting victims;
- Environmental crime;
- Modernising the judiciary;
- Penitentiaries and non-custodial sentences;
- Disaster and crisis management.

1.3 General overview of Swiss Contribution funding in the area of security and justice (all New Member States)

Swiss Contribution bilateral framework agreements were signed with the EU10 in December 2007. Agreements were subsequently signed with Romania and Bulgaria in 2010, and with Croatia in 2015.

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[14] European Commission (24 April 2015), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The European Agenda on Security*, https://bit.ly/2wLjONv

[15] Council of the European Union (2018), *Infographic - EU fight against organised crime: 2018-2021*, https://bit.ly/2qYH8W3

[16] European Police Office (2017), *European Union Serious and Organised Crime Threat Assessment - Crime in the age of technology*, https://bit.ly/2qYjAAP

[17] Eurojust (2017),EUROJUST Annual Report 201 (p23), https://bit.ly/2Poff9S

The Swiss Contribution (enlargement contribution) supports countries that joined the EU from 2004 onwards (the EU 13) to reduce economic and social disparities.[18] 'Switzerland's engagement is an investment in security, stability and prosperity on the continent. *At the same time, Switzerland is establishing an important basis for solid economic and political relations with the EU and partner states.'* [19] **The first Swiss Contribution amounted to CHF 1.302 billion** and provided funding for projects the following areas:[20]

- Enhanced security and safety;
- Improving social security;
- Promoting economic growth and improving working conditions;
- Protecting the environment;
- Strengthening civil society.

Key Swiss Contribution dates are summarised in Table 2 below.

Table 2: Key dates of the Swiss Contribution

	Bilateral framework agreements signed	Commitment deadlines	Disbursement deadlines
EU10	20 December 2007	14 June 2012	14 June 2017
Romania & Bulgaria	07 September 2010	06 December 2014	06 December 2019
Croatia	30 June 2015	31 May 2017	11 December 2024

Source: Swiss Contribution bilateral framework agreements[21]

Following a decision of the Swiss Federal Council In March 2018, a consultation has been initiated on a second Swiss Contribution with a focus on vocational education and training and on migration.

In the area of **enhanced security and safety (the subject of this evaluation), the Swiss Contribution funded 82 projects in 10 countries**. Approximately **CHF 114 million** was allocated to this area – approximately 9% of the entire Swiss Contribution (see Table 3 below).[22] **Romania and Bulgaria accounted for 16% and 9%** respectively of budgeted Swiss funding in this area. Overall, approximately 89% of the budgeted Swiss funding in this area is expected to be utilised.

Projects in the following four categories were supported:

- Combating corruption and organised crime;
- Disaster and crisis management;
- Measures for securing borders;
- Modernising the judiciary.

Table 3: Swiss contribution security funding – EU13 (CHF)

	Number	Budget	% of total Swiss	Actual	Actual as % of

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[18] The countries are: (2004 accession) Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; (2007 accession) Romania and Bulgaria; (2013 accession) Croatia.

[19] Schweizerishe Eidgenossenshaft, Directorate for European Affairs DEA, Swiss Agency for Development and Cooperation SDC, State Secretariat for Economic Affairs SECO (May 2018), *Swiss contribution (enlargement contribution) to selected EU states*, https://bit.ly/2qFbcWA

[20] The Federal Council, Department of Foreign Affairs (07 June 2018), *Project database for the enlarged EU*, https://bit.ly/2Dl8sFB

[21] The Federal Council, Department of Foreign Affairs, *Partner countries in Switzerland's contribution to EU enlargement*, https://bit.ly/2JZoqGy

[22] The total Swiss Contribution is CHF 1.302 billion. Federal Department of Foreign Affairs FDFA / Swiss Agency for Development and Cooperation SDC (04 April 2018),*The Swiss contribution in brief*, https://bit.ly/2EeDYWb

	of projects		Contribution budget		budget
Poland	7	32,000,000	28.0%	30,666,666	95.8%
Romania	22	17,492,791	15.3%	14,217,746	81.3%
Czech Republic	15	15,093,485	13.2%	13,395,978	88.8%
Latvia	2	10,379,730	9.1%	10,191,771	98.2%
Slovakia	4	9,903,150	8.7%	9,280,960	93.7%
Bulgaria	10	9,850,000	8.6%	8,799,476	89.3%
Hungary	9	8,779,742	7.7%	7,077,435	80.6%
Estonia	5	5,992,057	5.2%	5,928,983	98.9%
Croatia	1	3,000,000	2.6%	0	0.0%
Lithuania	7	1,771,032	1.5%	1,667,764	94.2%
Total	**82**	**114,261,987**	**100%**	**101,226,779**	**88.6%**

Source: based on data provided by SDC on 11 December 2018

In Romania and Bulgaria, Swiss Contribution security funding is channelled through funds established specifically for the purpose, namely the Thematic Fund Security (TFS) Romania and the TFS Bulgaria. Both funds are managed by a Swiss intermediate body. This arrangement differs from other countries, where Swiss security funding is managed directly by national intermediate bodies.

2   Analysis of sample of project completion notes from other NMS

The completion notes covering 27 projects in four 'new' member states (NMS) (excluding Romania and Bulgaria) were reviewed with the aim of identifying additional insights and lessons learned. These are summarised in Table 4 below and analysed further below. SDC selected the projects for the analysis.

Table 4: Summary of projects included in analysis of project completion notes

Project category	Czech Republic	Poland	Estonia	Lithuania	Total
Combating corruption and organised crime	8				8
Disaster and crisis management	3	2	2		7
Measures for securing borders		5	2		7
Modernising the judiciary	2		2	1	5
Total	13	7	6	1	27

In total, the 27 project completion notes provide 135 ratings (27 projects X 5 evaluation criteria) (see Table 5 below), and **95% are either Highly Satisfactory or Satisfactory**. The projects were **mainly rated Highly Satisfactory overall**, with some rated Satisfactory. The same applies to relevance and effectiveness. For efficiency and sustainability, the ratings were distributed more evenly between Highly Satisfactory and Satisfactory, indicating less strong performance in these areas, and a small number of projects were rated Unsatisfactory. A fourth rating, 'Highly Unsatisfactory' was also possible, but this does not appear in any of the project completion notes reviewed.

Table 5: Summary of project completion note ratings for Module 3 case study projects

Rating	Overall		Relevance		Effectiveness		Efficiency			Sustainability		
	HS	S	HS	S	HS	S	HS	S	U	HS	S	U
Czech Republic	10	3	13		12	1	6	5	2	6	6	1
Estonia	2	4	3	3	2	4	1	3	2	3	2	1
Lithuania		1		1		1			1		1	
Poland	6	1	6	1	6	1	5	2		4	3	
Total	18	9	22	5	20	7	12	10	5	13	12	2

Source: based on analysis of Module 3 case study project completion notes (HS: Highly Satisfactory; S: Satisfactory; U: Unsatisfactory)

In short, the projects are considered to have addressed real needs and to have produced good results, although there were areas of efficiency and sustainability that might ideally have been stronger. The executing agencies (EA) are generally described as efficient, responsive, constructive, pragmatic and solution-oriented. Good institutional memory was ensured where there were changes in project management.

The following analysis is not intended to describe the achievements and challenges of the case study projects in detail, which is not possible on the basis of the project completion notes. Rather, the analysis is intended to summarise key issues and lessons learned that are identified or implied in those reports.

The findings of the analysis are presented below for each project category. The lessons learned are also summarised in Table 6 on page 15.

2.1   Combating corruption and organised crime

This section includes eight police projects in the Czech Republic. Four of these deal with new or enhanced operational approaches for combating organised crime, corruption, terrorism, and extremism. The other four deal specifically with IT systems and tools. This group also covers one Customs project in Poland.

