

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.

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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 Națională pentru Protecția Drepturilor Copilului și Adopție (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 (Direcția de Investigare a Infracțiunilor de Criminalitate Organizată și 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)

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 2007**, 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 programmes⁴ 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

¹ European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, <https://bit.ly/2QwoFuO>

² EEA Grants - Norway Grants, Financial Mechanism Office (undated), *Project Portal 2004-2009*, <https://bit.ly/2S4lrhl>. 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/2QgP7h3>

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/2lpV5r4>

- 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:

Security⁷

- 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.

Justice⁸

- 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.

⁷ European Commission (13 November 2018), Migration and Home Affairs, <https://bit.ly/2ODjw2l>

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

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/2PoffgS>

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.

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/2DyMKoN>

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 Ordinance 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.

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.**

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/2TbjbYI>

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

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

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,

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 Union³³

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 Union³⁴

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. VEBO³⁵ 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

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

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 environment** 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).

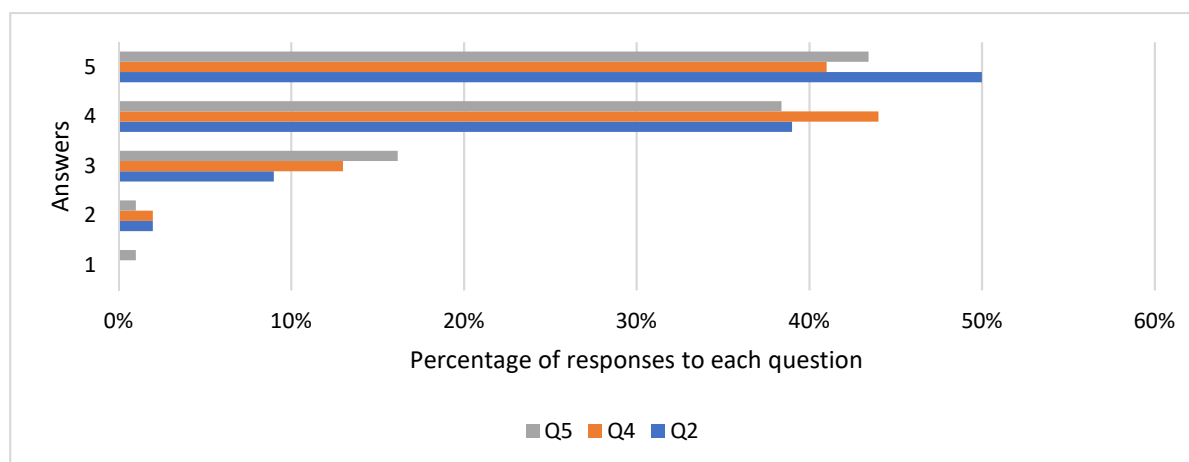
³⁸ Draft of Final Report for the Project 'Strengthening the Capacities of the Romanian Gendarmerie' shared with Evaluation Team by Coginta in September 2018.

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?

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

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

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/2QwoFuQ>.

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*

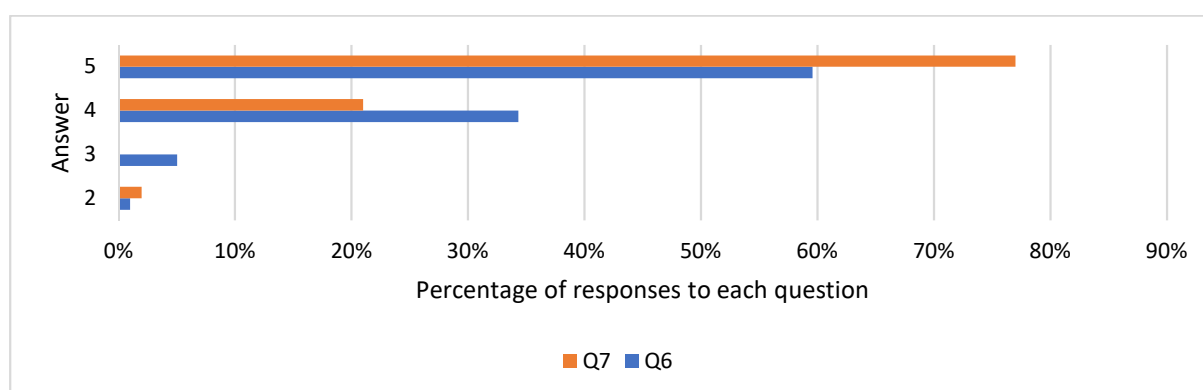
The survey includes two questions on the format and organisation of training, workshops, study visits, etc.:

- 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.

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 TFS⁴⁷ 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.

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.

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 Community Service 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 support victims of trafficking, 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.

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/2ziGCHq>

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 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 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
	<ul style="list-style-type: none"> National Coordination Unit for the Swiss-Romanian Cooperation Programme, Ministry of Public Finance, General Directorate for ECOFIN and Community Assistance Freedom House România Norwegian Embassy in Bucharest (EEA & Norway Grants) 	
Romanian Gendarmerie	<ul style="list-style-type: none"> Romanian Gendarmerie, Project Implementation Unit Romanian Gendarmerie in Bucharest Mountain Gendarmerie: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> • Visit to Slatina and surroundings: <ul style="list-style-type: none"> • Roma language and cultural training center, Police Training Centre, Slatina • Local police station • Rural Police: <ul style="list-style-type: none"> ▪ Participants in community policing training ▪ Participants in Roma language and culture training • Visit to Tulcea: <ul style="list-style-type: none"> • Institute of Development and Research Danube Delta • Tulcea County Police Inspectorate Headquarters • Visit to Murighiol: <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Rise Project • National Anti-corruption Directorate 	Basel Institute on Governance, International Center for Asset Recovery
Community service	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • International Organisation for Migration • *NGO 1 • *NGO 2 • National Agency Against Trafficking in Persons (ANITP) 	IOM Bern
Countering THB	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Superior Council of Magistracy • Prosecutor's Office attached to the Bucharest Tribunal • National Institute for Magistracy 	
Enhancing training capacity for judges and prosecutors	<ul style="list-style-type: none"> • 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/2TbjbYI>
- 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>

