

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

# Swiss Contribution

## Thematic Fund 'Security' Module 2 - Bulgaria

### Evaluation

Prepared for SDC

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

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

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

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



## Preface

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

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

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## List of abbreviations used in the report

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

## Executive summary

### Introduction

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

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

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

### Main conclusions

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

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

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

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<sup>1</sup> All three evaluators held meetings in Sofia between 15 and 19 October. The national evaluator undertook further meetings in Varna on 22 October.

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

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

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

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

### Main country level recommendations

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



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

## 1 Introduction

### 1.1 Bulgaria Thematic Fund 'Security' context

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

1. Adopt constitutional amendments removing any ambiguity regarding the independence and accountability of the judicial system.
2. Ensure a more transparent and efficient judicial process by adopting and implementing a new judicial system act and the new civil procedure code. Report on the impact of these new laws and of the penal and administrative procedure codes, notably on the pre-trial phase.
3. Continue the reform of the judiciary in order to enhance professionalism, accountability and efficiency. Evaluate the impact of this reform and publish the results annually.
4. Conduct and report on professional, non-partisan investigations into allegations of high-level corruption. Report on internal inspections of public institutions and on the publication of assets of high-level officials.
5. Take further measures to prevent and fight corruption, in particular at the borders and within local government.
6. Implement a strategy to fight organised crime, focussing on serious crime, money laundering as well as on the systematic confiscation of assets of criminals. Report on new and ongoing investigations, indictments and convictions in these areas.

#### 1.1.1 History of support in the area

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

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

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

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

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

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

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

As an EU member state, Bulgaria also became eligible to participate in the **various other EU programmes**.<sup>8</sup>

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

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

#### Security<sup>9</sup>

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

#### Justice<sup>10</sup>

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

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

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

<sup>7</sup> 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>

<sup>8</sup> 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* (pg), <https://bit.ly/2lpV5r4>

<sup>9</sup> European Commission (13 November 2018), Migration and Home Affairs, <https://bit.ly/2ODjw2l>

<sup>10</sup> European Commission (undated), *Justice*, <https://bit.ly/2hkafTfH>

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

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

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

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

<sup>11</sup> See European Commission, Migration and Home Affairs, Bulgaria at [https://ec.europa.eu/home-affairs/financing/fundings/mapping-funds/countries/bulgaria\\_en](https://ec.europa.eu/home-affairs/financing/fundings/mapping-funds/countries/bulgaria_en).

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

<sup>13</sup> See Information System for Management and Monitoring of EU Funds in Bulgaria 2020 at <http://2020.eufunds.bg/en/1/0/Project/Search?showRes=True&page=g2Fco88IRqc%3D>.

<sup>14</sup> Author not indicated, Operational Programme "Good Governance" 2014–2020 (p95), <https://bit.ly/2P2Pk16>

<sup>15</sup> See Memorandum of Understanding on the implementation of the Norwegian Financial Mechanism 2014 – 2021 at [https://www.eeagrants.bg/assets/resourcedocuments/1572/MoUNGrants20142021\\_en.pdf](https://www.eeagrants.bg/assets/resourcedocuments/1572/MoUNGrants20142021_en.pdf).

<sup>16</sup> See Memorandum of Understanding on the implementation of the EEA Financial Mechanism 2014 – 2021 at [https://www.eeagrants.bg/assets/resourcedocuments/1577/MoUEEAGrants20142021\\_en.pdf](https://www.eeagrants.bg/assets/resourcedocuments/1577/MoUEEAGrants20142021_en.pdf).