2.1.1   Efficiency, effectiveness, sustainability

Stable, dedicated project teams throughout implementation helped to ensure achievement of objectives, despite initial delays.

There **was initially limited interest in the security theme**. The National Coordination Unit (NCU) received few project proposals and in several cases the budgets were significantly below the minimum threshold set in the Framework Agreement.

In most cases, the complexity of **national public procurement rules** and other administrative processes was underestimated, which led to **delays and project extensions**. Most procurement resulted in significant savings, suggesting that **costs were generally overestimated**. In one case, approximately 43% of the available funds were unutilised as the EA could not prepare a proposal for additional activities in time.

One project required the adoption and implementation of new **legislation**. Although the legislation came into force towards the end of the project, this did nevertheless pose a **risk to the achievement of project objectives**.

The **involvement of local authority representatives** in needs identification (equipment and training topics) for the custom service mobile groups project in Poland was identified as a good practice as it **ensured the project addressed local needs and practices**.

It is unclear to what extent some training activities have been **institutionalised**.

2.1.2   Swiss dimension

Swiss participation was mainly limited to review of project proposals. Very few projects in this category involved Swiss project partners. Several projects did however involve useful **international cooperation and networking (including with Switzerland)**. The possibility of Swiss added value was limited in some cases where detailed knowledge of EU legislation was required (e.g. EU Customs legislation). Nevertheless, some project completion notes suggest that some **opportunities for leveraging Swiss expertise may have been missed.**

Two of the funded projects **involved only (or primarily) the procurement of IT**. There was no capacity building, no Swiss expertise was involved, there appeared to be no obvious benefit for Switzerland (e.g. in terms of exchange of information), and the IT is likely to need to be replaced or significantly upgraded within a relatively short time due to continuous developments in IT generally. It could therefore be argued that that is something that **might have been funded from the national budget or other sources, rather than the Swiss Contribution**.

In some cases, there appears to have been **limited Swiss visibility**.

2.1.3   Lessons learned/ recommendations

Initial lack of interest in the security theme in the Czech Republic suggests that there may have been **insufficient dialogue and clarity between the NCU, the intermediate body, and EAs** in the country regarding the priorities in the Framework Agreement.

One project with a small budget developed a new tool related to the analysis of drugs. Although it did not involve Swiss expertise, it can benefit Switzerland (and other countries), as Interpol has adopted the system.

This suggests that **significant results are possible with small budgets** where the need and objective are very clearly defined and the result has wider application. The success of this project was also partly due to the sophisticated national and international dissemination activities of the EA.

Several completion notes indicated that it is **more effective to combine hard and soft measures**.

It is risky to implement projects when relevant legislation is not already in place.

2.2   Disaster and crisis management

This section covers two projects in Estonia, two in Poland, and three in the Czech Republic.

2.2.1   Efficiency, effectiveness, sustainability

The Emergency Response Center project in **Estonia** is considered a **great success**, although its **complexity was initially underestimated** (it involves six institutional actors), and it was delayed due to its **dependence on another project**. Many options for expanding the project have been identified, and three neighbouring countries expressed interest in acquiring a similar system. However, **another project**, on fire safety in social welfare and health care institutions, **shows little evidence of impact** or sustainability. This is because the **EA has no authority over the target institutions** to require them to follow fire safety guidelines, as they report to another authority.

In **Poland**, the multi-dimensional nature of the road safety project and its holistic approach were described as **good practices** and to some extent **distinguish the Swiss Contribution** from other external sources of funding. This approach has also **facilitated establishment of an inter-sectoral partnership**, although it was suggested that the project would have benefited from more substantive non-governmental organisation (NGO) involvement. 'On the borderline of terrorism - the emergency response training' project in Poland adopted an inter-sectoral approach, including uniformed and non-uniformed institutions and agencies. While a good approach, this created a challenge with respect to the selection of the EA. The Emergency Response System involves and coordinates non-uniformed institutions. It is therefore possible that the designation of the National Police as the EA **may have constrained the project's outreach** – for example, there were few participants in training activity.

In the **Czech Republic**, the **combination of soft and hard measures** in the Disaster Victim Identification (DVI) team project was highlighted as a **good practice**. However, another project **primarily involved procurement** of protective equipment, with **limited scope for training**. **Sustainability was good in both cases**, with the newly established **DVI Team well integrated** into national emergency system and police structures. Target institutions have committed themselves to **using and maintaining the safety equipment for 10 years**. The construction of a multifunctional training (simulation) facility is significant for **cooperative training of various police units**. It is also used to **showcase project results and Swiss support** to the media and the public (a police training facility – the Polygon - has recently been constructed in Bulgaria with Swiss Contribution support).

2.2.2   The Swiss dimension

A Swiss partner was imposed on the EA of the fire safety project in Estonia, as the topic of fire safety was new to SDC. This did not go well, as the partnership was not requested or initiated by either institution.

In the area of road safety, partnership between Polish authorities and the Swiss Police Institute and Cantonal Police authorities was described as efficient and durable. The DVI project in the Czech Republic is described as a good example of the importance of partnership with Swiss institutions, especially when new entities, which already exist in Switzerland, are being established in partner countries. The project is also considered to illustrate the mutual benefits of such cooperation.

2.2.3   Lessons learned/ recommendations

It is important to address issues/ problems in a systemic, multi-dimensional way and to involve key actors with a role in the system, especially where they have direct influence or authority over target groups or institutions. It is also important that the designated EA is the institution best-placed to lead efforts to bring about changes in specific areas. NGOs also play an important role, and some projects could benefit from more substantive NGO involvement.

The combination of hard and soft measures is considered to be the most effective approach, since training (or other capacity building) without the necessary equipment or infrastructure makes it difficult to put new approaches into practice; and equipment or infrastructure without training (or other capacity building) does not ensure the adoption of new approaches, or the optimal utilisation of the new equipment.

Implementation of projects that depend on the progress or completion of other projects may result in delays.

For effectiveness and sustainability, it is important to ensure that supported structures and project outputs are fully integrated into institutional structures.

Where the Swiss Contribution is funding similar projects in several countries, it would be useful to ensure systematic networking and exchange of experiences between the countries concerned.

Partnerships are likely to be most successful where they have been requested and/ or initiated by one or other partner.

2.3   Measures for securing borders

This section covers four projects in Poland and two in Estonia. The projects in Poland focus mainly on renovations and new infrastructure at border crossing points, including an epidemiological filter facility.[23] The projects in Estonia focus mainly on the procurement and installation of new equipment and systems (licence plate recognition, and equipment for the forensic institute). The projects in this group include limited soft measures, such as training.

2.3.1   Efficiency, effectiveness, sustainability

The project on the management of migration in **Poland** was intended to **provide a comprehensive** approach and thus involved numerous activities aimed at different target groups. However, the project was considered **too broad for the available budget**. Neighbouring countries have shown interest in the epidemiological filter, which was considered to be technologically innovative.

The two projects in **Estonia** took an **inter-sectoral approach**, which aimed to address their respective objectives in a **systemic** way and involved uniformed and non-uniformed agencies/ institutions, as well as representatives of central and local authorities. This provided opportunities for networking between different institutions and agencies.

2.3.2   The Swiss dimension

The Legal Medicine Institute of Lausanne and the University of Lausanne were involved in some forensic training in Estonia. **Good cooperation** was established and maintained between Polish partners and the Swiss Customs Administration and Swiss Border Guards.

In the area of migration in Poland, there were study visits to Switzerland, which led to **strengthened collaboration** with the Swiss State Secretariat for Migration, which is considered an important added value for the future.