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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).	<input type="checkbox"/> <i>Very good: Fully consistent</i> <input checked="" type="checkbox"/> <i>Good: Largely consistent</i> <input type="checkbox"/> <i>Poor: Only partly consistent</i> <input type="checkbox"/> <i>Bad: Marginally or not at all consistent</i> <input type="checkbox"/> <i>Not assessed / Not applicable</i> 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	<input type="checkbox"/> <i>Very good: Obvious consistency with demands and needs of society and in line with relevant sector policies and strategies</i> ² <input checked="" type="checkbox"/> <i>Good: Consistency with demands and needs of society and in line with relevant sector policies and strategies</i> <input type="checkbox"/> <i>Poor: Consistency with demands and needs of society not visible but in line with relevant sector policies and strategies</i> <input type="checkbox"/> <i>Bad: Not consistent</i> <input type="checkbox"/> <i>Not assessed / Not applicable</i> ¹		The subjects of the projects are highly relevant to Romanians' 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).	<input type="checkbox"/> <i>Very good: Fully adequate</i> <input checked="" type="checkbox"/> <i>Good: Largely adequate</i> <input type="checkbox"/> <i>Poor: Only partly adequate</i> <input type="checkbox"/> <i>Bad: Marginally or not at all adequate</i> <input type="checkbox"/> <i>Not assessed / Not applicable</i> 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,	<input type="checkbox"/> <i>Very good: Fully achieved or overachieved</i> <input checked="" type="checkbox"/> <i>Good: Largely achieved</i> <input type="checkbox"/> <i>Poor: Partly achieved</i> <input type="checkbox"/> <i>Bad: Marginally achieved</i>		With two exceptions, the case study projects have led to changes in performance, behavior, etc., even though these are not always clearly

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.	□	<i>Not assessed / Not applicable</i> 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	□ □ □ □ □	<i>Very Good: Strong evidence of contribution</i> <i>Good: Evidence of contribution</i> <i>Poor: Few evidence of contribution</i> <i>Bad: No contribution</i> <i>Not assessed / Not applicable</i> 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 where 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.

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	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>Very good: Strong evidence of contribution</i> <i>Good: Evidence of contribution</i> <i>Poor: Few evidence of contribution</i> <i>Bad: No contribution</i> <i>Not assessed / Not applicable</i> 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.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>Very good: Strong evidence of contribution</i> <i>Good: Evidence of contribution</i> <i>Poor: Few evidence of contribution</i> <i>Bad: No contribution</i> <i>Not assessed / Not applicable</i> 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).	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>Very good: Positive CBR based on a cost-benefit analysis (CBA)</i> <i>Good: Positive CBR, based on qualitative justification</i> <i>Poor: Poor CBR, based on qualitative justification</i> <i>Bad: Bad CBR demonstrated</i> <i>Not assessed / Not applicable</i> 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

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 portfolio. 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).	<input type="checkbox"/> <i>Very good: Highly efficient</i> <input type="checkbox"/> <i>Good: Efficient</i> <input type="checkbox"/> <i>Poor: Partly efficient</i> <input type="checkbox"/> <i>Bad: Not efficient</i> <input type="checkbox"/> <i>Not assessed / Not applicable</i> ¹		Stakeholder feedback indicates a high degree of satisfaction 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.	<input type="checkbox"/> <i>Very good: Very likely based on evidence</i> <input type="checkbox"/> <i>Good: Likely based on evidence</i> <input type="checkbox"/> <i>Poor: Little likelihood based on evidence</i> <input type="checkbox"/> <i>Bad: Unlikely based on evidence</i> <input type="checkbox"/> <i>Not assessed / Not applicable</i> 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.	<input type="checkbox"/> <i>Very good: Strong capacity (also to further develop without support)</i> <input type="checkbox"/> <i>Good: Reliable capacity</i> <input type="checkbox"/> <i>Poor: Little capacity (require further support)</i>		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.	<input type="checkbox"/> <input type="checkbox"/>	<i>Bad: Still too weak capacity</i> <i>Not assessed / Not applicable</i> 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.
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Additional information (if needed): [Click here to enter text.](#)

Project: Swiss Contribution 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 (CHF)	Budget	Swiss (CHF)	financing	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

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/2QILzzj>

⁵³ European Commission (2004), 'Strengthening the institutional and operational capacity of migration and asylum management', <https://bit.ly/2REO1lf>

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.

⁵⁷ European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, <https://bit.ly/2QwoFuQ>

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

Nr.	Title	Outcomes	Achievements/ Comments
... .02	Community Service Workshops	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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)	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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)	<ul style="list-style-type: none"> 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)	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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
		<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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!	<ul style="list-style-type: none"> None. 	Project cancelled.
... .22	Tandems with NGOs to support victims of trafficking in human beings (VoTs) - TaNGO	<ul style="list-style-type: none"> Assistance to 48 VoTs. 	Outcome achieved according to plan.