<sup>17</sup> See Ministry of Interior, International Projects Directorate, Norwegian FM at <https://bit.ly/2E55GoM>

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

the aim of strengthening active citizenship and empowering vulnerable groups. Specifically, the fund supports initiatives that contribute to:<sup>19</sup>

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

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

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

##### 1.1.2.1 European priorities and challenges

The **European Agenda on Security** identifies three priorities: (1) terrorism and foreign terrorist fighters; (2) serious and organised cross-border crime; and (3) cybercrime.<sup>20</sup> Additional priorities are identified in a more recent Council infographic:<sup>21</sup> 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:<sup>22</sup>

- 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**.<sup>23</sup>

##### 1.1.2.2 Security issues specific to Bulgaria

The Commission's 2018 CVM report notes that '*The Bulgarian economy and society remains vulnerable to infiltration by organised crime...*'.<sup>24</sup>

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

<sup>20</sup> 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>

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

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

<sup>23</sup> Eurojust (2017), *EUROJUST Annual Report 2017* (p23), <https://bit.ly/2PoffgS>

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

In 2015, the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs stated that:<sup>29</sup>

*Bulgaria is strategically situated along the Balkan Route for illicit drugs and other contraband trafficked from Southwest Asia into Western Europe. International drug trafficking organizations continue to traffic cocaine, heroin, synthetic drugs, and increasingly chemical precursors through Bulgaria into consumer countries in Western Europe.*

*In 2014, drug trafficking organizations with ties to Africa and the Middle East continued to partner with Bulgarian organized crime networks to transport cocaine and heroin into Europe from South America.*

In 2018, it identifies Bulgaria as a **transit country for South American cocaine and heroin from Afghanistan**.<sup>30</sup>

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

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

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

<sup>26</sup> Frontex Risk Analysis Network.

<sup>27</sup> European Document Fraud.

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

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

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

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

### 1.1.2.3 Justice issues specific to Bulgaria

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

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

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

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

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

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

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

<sup>33</sup> European Commission (13 November 2018), Report From the Commission to the European Parliament and the Council on Progress in Bulgaria Under the Cooperation and Verification Mechanism, <https://bit.ly/2ztE6ox>

<sup>34</sup> GAN Integrity (December 2017), Bulgaria Corruption Report, <https://bit.ly/2E3CaiE>

<sup>35</sup> Transparency International (2018), Corruption Perceptions Index 2017, <https://bit.ly/2FkCLLc>

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

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



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

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

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

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

## 1.2 Overview of the TFS in Bulgaria

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

<sup>38</sup> See European Commission, Progress report Bulgaria 2017, p. 5.

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

<sup>40</sup> See United Nations, Convention on the Rights of the Child, CRC/C/BGR/CO/2, para 69 at [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGR%2fCO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGR%2fCO%2f2&Lang=en).

<sup>41</sup> The FDFA website indicates a total Swiss contribution of CHF 9,724,253. FDFA (27.11.2017), *Thematic Fund Security Bulgaria*, <https://bit.ly/2PSBG1l>

<sup>42</sup> The two completed projects are *'Schengen Issues: Development of personnel capacities and awareness raising'*, and *'Environmental security'*.

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



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

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

Table 1: Project categories

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

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

The TFS is governed by four types of agreement:

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

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

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

<sup>44</sup> The figures here do not include co-financing.

<sup>45</sup> The Swiss Intermediate Body (SIB) acted as the fund manager. One security project, 'Schengen Issues: Development of personnel capacities and awareness raising' had a different SIB (Fedpol). Neither that project nor that SIB are covered by this evaluation. All references to SIB in the report refer to the consortium responsible for management of the TFS.

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

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

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

Source: based on data provided by the SIB.<sup>48</sup>

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

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

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

Body	Responsibilities
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<sup>46</sup> SDC (undated), *Annex 4: Rules and Procedures for Thematic Funds and Special Projects*, pg.

<sup>47</sup> There are some small differences between the allocations presented in the Framework Agreement and the initial allocations presented in Table 2.

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

<sup>49</sup> The responsibilities of the EAs are specified in the Bulgarian TFS Agreement.

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

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

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

### 1.3 Projects covered

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

Table 4: Case study projects

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

## 2 Evaluation

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

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

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

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

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

## 2.2 Relevance

### 2.2.1 Findings

#### 2.2.1.1 General overview

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

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

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

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

<sup>50</sup> [https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-security\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-security_en) Communication from the commission to the European parliament, the council, the European Economic and Social Committee and the Committee of the Regions, The European Agenda on Security, Strasbourg 2015.