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[23] Urząd Do Spraw Cudzoziemców (Office For Foreigners), *"Epidemiological Filter" – Project Finalization*, https://bit.ly/2DledCZ

2.3.3   Lessons learned/ recommendations

There is a difference between 'holistic' and 'comprehensive' approaches. The former implies addressing issues in a systemic way, while the latter implies coverage of everything, although not necessarily in a systemic way. 'Comprehensive' also implies doing things on a large scale, with a correspondingly large budget.

The epidemiological filter in Poland is considered technologically innovative, but the general approach is now considered somewhat dated as it is now considered best practice to address migrant health issues within existing national health structures.

2.4   Modernising the judiciary

The projects in this group consist of one conference, two projects to equip judicial institutions with video conferencing equipment, one project to update a judicial training system, and one project to pilot probation/ reintegration activities.

2.4.1   Efficiency, effectiveness, sustainability

Projects were promoted by national stakeholders, with the exception of the conference, which was promoted and led by a Swiss institution, and consequently lacked national ownership.

Project teams appear to have been stable, although one project experienced two changes of institutional leadership.

One of the two video conferencing equipment projects incorporated lessons from another country to some extent. However, the other did not, and there was also insufficient consultation of users and consequently **some of the new facilities in one of the two countries were less than satisfactory**.

There were clear results, with the exception of **the conference, which lacked clear objectives and expected outcomes**. The two **video conferencing projects are the only ones where the outcomes are clearly identified** and supported with numbers (e.g. time and cost savings). Results and outcomes of the probation project were **constrained by a change in project context**, and by two changes of institutional leadership.

Three of the projects were **extended several times**, in part due to the need to utilise additional funds resulting from appreciation of the CHF, but also due to **tendering difficulties**. In one case, 38% of the original CHF **budget was unutilised**.

2.4.2   Swiss dimension

Swiss participation was limited in three of the projects to a review of project proposals. The only Swiss know-how transfer came in the area of probation/ offender reintegration. In two cases, the EAs appear to have overlooked Swiss visibility requirements.

2.4.3   Lessons learned/ recommendations

Projects must be driven by national stakeholders (rather than Swiss institutions) and they **must have clearly defined objectives and expected outcomes**.

EAs must have sector knowledge and engage effectively with stakeholders in order to address needs adequately.

Where the Swiss Contribution is funding similar projects in several countries, it would be useful to **ensure systematic networking and exchange of experiences between the countries** concerned. Where projects are a continuation of earlier initiatives, it is important to **ensure that the experiences and lessons learned from earlier activities are analysed and incorporated** into follow-on projects, including where earlier initiatives have been funded from other sources, such as EEA & Norway Grants, or the EU.

Projects focusing on systems at institutional level (as opposed to unit or department level) seem to produce the most concrete and sustainable results (assuming the needs are identified by the institutions themselves).

Considering also the experience of two projects covered in Module 1 (Romania) and Module 2 (Bulgaria), **policy-related initiatives may be more challenging than 'technical' initiatives** because the issues may not be seen as sufficiently high priorities in NMS and the approaches may lack sufficiently broad political support in NMS to maintain momentum through changes in the project context. It is interesting to note that subjects in question are areas in which Switzerland can offer particular experience and expertise (juvenile justice, non-custodial sentences and offender reintegration). Such projects may need to be supported with **increased research and evidence-based advocacy** in order ensure that the benefits of these approaches are more widely understood.

2.5   General observations on the Swiss dimension – Module 3 case study projects

There was **limited systematic involvement of Swiss institutions** in the projects and therefore limited cooperation was established between target countries and Swiss institutions. Where partnerships were involved, there is limited evidence of their continuation after the completion of projects. However, it is important to note that partnerships were often not intended to continue, but rather to boost specific changes.

Procurement-only projects may offer **fewer opportunities for exchange of experiences** and substantive, longer-term partnership. However, it also has to be recognised that considering the Swiss Contribution financed approximately 70 projects in 10 countries, there must be limits to the extent that Swiss institutions can act as partners. For example, **Fedpol** was approached to contribute to projects on terrorism-related topics in general, and on Disaster Victim Identification in particular. It did engage in two projects in the Czech Republic **but lacked resources to engage** in the Polish project, 'On the borderline of terrorism – the emergency response training', where it was replaced by a private consultant.

When they were involved, Swiss institutions tended to act as service providers (e.g. training).

A lesson learned through some projects suggests that **partnerships with Swiss institutions should be an integral part of the project design,** and the role and activities of the Swiss partners should be defined at an early stage.

2.6 Summary of lessons learned – Module 3 case study projects

Table 6 below provides a brief overview of lessons learned that have been identified in the Module 3 case study projects.

- Column C: Combating **c**orruption and organised crime;
- Column D: Disaster and crisis management;
- Column B: Measures for securing borders;
- Column J: Modernising the judiciary.

Table 6: Summary of lessons learned – Module 3 case study projects

Lessons learned	C	D	B	J
One project with a small budget developed a new tool related to the analysis of drugs. Although it did not involve Swiss expertise, it can benefit Switzerland (and other countries), as Interpol has adopted the system. This suggests that significant results are possible with small budgets where the need and objective are very clearly defined and the result has wider application. The success of this project was also partly due to the sophisticated national and international dissemination activities of the EA.	X			
The epidemiological filter in Poland was considered technologically innovative and neighbouring countries have shown interest. However, the approach is now considered somewhat dated.			X	
Initial lack of interest in the security theme in the Czech Republic suggests that there may have been insufficient dialogue and clarity between the NCU, the intermediate body, and EAs in the country regarding the priorities in the Framework Agreement.	X			
The combination of hard and soft measures is considered to be the most effective approach, since training (or other capacity building) without the necessary equipment or infrastructure makes it difficult to put new approaches into practice; and equipment or infrastructure without training (or other capacity building) does not ensure the adoption of new approaches, or the optimal utilisation of the new equipment.	X	X		
EAs must have sector knowledge and engage effectively with stakeholders in order to address needs adequately.				X
It is important to address issues/ problems in a systemic, multi-dimensional way and to involve key actors with a role in the system, especially where they have direct influence or authority over target groups or institutions. It is also important that the designated EA is the institution best placed to lead efforts to bring about changes in specific areas. NGOs also play an important role and some projects could benefit from more substantive NGO involvement.		X		
There is a difference between 'holistic' and 'comprehensive' approaches. The former implies addressing issues in a systemic way, while the latter implies coverage of everything, although not necessarily in a systemic way. 'Comprehensive' also implies doing things on a large scale, with a correspondingly large budget.			X	
Projects focusing on systems at institutional level (as opposed to unit or department level) seem to produce the most concrete and sustainable results (assuming the needs are identified by the institutions themselves).				X

Lessons learned	C	D	B	J
For effectiveness and sustainability, it is important to ensure that supported structures and project outputs are fully integrated into institutional structures.		X		
Where the Swiss Contribution is funding similar projects in several countries, it would be useful to ensure systematic networking and exchange of experiences between the countries concerned.		X		X
Partnerships are likely to be most successful where they have been requested and/ or initiated by one or other partner.		X		
Projects must be driven by national stakeholders (rather than Swiss institutions) and they must have clearly-defined objectives and expected outcomes.				X
Where projects are a continuation of earlier initiatives, it is important to ensure that the experiences and lessons learned from earlier activities are analysed and incorporated into follow-on projects, including where earlier initiatives have been funded from other sources, such as EEA & Norway Grants, or the EU.				X
Implementation of projects that depend on the progress or completion of other projects may result in delays.		X		
It is risky to implement projects when relevant legislation is not already in place.	X			
Considering also the experience of two projects covered in Module 1 (Romania) and Module 2 (Bulgaria), policy-related initiatives may be more challenging than 'technical' initiatives because the issues may not be seen as sufficiently high priorities in NMS and the approaches may lack sufficiently broad political support in NMS to maintain momentum through changes in the project context. It is interesting to note that the subjects in question (juvenile justice, non-custodial sentences and reintegration of offenders) are areas in which Switzerland can offer particular experience and expertise. Such projects may need to be supported with increased research and evidence-based advocacy in order ensure that the benefits of these approaches are more widely understood.				X

3   Overall findings and conclusions

This section incorporates the analysis of the Module 3 case study projects, and the findings and conclusions of Module 1 (Romania) and Module 2 (Bulgaria).

3.1   Major lessons learned

3.1.1   Strategic long-term cooperation between key institutions

To some extent, there has been a lack of a strategic approach to the use of the Swiss Contribution in the security/ justice area. For example, it was reported that in one country, a key central actor invites departments and agencies to present project ideas, with the request being passed further and further down the chain of authority. This results in a random selection of projects that do not clearly address specific government priorities. In fact, this approach is the outcome of a lack of strategic approach throughout the system. Strategic stakeholders in Switzerland suggest that it would be **more effective for key Swiss institutions and agencies to enter into strategic, long-term partnerships with specific institutions in partner countries to address gaps and challenges in a more systemic, consistent, and logical way**. Clearer strategy and vision would help to **ensure that achievable goals are clearly defined**, and **outcomes are systematically assessed** – an important issue for Switzerland. A more strategic, longer-term approach would **also help Swiss institutions with resource planning**.

A more strategic, longer-term approach should still be **flexible enough to support innovative projects**. A good example of this was the support to the Rise Project in Romania, which implemented a project on 'Mapping and visualizing cross-border crime'.

Emphasis should be placed on developing core institutional capacities and systems for continuous incremental improvement in key institutions and agencies in partner countries, rather than on **funding activities that simply provide a short-term 'fix' for structural capacity gaps**, which implies a lack of sustainability and likely need for repetition in the future, possibly with funding from other sources. For example, in some cases, **new training curricula and approaches were developed** for specific target groups **but relevant national training institutions were not necessarily involved.** They did not therefore benefit or gain inspiration from the cooperation, are not in a position to replicate, maintain, and further develop the new training, and possibly have limited interest in the new products.

In some countries two significant challenges to achieving a more strategic approach are (1) the **lack of strategic thinking**, and (2) frequent c**hanges in political and institutional leadership and operational personnel**, which severely undermines continuity. This is possibly why in some countries there is evidence of the **same or similar support, funded from different sources, having been provided at various times over the past 20 years** to the same institutions and agencies.

3.1.2   Multi-sector, multi-dimensional approach

The experience of many projects suggests that it is **important to address issues in a multi-dimensional way**. This requires interdisciplinary **approaches**, involving a range of key actors and stakeholders **working together to address clearly-defined issues** and challenges in a **coherent and systemic** way. There should be greater emphasis on this in future, although it is also important to be realistic about the **considerable leadership and coordination challenges** that such an approach implies. Again, this would be supported by a more strategic approach, as indicated in 3.1.1 above.

The **involvement of relevant stakeholders at the right time** during concept development, needs assessment, and project development and implementation is essential. Stakeholder feedback indicates that various aspects of the involvement of Swiss and national stakeholders could be improved in future. To some

extent, this issue would be addressed by the more strategic, longer-term partnerships between Swiss and partner-country institutions (see 3.1.1 above).

There is **scope for greater involvement of academic institutions and NGOs in partnership with state institutions and agencies**, in research, needs assessment, baseline studies, project design and implementation, and outcome and impact assessment. The involvement of NGOs also helps to mobilise civil society, strengthen cooperation between state and non-state actors, and reach target groups through different channels.

3.1.3   Risk management

A number of projects have suffered from **inadequate risk assessment and management**. In future, it would be highly desirable for project proposals to include realistic, and sufficiently **detailed risk assessments and mitigation strategies**, indicating what actions are to be taken, by whom, and when. In particular, the conditions for interrupting or terminating project implementation should be clearly defined (e.g. changes in legislation, or non-adoption or implementation of legislation).

3.1.4   Synergies

The involvement of the **same Swiss partners in several projects within partner countries would create greater synergies** between projects and would build up cooperation expertise in specific Swiss partner organisations. This could reduce overheads, in the sense that it is not necessary to learn the procedures from the start each time. This fits in with the more strategic approach described in point 3.1.1 above.

Where the Swiss Contribution funds similar projects in different countries, SDC and the Swiss cooperation offices (SCO) could perhaps **promote greater experience-sharing between countries** regarding project implementation and utilisation and further development of project benefits (e.g. police training simulation facilities; judiciary video conferencing facilities).

3.1.5   Coordination among and with Swiss agencies

In order to ensure smooth planning and implementation of a second Swiss Contribution, it would be desirable for **SDC to reinforce contacts with Swiss institutions** that were involved in security and justice projects in the first Swiss Contribution.

In the context of negotiation of bilateral framework agreements for a second Swiss Contribution, it would be desirable for Swiss security and justice institutions to **discuss priorities, operational needs, and other specific areas of interest**. In this regard, it would be worth convening a round table involving relevant Swiss security and justice institutions, including Fedpol, the Attorney General's office, the State Secretariat for Migration (SEM), etc. to map operational needs in Switzerland as well as needs to improve work with EU enlarged countries.

Swiss security and justice institutions should be **involved in discussions with SDC** about a second Swiss Contribution to **identify and refine areas of mutual interest** i.e. match Swiss operational needs, Swiss added value, and expected benefits to Swiss institutions with structural and operational needs of target countries. **The envisaged roles and contributions of Swiss institutions should be clarified** at an early stage.

In areas related to police operational work, **coordination should be done through Fedpol and KKPKS to reach cantonal police forces**. Not all cantonal police forces have the same capacity to send staff abroad and these two coordinating bodies can identify which police forces are best placed to provide the requested support. With regard to **police training, coordination should be done through the Swiss Police Institute (ISP) and regional police schools**. Funding for coordination activities should be provided through the Swiss Contribution.

There should be **stronger involvement of Swiss institutions throughout the project lifecycle**, including concept development, needs analysis, project design, implementation and follow-up. This should include a mechanism for providing feedback to Swiss institutions on project outcomes and their contributions.

3.1.6   Changing institutional cultures

Capacity building projects are often **targeted mainly at middle- and lower-ranking operational staff**. This approach may have **limited impact and sustainability** due to (1) personnel turnover, and (2) unchanged institutional culture, which does not foster new attitudes and approaches. Indeed, the **introduction of new approaches** such as community policing, human rights-based policing, or child-friendly justice are **intricately connected to changes in institutional culture**.

Changing institutional culture requires the active involvement of political, institutional, and agency leadership, as well as operational staff. It is therefore important to ensure that projects include a range of activities targeting different levels of the system,[24] and that senior actors in partner countries are able to interact with similarly senior Swiss counterparts. This is particularly important where hierarchical institutions are involved. Senior actors need to be involved from the start to promote the right environment for institutional change.

3.1.7   Delays and extensions

Many projects have been subject **to delays and extensions** for different reasons. In Romania and Bulgaria, there were **long gaps between development of project concepts and approval of project proposals**. This was because project concepts had to be developed quickly to be included in framework agreements, which had to be promptly concluded between Switzerland and partner states. It subsequently it took a long time for concepts to be transformed into adequate proposals due the **limited capacity of EAs**. In several countries, not only Romania and Bulgaria, **national public procurement rules and processes were more complicated and time-consuming than expected**. The **roles and responsibilities of actors involved in the thematic security funds** in Romania and Bulgaria were **unclear**, and the rules and processes were also initially unclear. Thus, in the context of a possible second TFS, it is **important that substantive strategic planning and dialogue takes place between key Swiss institutions and partner states, well in advance of the signing of future financing agreements.**

In a number of cases, **extensions** were provided to enable EAs to utilise **additional funds resulting from exchange rate gains**. However, in one case, the EA was unable to submit a proposal in time, and in another case the EA declined to utilise the additional funds. It would be useful for projects **to include contingency plans** for these circumstances.