<sup>51</sup> The European Agenda on Security implements the Political Guidelines of European Commission President Jean-Claude Juncker in the area of security and replaces the previous Internal Security Strategy (2010-2014).

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

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

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

**Source:** EU priorities are taken from the Council of the European Union<sup>52</sup>

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

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

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

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

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

Source: priorities are taken from Council of the European Union<sup>53</sup>

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

#### 2.2.1.2 Specific observations

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

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

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

<sup>53</sup> 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>

<sup>54</sup> Leadership development; crime scene evidence collection and analysis; money laundering; joint investigation teams, human trafficking;

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

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

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

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

### 2.2.2 Conclusions on relevance

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

<sup>56</sup> A general overview of the roles of the three EAs in the return of victims of trafficking from Switzerland and their reintegration is presented in Annex 6

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

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

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

<sup>60</sup> The SIB notes that the same principle applied in Romania, where it worked satisfactorily.



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

### 2.2.3 Recommendations for enhancing the relevance of a potential future TFS

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

## 2.3 Effectiveness

### 2.3.1 Findings

#### 2.3.1.1 General overview

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



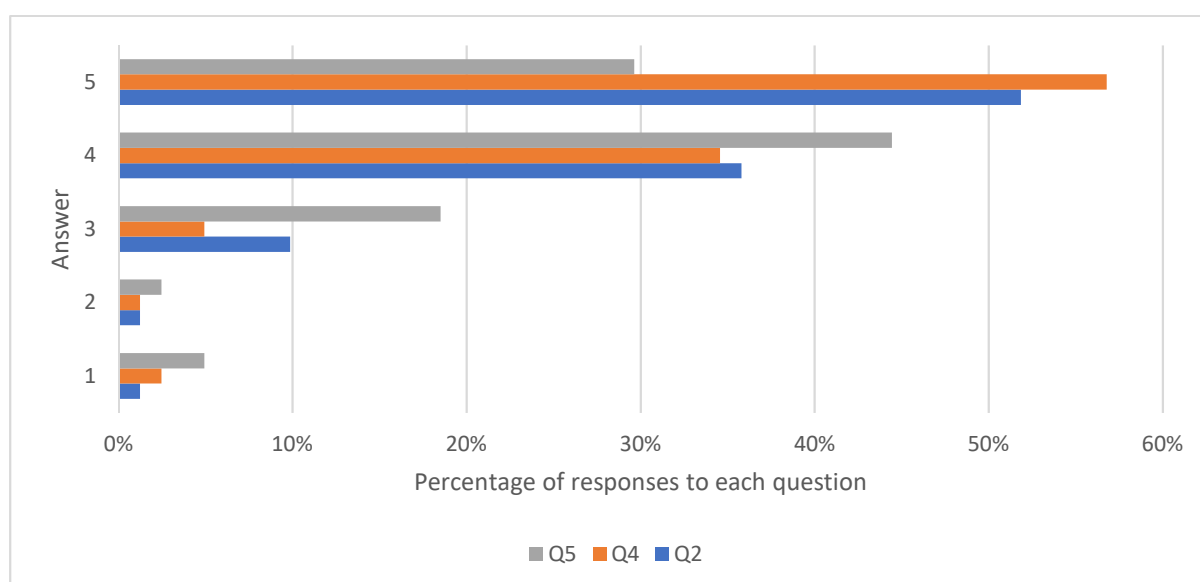
specific crimes. The Juvenile Justice project has changed thinking in the approach to child victims and perpetrators, but this is limited to a small number of locations, mainly Varna. It has not been possible to bring Bulgaria's juvenile justice legislative framework in line with European and international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

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

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

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

Figure 1: Survey – effectiveness of TFS training, workshops, study visits, etc.