3.2   Structure and management of the TFS in Romania and Bulgaria

The **TFS in Romania and Bulgaria have been managed by a Swiss intermediate body** (SIB), a consortium consisting of a private sector consulting company, an intergovernmental research institute, and an NGO. Its responsibilities have included:[25]

- The establishment and management of the two TFS (Romania and Bulgaria);
- Development of the activity portfolio, including:
    - Calling for and/ or collecting activity proposals;
    - Supporting the development of proposals;
    - Reviewing compliance with proposal requirements;
    - Making recommendations on the selection of activities to be funded;
    - Drafting credit proposal documents for each activity for submission to SDC;

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[24] E.g. training for operational staff, and conferences and round tables for more senior actors.

[25] Based on the *Terms of Reference for Fund Management Amended Version 11.04.2017*

- Preparing and concluding contracting arrangements with the executing agencies implementing the activities;
- Contracting and the supervision of the executing agencies;
- Monitoring and reporting on TFS activities.

This arrangement has been effective. In particular:

- It concentrates management, coordination, and design expertise;
- It has been very successful in mobilising Swiss partners;
- It has been highly flexible and in many cases has found solutions to overcome obstacles caused by slow, complicated, unclear, and inflexible national rules;
- It has ensured, with few exceptions, that the envisaged Swiss-funded security and justice projects have delivered the planned activities and outputs within deadlines, despite significant challenges, including limited executing agency project design and management capacity.

However, this set-up **does have some disadvantages**, some of which were known in advance, and others which became apparent during the course of TFS implementation:

- It is expensive, with fund management accounting for approximately 20% of total TFS funding in the two countries;
- SDC considers that it has not been able to develop sufficiently strong linkage with executing agencies, and that this may have constrained Swiss visibility;
- Some stakeholders have found the set-up complicated, with unclear roles and responsibilities and lines of communication;
- Heavy reliance on the SIB to perform many important functions and solve many problems may have constrained national ownership;
- The steering committees have reportedly tended to focus on operational matters and not sufficiently on strategic issues;
- With the emphasis on ensuring completion of Swiss funded-projects, there has been limited attention to outcomes.

3.3   Swiss added value

Swiss project partners and strategic institutions confirmed that Switzerland and its judicial and security institutions offer some comparative advantages to enlarged EU countries. Three main aspects of Swiss added value have been highlighted: the democratic model and neutrality of Switzerland; the flexibility and variety of approaches due to its federal system; and Swiss know-how and specific expertise.

Due to its **neutrality, democratic system and good governance**, Switzerland is a well-accepted partner. The neutral position of Switzerland was also stated as important in the context of projects in the security sector, for instance when working with law enforcement agencies. The absence of institutional prejudice e.g. towards Roma was a view expressed by a Bulgarian stakeholder.

Switzerland is also **well positioned in European rankings** in some areas, for instance when it comes to road safety.

Swiss cooperation is described as **flexible, pragmatic and open-minded**. Swiss institutions are open to discussion, and willing to show how they work, even in the justice and security sectors.

The federal system in Switzerland offers a **variety of approaches**, often resulting from differences in how Swiss cantons and regions function. Switzerland also has long experience of working in several languages and with minorities. This variety of approaches and models, combined with modest administrative requirements, are helpful to partner countries in establishing and further developing their systems.

Switzerland has brought **internationally-recognised expertise** to projects in new EU member states, in particular the International Center for Asset Recovery of the Basel Institute on Governance, Swiss Air-Rescue (REGA), and the School on Criminal Sciences of the University of Lausanne. Education in Switzerland (e.g. university programmes, and police schools) is also internationally well-regarded.

Swiss partners have brought **practice-oriented approaches** and this was especially appreciated in police training (experts from the Savatan Police Academy).

Swiss expertise and experience were instrumental in establishing new structures (e.g. the police training facility in Bulgaria based on training facilities at the Savatan Police Academy and the DVI team in Czech Republic based on Swiss DVI Team). EAs in Romania and Bulgaria also mentioned that some **complex technical procurements would not have been possible** without Swiss expertise in drafting technical specifications and other required documents.

The following specific Swiss expertise and experience in the area of justice and security are highlighted:

- In the justice area, the **juvenile justice** system in Switzerland was described as restorative, with mediation in criminal proceedings involving children an integral part of the system. **Probation, non-custodial sentences and reintegration of offenders** are also central to justice and crime prevention in Switzerland. Switzerland not being part of the EU implies that some agreements at EU level are not applicable. Swiss institutions therefore play a key role in ensuring that **countries meet Swiss requirements**, that due process is followed, that requests are admissible, and that cooperation is ultimately successful.
- On **policing**, many stakeholders in Switzerland identified **Community Policing** practices as being well-established and well-institutionalised in Switzerland, and central to daily police work. However, **human rights-based policing** is a newer concept in Switzerland. Its introduction about 15 years ago presented some initial challenges and this experience in itself offers a good example for other countries.
- On **asset recovery**, Switzerland is a financial centre and has an interest in no longer being seen as a safe haven for hiding money acquired illegally. Switzerland and its institutions are therefore key partners in obtaining information to recover assets.
- On **disaster and crisis management,** air rescue in Switzerland can operate day and night. Night operations require specific tools and skills that are well-established in Switzerland, but not in many other countries.

NGOs point out that Switzerland is the only source of systematic international funding for the provision of **support to victims of trafficking** (return, protection, and reintegration). EU funds cannot be used to support the return of victims from Switzerland. Swiss funding thus fills a significant gap, which can be seen as a niche area for Switzerland. Stakeholders in Bulgaria indicate that cooperation with Switzerland in this area is more intensive than with other countries. Some Swiss input was provided on an almost voluntary basis e.g. IOM Bern participation in the ANIMUS anti-trafficking project in Bulgaria, and FIZ promotion of the bilateral guidelines using its own budget beyond the project.[26]

Other areas of support suggest good complementarity with other financial mechanisms (EU, bilateral and national). The Ministry of Interior in Bulgaria reported that Swiss funding for forensic services is being complemented by funds from EEA & Norway Grants to develop forensic laboratories throughout Bulgaria. Many Swiss projects on securing borders, in particular external Schengen borders in Estonia and Poland, complement activities funded by the EU and national budgets. In Estonia, Swiss funding for video conferencing facilities for judicial institutions and actors completed a process that was started with EU and EEA & Norway Grants funds. In Romania, EEA & Norway Grants have supported probation and non-custodial sentences, an area in which the Swiss Contribution has also been active (Community Service Workshops).

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[26] ANIMUS/FIZ (undated), *Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons*, https://bit.ly/2z1Au58

In Romania the involvement of Swiss partners was said to **improve the visibility and status of projects**. This appears to be particularly the case for projects where the EA is an NGO, but state institutions also consider that the involvement of a Swiss partner benefits them in this way.

3.4   Benefits to Switzerland, Swiss institutions

Networking and exchange of experiences have been highlighted as one of the most valuable benefits to Swiss institutions and practitioners. This has been carried out through study visits, meeting and training activities. Some activities in partner countries also provided opportunities for Swiss practitioners to network with practitioners from other European countries. (e.g. participation of experts from other countries on Blue Room activities in Bulgaria) or invited Swiss experts to attend other events (e.g. participation in European Union Police Services Training exercise in Romania). International networking was also mentioned in the context of combatting corruption and organised crime projects in the Czech Republic.