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

#### 2.3.1.2 Specific observations

##### Stolen Vehicles

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

<sup>61</sup> Stolen vehicles; stolen licence plates; blacklisted cars; car insurance; technical checks.

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

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

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

### *Human Rights Policing*

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

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

### *Organised crime*

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

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<sup>62</sup> The report was on police activity in Bulgaria and professional standards for respect for human rights.

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

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

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

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

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

#### *Juvenile justice*

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

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

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

<sup>63</sup> Child victim.

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

Source: based on MoJ data

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

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

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

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

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

*Preventing THB & protecting victims*

Further details on this project are provided in Annex 8.

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

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

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

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

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

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

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

<sup>69</sup> E-mail from ANIMUS to the review team, 03 December 2018.

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

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

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

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

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

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

Year	Female	Male	Total
2015	10	3	13

<sup>70</sup> Noema (March 2018), *Level of Remembering the campaign for prevention of human trafficking for the purpose of sexual exploitation*.

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

<sup>72</sup> IOM has supported additional victims with funding from other sources.

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

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

Source: IOM Bulgaria

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

### 2.3.1.3 Partnerships

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

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

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

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

### 2.3.2 Conclusions on effectiveness

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

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



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

### 2.3.3 Recommendations for enhancing the effectiveness of a potential future TFS

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

## 2.4 Efficiency

### 2.4.1 Findings

#### 2.4.1.1 General organisation and management

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

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

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

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



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

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

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

#### 2.4.1.2 Long implementation times

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

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

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

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

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

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

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

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

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

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<sup>76</sup> Email from the SIB to the lead international evaluator (27 November 2018).

#### 2.4.1.3 Cost-effectiveness

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

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

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

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

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

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

#### 2.4.1.4 Organisation of activities

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

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

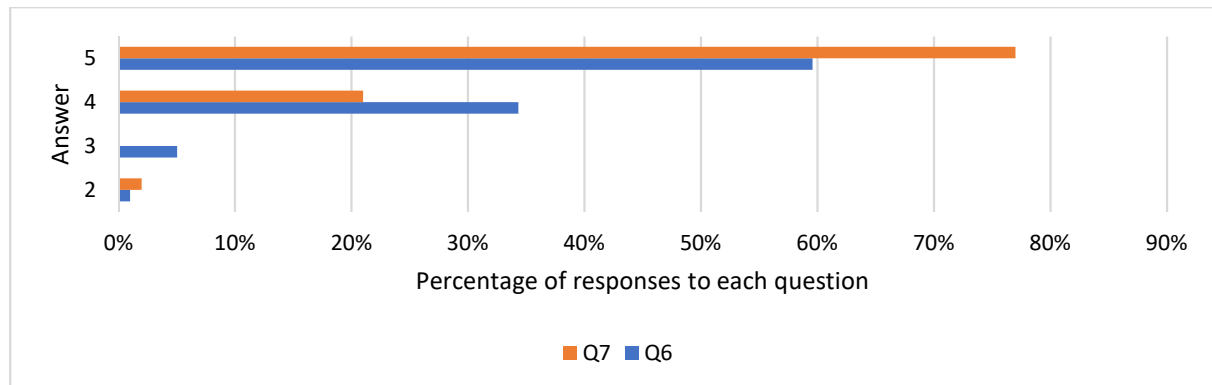
<sup>77</sup> The SIB points out that the review of the National Referral Mechanism assessment and documents produced by ICMPD are available on websites, including that of the ICMPD.