Swiss institutions **increased their knowledge and understanding of institutions and structures in other countries**. They were also better able to understand specific phenomena in partner countries. For example, Swiss Police officers together with NGOs were able to visit various locations in Romania and Bulgaria to observe push factors behind human trafficking. Swiss stakeholders emphasise the importance of this, especially in relation to counselling and returning victims. They point out that this is only possible through the close collaboration that Swiss-funded projects of this type facilitate.

Supporting security and justice projects also brings **increased international visibility for Swiss institutions,** leading to invitations to contribute to other projects in other countries. This was the case for the International Centre for Asset Recovery of the Basel Institute on Governance, which was invited to a workshop in Ukraine following training with National Agency for the Management of Seized Assets (ANABI) in Romania.

The Savatan Police Academy notes that participation in projects can contribute to the **further development of existing Swiss infrastructure,** especially if it includes hosting training and meetings.

Anti-trafficking projects with Romania and Bulgaria **inspired prevention activities within Switzerland** in 2016 and 2017, which utilised materials developed during the projects.

3.5   Areas of interest for possible future cooperation

Swiss strategic stakeholders and project partners identified the following priorities and areas of interest for operational purposes:

- Migration and border management;
- Trafficking in human beings;
- Cybercrime and cybersecurity;
- Corruption of state institutions (infiltration by criminal interests);
- Strategic support to institutional changes in police structures, and capacity of national police training institutions;
- Modernising the judiciary, in particular digitalisation of documentation;
- Cooperation between prosecution offices.

The importance of **learning together** (strengthening capacities simultaneously in Switzerland and partner countries) was highlighted by the Conference of Cantonal Judiciary and Police Directors. Introduction of new technologies for border management, and digitalisation of the judiciary and its documentation were given as concrete examples of where there are needs and/ or interests both in Switzerland and in NMS partner countries.

The evaluation also identified the following areas in which Switzerland can offer particular expertise (also discussed in 3.3):

- Justice: juvenile justice; probation; non-custodial sentences; and offender reintegration;
- Policing: community policing and human right-based policing;
- Asset recovery;
- Education: university programmes and police schools;
- Disaster and crisis management;
- Road safety.

Table 7 below compares Swiss priorities, interests, and areas of special expertise/ added value[27] with needs and priorities identified from EU and other international documents, for example the Cooperation and Verification Mechanism (CVM) reports for Romania and Bulgaria.

Table 7: Swiss priorities, interests, & special areas of expertise

Subject/ theme	Swiss priority/ interest/	Swiss special expertise	Identified in CVM report (Romania & Bulgaria only)	Identified in other EU/ international documents
Terrorism				
Terrorism and foreign terrorist fighters				X
Organised crime				
Serious and organised cross-border crime			X	X
Trafficking in human beings	X			X
Drug trafficking				X
Firearms trafficking				X
Organised theft and burglary				X
Environmental crime				X
Excise and Missing Trader Intra Community (MTIC) fraud				X
Migration & borders				
Migration & border management	X			X
Fraud/ document fraud				X
Cybercrime				
Cybersecurity/ cybercrime	X	X		X
Corruption & money laundering				
Infiltration of state institutions by criminal interests	X		X	
Criminal finances/ money laundering		X	X	X
Asset recovery	X	X		
Police				
Strategic support to institutional changes in police structures	X	X		X
Developing capacity of national police training institutions		X		
Police cooperation	X			

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[27] These were identified by Swiss strategic stakeholders and project partners in the context of this evaluation.

Subject/ theme	Swiss priority/ interest/	Swiss special expertise	Identified in CVM report (Romania & Bulgaria only)	Identified in other EU/ international documents
Prosecution				
Prosecution service			X	
Cooperation between prosecution offices	X			
Justice				
Juvenile justice		X		X
Probation/ non-custodial sentences/ offender reintegration		X		
Modernising the judiciary, and court systems and organisation	X		X	
Disaster & risk management		X		
Road safety		X		

4   Recommendations

4.1   Future Swiss funding - security/ justice projects in Romania and Bulgaria

Table 8 on the following page presents several possible alternatives for the management of future Swiss Contribution funding in the area of security and justice, including the current arrangement, whereby the funding is managed by a Swiss intermediate body. All of the suggested scenarios, with the exception of No.3 (existing state structures and processes) are **based on a thematic fund/ programme approach. We suggest that such an approach will be helpful in the context of Romania and Bulgaria for the following reasons**:

- It promotes a more strategic approach;
- It concentrates attention and expertise in areas that are important for Switzerland;
- It helps to ensure that the subjects of importance to Switzerland are not overlooked in partner countries;
- It should provide a better basis for understanding of what is achieved generally in the sector;
- It involves a specially contracted management body that can:
    - Provide systematic project design and management capacity development support for executing agencies;
    - Ensure systematic monitoring and assessment of activities and outcomes;
    - Ensure management and utilisation of funds in accordance with Swiss standards of accountability and transparency.

Table 8: Possible alternative approaches for future Swiss security/ justice funding

Possible set-up	Description of set-up	Advantages	Disadvantages and risks
1. Swiss intermediate body	Fund/ programme managed by a Swiss intermediate body (current set-up).	- Concentrates attention and expertise in areas that are important for Switzerland. Helps to ensure that subjects important for Switzerland are not overlooked in partner countries; - Good identification and mobilisation of Swiss partners; - Ensures coordination between Swiss and national partners; - Helps to overcome national capacity and process constraints. Ensures that 'things get done' within key deadlines and that projects deliver results; - Financial control/ monitoring is more transparent from Swiss perspective.	- Relatively high fund management costs; - Limits national ownership; - Limits development of national strategic, and project, design and management capacities; - Limited SDC/ SCO influence over utilisation of Swiss security/ justice funding; - SDC/ SCO understanding of effectiveness and impacts is constrained by 'distance' from executing agencies; - Some executing agencies may find the set-up complicated or unclear, at least to begin with.
2. Intermediate body – Swiss + national partner	Fund/ programme managed by an intermediate body consisting of a Swiss organisation in consortium with a national partner (e.g. an NGO or consulting company). Similar to above but with day to day operational management tasks undertaken in-country.	Compared with current set-up: - Reduces fund management costs; - More detailed knowledge of national structures and processes; - Local partner is better placed to provide system capacity building support to EAs (e.g. on project design, outcome monitoring, and reporting, etc.); - Possibility of closer liaison between the SCO and the intermediate body through the latter's local partners; - Swiss side of the fund manager can be more focused on specific activities, e.g. liaising with Swiss partners, annual / strategic reporting.	- Risk of unclear roles and responsibilities and tensions between national and Swiss sides of the fund manager; - Swiss side of the intermediate body less engaged and out of the picture; - Risk of heavy reliance being placed by EAs on the local side of the intermediate body to solve planning and implementation difficulties; - Risk of EAs placing more reliance on the Swiss side due to a tendency to sometimes value international expertise more highly.

Possible set-up	Description of set-up	Advantages	Disadvantages and risks
3. Existing state structures and processes	Swiss funds are managed through existing state structures and processes. A Swiss organisation or individual is contracted to facilitate contacts and coordination with Swiss partners.	Compared with current set-up: - Increased national responsibility and ownership. In theory reinforces national management capacities; - Lower management costs; - Simpler set-up? - Uses only national rules and processes, which should already be well known to executing agencies.	- Risk of lack of strategic approach leading to limited impact; - Risk of limited coordination with Swiss partners; - Possible challenges relating to national capacity and process constraints; - Potential challenges around financial control/ monitoring to meet Swiss requirements; - Harder to understand effectiveness and impact of Swiss funding; - Potential exclusion of NGOs, and potentially less engagement of state bodies and agencies due to perceived difficulties of working with national systems; - Potentially limited Swiss visibility and limited influence on projects.
4. National fund/ programme manager	A national fund/ programme manager is contracted to manage Swiss security/ justice funding (e.g. NGO, consulting company, or national instituton). A Swiss organisation or individual is contracted to facilitate contacts and coordination with Swiss partners.	Compared with current set-up: - Reduced management costs; - Development of national programme and project management capacities; - More detailed knowledge and understanding of national processes and rules; - A national body in each country will be better placed to provide system capacity building support to EAs (e.g. on project design, outcome monitoring, and reporting, etc.); - A national body in each country will be better placed to undertake systematic monitoring and outcome assessment; - Possibility of closer liaison between the fund manager and the SCO as they would be located in the same city.	- Possible difficulty to find suitable qualified, independent, national fund manager; - Likely need for high level of SDC/ SCO input, at least for the initial one or two years; - Possible coordination difficulties between the fund manager, EAs, and the Swiss organisation/ individual contracted to facilitate contacts with Swiss partners.

Possible set-up	Description of set-up	Advantages	Disadvantages and risks
5. SCO working through locally contracted secretariat	Swiss security/ justice funding is managed by the SCO in each country working through a locally contracted secretariat (e.g. NGO, consulting company, or directly contracted team of experts) that reports directly to the SCO. May involve a Switzerland-based organisation or individual to facilitate contacts and coordination with Swiss partners.	Compared with current set-up: - SCO has much closer involvement in overall planning and management; - SCO can ensure a more strategic, focussed approach; - SCO can ensure increased emphasis on outcome monitoring and assessment.	- As SCO are responsible, this approach may involve many of the same disadvantages as the current set-up where there has been heavy reliance on the SIB and limited national ownership; - Likely to consume additional SCO resources in each country as may be expected to help solve planning and implementation difficulties – strategic and operational; - Set-up is potentially as complicated as the present set-up, possibly more complicated. Possibility of overlapping/ unclear management roles and responsibilities; - SCO directly linked to/ associated with potential planning and implementation difficulties as well as successes.

4.2 Selection of sub-themes and projects

1. Concept ideas and project proposals should respond to clearly defined cooperation strategies developed through dialogue between key Swiss institutions and their counterparts in the EU13. Strategies should not simply be a list of agreed actions but should identify longer-term goals. Strategies should maintain sufficient flexibility to provide support for innovative ideas and approaches. In some countries, developing this more strategic approach will be problematic;

2. Swiss institutions and partners should be involved at all stages: identifying themes; developing project concepts; project design; implementation; and follow-up (reflection/ lessons learned). Swiss security/ justice institutions should be invited to discuss themes and project concepts with counterparts in partner countries at an early stage;

3. For enhanced impact and sustainability, it is recommended to prioritise projects that take a systemic/ multi-dimensional/ holistic approach to addressing clearly-identified issues and challenges (i.e. involve a range stakeholders and actors in needs identification, project design and implementation;

4. It is recommended to prioritise themes and projects that aim to develop capacity at institutional level rather than department level (i.e. projects that help institutions to help themselves, rather than projects that provide a short-term or limited 'fix');

5. Where significant change of institutional culture is implied or required, prioritise projects that incorporate activities for senior decision-makers and leaders (as well as middle management and operational staff). Provide activities for senior decision-makers and leaders that are appropriate to their rank and status, including interaction with Swiss counterparts of the equivalent rank.

6. Caution is advised when considering support for legislation or policy development projects, as the evidence suggests that these are particularly risky where there are frequent changes in political and institutional leadership. Where project success depends on passing and/ or implementing legislation, project approval could be made dependent on the completion of this process.

4.3 Other recommendations based on lessons learned

Further details are provided in section 3.1 above.

1. There is scope for **greater involvement of academic institutions and NGOs** in research, needs assessment, baseline studies, project design and implementation, outcome and impact assessment, and civil society mobilisation.

2. There should be **greater emphasis on outcomes,** including effective outcome monitoring, analysis, and reporting at fund and project levels.

3. Project proposals should incorporate realistic and sufficiently-detailed **risk assessments and mitigation strategies**.

4. The involvement of the **same Swiss partners in several projects** within partner countries would create greater **synergies.**

5. SDC and SCO could perhaps promote **greater experience-sharing** between countries where the Swiss Contribution is funding the same or similar activities.

6. SDC should reinforce and further develop **contacts with Swiss security and justice institutions and organisations** that were involved in security and justice projects in the first Swiss Contribution.

7. SDC could convene a **round table involving relevant Swiss security and justice institutions,** (e.g. Fedpol, the Attorney General's office, SEM, etc.) to map operational needs and priorities in Switzerland against needs in the EU 13.

8. At the same time, Swiss security and justice institutions should be involved in discussions with SDC about a second Swiss Contribution to **identify and refine areas of mutual interest** i.e. match Swiss operational needs, Swiss added value, and expected benefits to Swiss institutions with structural and operational needs of partner countries.

9. In areas related to police operational work, coordination should be done **through Fedpol and KKPKS to reach cantonal police forces**. In the area of **police training,** coordination should be

done through **the Swiss Police Institute (ISP) and regional police schools**. Funding for coordination activities should be provided through the Swiss Contribution.

Annexes

Annex 1.   Project completion notes reviewed specifically for Module 3

Category	Country	Intervention / Project	Project number	Executing Agency
Disaster and crisis management	Estonia	Prevention and management of natural disasters increasing fire safety in Estonian 24-hour social welfare and health care institutions	7F 06972.01.01	ERB (state institution under the Ministry of Interior)
Disaster and crisis management	Estonia	Prevention and management of natural disasters strengthening information and communication technology Systems of Emergency Respond Centre	7F 06783.01.01	Emergency Response Centre (ERC)
Disaster and crisis management	Poland	Preparation of Customs Service mobile groups to perform rapid reaction and crisis management duties	7F 06892.01	Police Customs Service
Disaster and crisis management	Poland	Safety in road traffic (KIK76)	7F 08333.01	General Police Headquarters, Warsaw
Disaster and crisis management	Czech Republic	Risk Prevention in Activities of Public Order Units	7F 08077.01	Directorate of Public Order Police Service of the Police Presidium of the Czech Republic
Disaster and crisis management	Czech Republic	Increasing the Quality of Trainings and Activities of Rapid Response Units	7F 08224.01	Directorate of Public Order Police Service of the Police Presidium of the Czech Republic
Disaster and crisis management	Czech Republic	Police of the Czech Republic DVI (Disaster Victim Identification) Team – Theoretical and Practical Training and Technical Equipment	7F 07447.01	Institute of Criminalistics Prague
Measures for securing borders	Estonia	Measures for Securing Borders Capacity Enhancement in Various Areas of Forensic Science and Pre-trial Procedures to Prevent Crimes and Capacity of Emergency Response ("Forensic Institute")	7F 06518.01.01	Estonian Forensic Science Institute (EFSI)
Measures for securing borders	Estonia	Measures for Securing Borders Capacity Enhancement in Various of Forensic Science and Pre-trial Procedures to Prevent Crimes and Capacity of Emergency Response ("License Plate Recognition System")	7F 07748.01.01	Estonian Tax and Customs Board (ETCB)