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

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

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

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



#### 2.4.1.5 Steering Committee

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

#### 2.4.1.6 Swiss visibility

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

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

#### 2.4.2 Conclusions on efficiency

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

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

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

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

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

#### 2.4.3 Recommendations for enhancing the efficiency of a potential future TFS

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

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

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

## 2.5 Sustainability

### 2.5.1 Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2.5.2 Conclusions on sustainability

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

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



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

### 2.5.3 Recommendations for enhancing sustainability in future

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

## 2.6 Swiss added value

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

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

## 2.7 Benefits to Swiss partner institutions

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



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

## 2.8 Main country level recommendations

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

8. The experience of the Juvenile Justice project suggests that the risks and objectives of projects aiming to develop legislation and policy should be more thoroughly assessed before funding is committed.
9. It would be highly desirable to reduce the time between project concept development and project start, and also to reduce project implementation time, for example by limiting the use of no-cost extensions to exceptional circumstances. Multiple factors are involved and improvements will involve dialogue between the **SDC**, the **NCU**, **EAs**, the **fund manager** and **potential Swiss partners**.
10. The **NCU** should advocate for the status of staff of Bulgarian state institutions who work on projects to be clarified. In particular, their institutions should remunerate them for their work on projects, and their other responsibilities/ workload should be reduced accordingly.
11. Project proposals involving the introduction of new training methodologies or curricula should incorporate activities to ensure that they are properly institutionalised, reused, and adapted and updated as necessary. This may mean involving additional project partners, such as the NIJ. This should be assured by the **NCU** and a **future fund manager**.

## Annexes

## Annex 1. List of stakeholders consulted

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

Project	Stakeholders in Bulgaria	Stakeholders in Switzerland
<b>General</b>	<ul style="list-style-type: none"> <li>• SCO</li> <li>• Ministry of Interior, International Projects Departments</li> <li>• Former Deputy Minister of Interior</li> </ul>	SDC Swiss Intermediate Body
<b>Stolen Vehicles</b>	<ul style="list-style-type: none"> <li>• Deputy Director of National Police</li> <li>• Criminal Police Main Directorate of the Minister of Interior               <ul style="list-style-type: none"> <li>• Project manager and expert</li> <li>• International projects division</li> <li>• Data center</li> </ul> </li> <li>• Traffic Police               <ul style="list-style-type: none"> <li>• Chief</li> </ul> </li> </ul>	Cantonal Police Neuchatel
<b>Human Rights Policing</b>	<ul style="list-style-type: none"> <li>• Academy of the Ministry of Interior:               <ul style="list-style-type: none"> <li>• Rector</li> <li>• Dean of the Faculty</li> <li>• Project manager and staff involved</li> <li>• Trainers who drafted the manual</li> <li>• Instructors who use the manual</li> <li>• Trainees trained on the manual / using the Polygon</li> <li>• Polygon training facility</li> </ul> </li> <li>• Bulgarian Helsinki Committee</li> </ul>	Savatan Police Academy

Project	Stakeholders in Bulgaria	Stakeholders in Switzerland
<b>Juvenile Justice</b>	<ul style="list-style-type: none"> <li>• Deputy Minister of Justice</li> <li>• Ministry of Justice project team</li> <li>• Former project manager</li> <li>• Judge/ Former Deputy Minister of Justice</li> <li>• UNICEF</li> <li>• Institute for Social Activities and Practices</li> <li>• Judges from Varna pilot chambers</li> <li>• Representative of Varna police</li> <li>• Representative of Varna Child Protection Service</li> </ul>	IDE
<b>Organized Crime</b>	<ul style="list-style-type: none"> <li>• Prosecutor's Office of the Republic of Bulgaria (prosecutors responsible for project management and implementation)</li> <li>• Prosecutors – participants in the leadership development programme</li> <li>• External leadership development trainer</li> <li>• Center for the Study of Democracy</li> </ul>	Federal Office for Justice Federal prosecutor Basel Institute on Governance / International Center of Assets Recovery
<b>Preventing THB &amp; Protecting Victims</b>	<ul style="list-style-type: none"> <li>• National Commission for Combating Trafficking in Human Beings (Executive Secretary and members of the project team)</li> <li>• Crisis Center of the National Commission for Combating Trafficking in Human Beings</li> <li>• Police Organised Crime Directorate, Anti Trafficking Unit</li> <li>• United States Embassy</li> <li>• ANIMUS</li> <li>• IOM</li> <li>• Former NCCTHB project manager</li> <li>• Manager of a shelter in Burgas</li> </ul>	Fedpol FIZ IOM Bern

## Annex 2. List of documents reviewed

### Programme documentation

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

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## Annex 3. SDC Assessment grid

## Assessment grid for evaluations of SDC projects/programmes

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

<sup>1</sup> 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.