Category	Country	Intervention / Project	Project number	Executing Agency
Measures for securing borders	Poland	On the borderline of terrorism – the emergency response training (KIK/04)	7F 06891.01	Polish General Police Headquarters
Measures for securing borders	Poland	Road border crossing in Połowce (KIK/74)	7F 08016.01	Podlaskie Voivodship)
Measures for securing borders	Poland	Contribution to the improvement of the capacity and control of the train border crossing in Siemianówska	7F 07579.01	?
Measures for securing borders	Poland	Construction of Epidemiological Filter within facilities of the Office for Foreigners Center in Biala Podlaska	7F 06893.01	Office for Foreigners
Measures for securing borders	Poland	Increasing the effectiveness of migration management in Poland	7F 08408.01	Office for Foreigners
Combating corruption and organised crime	Czech Republic	Providing for the Data Centre of the Police of the Czech Republic	7F 08094.01	Concept and Informatics Development Department of the Police Presidium of the Czech Republic
Combating corruption and organised crime	Czech Republic	Development of a Consolidated IT Infrastructure of the Police of the Czech Republic	7F 07534.01	Concept and Informatics Development Department of the Police Presidium of the Czech Republic
Combating corruption and organised crime	Czech Republic	Enhanced protection of the democratic society against terrorism and extremism	7F 07901.01	Organised Crime Division of the Police Presidium of the Czech Republic
Combating corruption and organised crime	Czech Republic	Increased public security through countering the organised crime and terrorism	7F 07905.01	Rapid Response Unit of the Police of the Czech Republic

Category	Country	Intervention / Project	Project number	Executing Agency
Combating corruption and organised crime	Czech Republic	Effectively against Corruption and Financial Crime	7F 08139.01	Corruption and Financial Crime Unit of the Police Presidium of the Czech Republic
Combating corruption and organised crime	Czech Republic	Improvement of the Police procedures combating financial and economic crimes	7F 08155.01	Corruption and Financial Crime Unit of the Police Presidium of the Czech Republic
Combating corruption and organised crime	Czech Republic	RELIEF – Mechanoscopic Analysis in the Area of Drug Crime	7F 08287.01	National Drug Headquarters of the Criminal Police and Investigation Services of the Police Presidium of the Czech Republic
Combating corruption and organised crime	Czech Republic	Central Firearms Register	7F 08138.01	Directorate of Service for Weapons and Security Material of the Police Presidium of the Czech Republic
Modernising the judiciary	Estonia	Judges Conference in Tartu	7F 07615.01.01	Swiss Association of Judges supported by the Estonian Supreme Court
Modernising the judiciary	Estonia	Modernisation of Judiciary Video conferencing in Court Proceedings and Judicial Management	7F 07757.01.01	Centre of Registers and Information Systems (RIK) (agency under the Ministry of Justice)
Modernising the judiciary	Lithuania	Creation and Implementation of the System for Video Transmission, Recording and Storage in Courts.	7F 07724.01.01	Lithuanian National Court Administration
Modernising the judiciary	Czech Republic	Training Needs Analysis and Creating of Training Systems for Professional Staff of Courts and State Prosecutions	7F 07532.01	Judicial Academy
Modernising the judiciary	Czech Republic	Probation and Rehabilitation Programmes Development- strengthening of prevention and community protection against re-offending	7F 07378.01	Probation and Mediation Service

Annex 2.   Poland – EU pre-accession & Transition Facility justice & home affairs projects

Table 9: Poland – EU pre-accession & Transition Facility justice & home affairs projects

Year	Project
1998	PL9804-01: Improving the efficiency of the court system and the public prosecutors office
1998	PL9804-02: Eastern border management and infrastructure
1999	PL9904.04: Reinforcement of home affairs administration and border management
1999	PL9904.05: Development of a horizontal anti-fraud structure Phase I
2000	PL0005-01: Twinning for border and visa policy
2000	PL0005-02: Integrated Eastern border management
2000	PL0005-03: Border crossing in Dorohusk
2000	PL0005-04: Border crossing in Kuznica
2000	PL0005-05: Border crossing in Kroscienko
2000	PL0005-06: Eastern border small projects fund
2000	PL0005-07: Twinning for the police services
2000	PL0005-08: Fight against crime
2000	PL0005-09: Fight against drugs
2001	PL01.03.01: Migration and asylum policy
2001	PL01.03.02: Twinning for Border and visa policy
2001	PL01.03.03: State Border Protection System
2001	PL01.03.04: Terespol railway border crossing - stage II
2001	PL01.03.05: Road Border Crossing in Hrebenne
2001	PL01.03.06: Border crossing Kuznica Stage III
2001	PL01.03.07: Eastern Border Small Projects Fund
2001	PL01.03.08: TA for JHA projects
2001	PL01.03.09: Fight against crime II
2001	PL01.03.10: Justice - organized crime and international co-operation
2001	PL01.03.11: Twinning for Police services
2002	Project 03.01 Migration and asylum policy
2002	Project 03.02 Extension of Hrebenne border crossing
2002	Project 03.03 Construction of Grzechotki-Mamonowo crossing
2002	Project 03.04 Twinning for the fight against organised and economic crime
2002	Project 03.05 Improvement of the judicial system
2003	Project 03.01: Twinning for border management and visa policy
2003	Project 03.02: Twinning for asylum administration
2003	Project 03.03: Sea border protection system
2003	Project 03.04: Eastern Border Small Projects Fund
2003	Project 03.05: Eastern Border Small Infrastructure Projects Fund

Year	Project
2003	Project 03.06: Border crossing Goldap-Gusiew
2003	Project 03.07: Fight against crime III
2004	2004-016-829.05.01 Drug prevention at local level
2004	2004-016-829.05.02 Anti-Corruption
2004	2004-016-829.05.03 Inter-agency co-operation
2004	2004-016-829.05.04 Justice
2005	2005-017-488.05.01 anti-corruption
2005	2005-017-488.05.02 anti-fraud
2006	2006/018-180.05-01 Improvement of the anticorruption activities
2006	2006/018-180.05-02 Justice
2006	2006_018-180.05.03 Fight against crime
2006	2006/018-180.05-04 Prevent drug addiction

Annex 3.   EEA & Norway Grants justice and home affairs funding

Table 10: EEA & Norway Grants 2004-2009 support to Schengen & judiciary

Country	Grants (EUR)	Number of projects
Poland	101,754,294	29
Latvia	8,595,936	14
Bulgaria	5,290,000	2
Lithuania	2,582,811	3
Czech Republic	2,137,594	4
Malta	762,443	2
Slovakia	606,060	2
Estonia	605,771	1
Total	122,334,909	57

Source: based on EEA Grants - Norway Grants website

Table 11: EEA & Norway Grants 2009-2014 support to justice & home affairs in the EU13

Category	Number of projects
Institutional framework in the asylum and migration sector	10
Domestic and gender-based violence	120
Schengen cooperation and combating cross-border and organised crime, including trafficking and itinerant criminal groups	47
Judicial capacity-building and cooperation	20
Correctional services, including non-custodial sanctions	50
Justice and home affairs	1

Source: based on EEA Grants - Norway Grants website

Annex 4.   Swiss strategic stakeholders and project partners consulted

Table 12: Swiss strategic stakeholders and project partners consulted

Institution	Module 1	Module 2	Module 3	Strategic stakeholder	Project partner
Swiss Security Network			x	x	
Conference of the Cantonal Justice and Police Ministers (KKJPD)			x	x	
Conference of Cantonal Police Chiefs (KKPKS)			x	x	
Federal Office of Police (fedpol) International Police Cooperation Division	x	x	x	x	x
Federal Office of Police (fedpol) Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)	x	x			x
Office of the Attorney General		x	x	x	x
Federal Office for Justice		x	x	x	x
International Organisation for Migration (IOM) Bern	x	x	x	x	x
Savatan Police Academy	x	x	x	x	x
Cantonal Police of Geneva	x				x
Cantonal Police of Neuchatel		x			x
Basel Institute on Governance, International Centre for Asset Recovery	x	x	x	x	x
International Institute for the Rights of Children (IDE)		x			x
FIZ Advocacy and Support for Migrant Women and Victims of Trafficking		x			x
Association for the Development of the Probation Services in Eastern Europe (VEBO)	x				x
Swiss Air-Rescue (REGA)	x				x