<sup>2</sup> The policies and strategies should not be in opposition to the needs of the society (applies mainly in governance and human rights).

5. The extent to which the projects/programmes contribute to poverty reduction, inclusion and/or reduction of vulnerabilities. <sup>3</sup>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Bad: No contribution</i> <i>Not assessed / Not applicable</i> <sup>1</sup>	projects address this more directly, but a change in focus of one of these means that it will not have the expected outcome.
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<sup>3</sup> 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. <sup>4</sup>	<input type="checkbox"/> <i>Very good: Strong evidence of contribution</i> <input checked="" type="checkbox"/> <i>Good: Evidence of contribution</i> <input type="checkbox"/> <i>Poor: Few evidence of contribution</i> <input type="checkbox"/> <i>Bad: No contribution</i> <input type="checkbox"/> <i>Not assessed / Not applicable</i> <sup>1</sup>	All case study projects contribute to systemic governance and institutional culture improvements. However, it is unclear to what extent project benefits will be fully institutionalized and lead to permanent changes in institutional culture. One of the justice projects will not make the expected contribution to governance due to frequent changes in political leadership and lack of political support.
7. The extent to which the outcomes achieved contribute to gender-specific results.	<input type="checkbox"/> <i>Very good: Strong evidence of contribution</i> <input type="checkbox"/> <i>Good: Evidence of contribution</i> <input type="checkbox"/> <i>Poor: Few evidence of contribution</i> <input type="checkbox"/> <i>Bad: No contribution</i> <input checked="" type="checkbox"/> <i>Not assessed / Not applicable</i> <sup>1</sup>	With the exception of anti-trafficking activities, there is little evidence of gender-specific results. SDC notes that gender mainstreaming was not a strategic principle of the Swiss Contribution.
<b>Assessment of efficiency</b>		
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"/> <i>Very good: Positive CBR based on a cost-benefit analysis (CBA)</i> <input checked="" type="checkbox"/> <i>Good: Positive CBR, based on qualitative justification</i> <input type="checkbox"/> <i>Poor: Poor CBR, based on qualitative justification</i> <input type="checkbox"/> <i>Bad: Bad CBR demonstrated</i> <input type="checkbox"/> <i>Not assessed / Not applicable</i> <sup>1</sup>	The SIB succeeded in ensuring that the TFS was completed despite significant challenges, mainly relating to institutional capacities and procedural matters in Bulgaria. However, this meant that the financial allocation to TFS management had to be increased and it eventually accounted for approximately 20% of the TFS budget. A lot of resources were invested in one project that will fall well short of its expected outcomes. In two cases, project outputs do not appear to have been well disseminated/ utilized so far.
9. The extent to which the approaches and strategies used by the SDC projects/programmes are considered efficient (Cost-efficiency).	<input type="checkbox"/> <i>Very good: Highly efficient</i> <input checked="" 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> <sup>1</sup>	The SIB has been a key feature of the TFS. Without the SIB, TFS results and outcomes would likely have been significantly constrained. However, this has also meant that TFS management costs have inevitably been relatively high (approximately 20% of the TFS budget).
<b>Assessment of sustainability</b>		

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

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

Additional information (if needed): [Click here to enter text.](#)

Project: Swiss Contribution Thematic Fund Security Bulgaria

Assessor: Roderick Ackermann, Magali Bernard

Date: 13 December 2018

## Annex 4. All TFS projects in Bulgaria

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

Table 9: All TFS projects in Bulgaria

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

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

<sup>85</sup> Different SIB (Fedpol), and therefore not listed on the website of the Bulgarian-Swiss Cooperation Programme.

<sup>86</sup> Information from the terms of reference for this evaluation.

<sup>87</sup> Status report of 22.02.2018 indicates that a further extension to 31.12.2018 was requested.

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

<sup>89</sup> Start and end dates from the Bulgarian-Swiss Cooperation website (updated 19.04.2018), <https://bit.ly/2RdjINf>

Executing Agency		Progress to mid-2018	Start End <i>Extension</i>	Swiss Contribution (CHF)	Bulgarian co- financing (CHF) <sup>84</sup>	Total budget (CHF)	Retained (X)
Capacity building of forensic experts	Mol, Police Academy, Institute of Criminology	Ongoing since beginning of 2013	01.11.2012 30.04.2018 <sup>90</sup>	1,000,000	176,470	1,176,470	X
Environmental security	Association of Prosecutors	Finished in July 2015	22.10.2012 30.06.2016 <sup>91</sup>	174,000	19,333	193,333	X
Combating organized crime, trafficking of human beings and money laundering	Prosecution Office (PORB)	Ongoing	01.04.2014 31.12.2017 30.09.2018	878,437	146,195	1,024,632	X
Overcoming Institutional Capacity Gaps to Counter Corruption and Organized Crime in Bulgaria	Centre for the Study of Democracy (CSD) - Bulgarian think-tank NGO	Ongoing	01.01.2014 30.06.2018 <sup>92</sup>	552,000	61,336	613,336	
Prevention of and combat against Human Trafficking	NCCTHB, IOM, Animus Foundation	Ongoing.	01.07.2014 31.12.2017 <sup>93</sup> 31.12.2018	1,863,478	249,376	2,112,854	
		<b>Total Swiss contribution to the listed projects</b>		<b>7,884,866</b>		<b>9,147,751</b>	

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

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

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

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

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

Information in Table 10 below is provided by the SIB and includes information on management and evaluation costs and financial reallocations.<sup>94</sup>

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

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

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



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

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

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

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

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

<sup>95</sup> European Commission (06 December 2016), *PHARE Financing Memoranda & Project Fiches*, <https://bit.ly/2QwoFuQ>

<b>Total</b>	<b>9,500,000</b>	<b>12,000,000</b>	<b>4,950,000</b>	<b>21,900,000</b>	<b>13,850,000</b>	<b>31,962,000</b>	<b>37,845,000</b>	<b>39,920,000</b>	<b>11,680,000</b>	<b>183,607,000</b>
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Table 12: EU Phare and Transition Facility support projects in areas covered by TFS Bulgaria

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

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

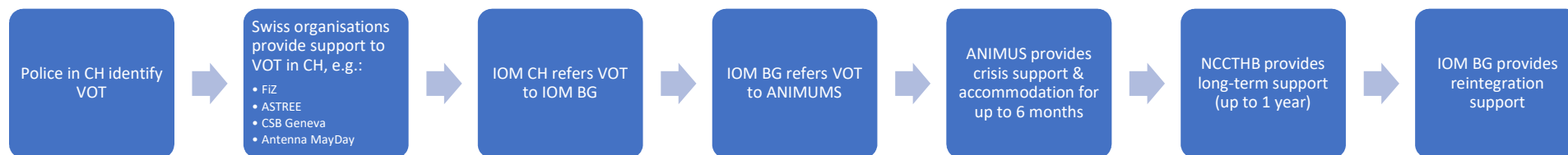
Year	Project number	Project title	Category	EU funding allocation (EUR)
	070.03.02	implementation of the EU best practices for integrated border control in the border area – second stage		
2004	BG2004/006-070.03.01	Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction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

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

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

## Annex 6. Swiss-Bulgarian referral mechanism

Figure 3: Swiss-Bulgarian referral mechanism



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



## Annex 7. Additional information on the Juvenile Justice project

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>100</sup> IOM has supported additional victims with funding from other sources.

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

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

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

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

**Source:** IOM Bulgaria

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

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

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

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

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

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

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