

Consolidation of Justice Sector Policy Development in Ukraine

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Progress Review Methodology of the Justice Sector Reforms Implementation in Ukraine

Summary

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1. As all contemporary public sector policy instruments, **Ukrainian Justice Sector Reform Strategy 2015-2020 and the relevant Action Plan require** and accordingly envisage that their implementation is subject to an appropriate **monitoring and evaluation (M&E)**. The former operates with general terms of strategic planning (in Chapter 6) and evaluation and monitoring, expected results and certain impact indicators (Chapter 9). The AP, in its Area of Intervention 12.1.1, provides for **assessment/review tools** (para.6) and corresponding outcomes: **‘complex quantitative and qualitative monitoring and evaluation methodologies applied in design and review of implementation of all policies relating to justice sector’** and **‘results-orientation (rather than focus on procedure) of all reform policies by use of output, outcome (result) and impact indicators in all policy documents, with feedback linkages and regular improvements with reference to findings in review (M&E) process’**.
2. Thus, it is evident that the Strategy and AP are based on the **EU policy development, implementation and funding regulatory framework** and relevant “Input-Output-Outcome-Impact” typology of the classical result chain, corresponding implementation, monitoring and evaluation standards.¹
3. In fact, the Strategy and Action Plan specify **what is to be achieved** (providing for the objectives, measures, result indicators). However, they are not supposed to and do not suggest how to ascertain **whether and to what extent the reform objectives are being attained**. At the same time, **answering the latter question on a basis of systemic and objective assessment becomes particularly important** for the authorities and stakeholders, international partners and public at large. This is to be addressed by designing a monitoring and evaluation tool.
4. Therefore, the Council of Europe within the framework of the joint EU/CoE Project “Consolidation of Justice Sector Policy Development in Ukraine” is assisting Ukraine in the implementation of the Strategy and relevant Action Plan by way of developing a **methodology for reviewing, measuring the progress and achievements** of the justice sector reform **in their dynamics**.
5. For these purposes a team of CoE consultants in close cooperation with the stakeholders has designed an **instrument (Progress Review Methodology) comprising 11 pillar-specific monitoring matrices**. They are furnished with a narrative guide and explanatory notes outlining the baseline situation in Ukraine by the beginning of the reform and international standards in respective areas.
6. The PRM matrices comprise:
 - a tailored **set of selected and adjusted evaluation (quantitative and qualitative) indicators** aligned with and adapted to the Strategy and AP targets;
 - most straightforward and rational **methods of assessment**;
 - most **appropriate actors** to be engaged;
 - a **tentative calendar** of evaluation activities.
7. Where possible, it suggests indicators that can be measured through collection of administrative data and/or statistics and other **comparatively simple methods of data collection and analysis**.

¹, Guidelines for EC support to sector programmes, <https://ec.europa.eu/europeaid/sites/devco/files/ec-guidelines-support-to-sector-prog-2007-final-en.pdf>

8. The PRM suggests a **bi-annual assessment calendar**, which has been adjusted to the reform calendar – its logical framework. It is the most optimal time-frame taking into account the intensity and number of policy interventions carried out under the reform. It can be easily changed to annual periodicity (by deleting references to I or II half of the relevant years).
9. The Methodology follows the best practices of carrying out composite review/assessments, when the **assessment exercise is split/distributed** between sector institutions, components of the implementing (coordinating) body, as well as international development partners and/or non-governmental organizations.
10. In terms of actors, i.e. the bodies/institutions supposed to carry out (organise) an assessment of specific assessment indicators, they are proposed in line with the particularities of the actions/results and taking into account a combination of factors, including functional relevance, legitimate interest, sensitivity of the matter, feasibility of/need for an external evaluation, availability of expertise, in particular in case of international development partners (IDP). The actors are expected to carry out the evaluations and report on the results on their own, including in terms of engaging experts, organising events seeking financial resources (where appropriate).
11. The relevant column of the matrices is to be considered as an indication of most appropriate groups of actors. However, it does not imply that they have already agreed to or undertaken any commitment to carry out relevant assessments, provide funding or other resources. The column is indicative and reflects the consultants' opinion as to most suitable actors.
12. Although the Judicial Reform Council is under the aegis of the President of Ukraine and is affiliated with the Executive, it has been taken into consideration that this body is of a composite nature and represents different branches of state powers, sector stakeholders, and civil society. Thus, in view of the complexity and comprehensive nature of the sector, policy documents in question and existing coordination arrangements the Judicial Reform Council could be regarded as the only networking platform for coordinating not only the implementation of the reform, but also application of the monitoring instrument.
13. The proposed Methodology is to be considered a living tool subject to further adjustments. It will be presented (as a working version) to the stakeholders on 29 November 2016. Afterwards, it could be endorsed by the JRC. Alternatively, it could be directly applied as a working document by the JRC secretariat and relevant justice sector institutions.
14. In practical terms, the Methodology is supposed to be **put it into operation through a formal request or call** addressed respectively to the stakeholders concerned, international partners and civil society to contribute to the evaluation exercise by carrying out particular assessment activities in accordance with the methodology (including the tentative calendar). Actors would be expected **to acknowledge (in writing)** that they will proceed with assessment (in case of state institutions) or inform about their relevant commitments (in case of international development partners and civil society organisations).
15. **Further coordination would involve** administrative arrangements in terms of maintaining contacts with the actors, following the proposed assessment calendar, collecting assessment-specific reports/information, and at least annual reminders (repeated calls) as to the expected assessments to be carried out in the forthcoming year (or 6-month period).

16. The JRC could, on the basis of assessment delivered by the assigned actors and with the assistance of the CoE or any other international development partner, compile and **publish periodic reports on the monitoring of implementation of the Strategy, AP and the reform in general**. Preferably it should be done on biannual basis, and thus synchronised with the proposed monitoring calendar.
17. Moreover, it could be advised to follow the best practices from other jurisdictions in terms of **institutional support and funding of coordination and implementation of justice sector reforms**.²
18. Although the JRC has designed and launched its web-site that offers considerable information, including an online visual calendar of the judicial reform, it can and should be supplemented by a regularly updated information monitoring tool. The PRM and its matrices could serve as a basis for designing and maintaining a dynamic, key-performance indicator (weighting)-based **regularly updated information monitoring tool**. It would provide overall sector and disaggregated numerical data and demonstrate the dynamics and particular achievements, including by means of automatically generated tables indicating the overall, segment, area and indicator-specific levels (in %) of attainment of the results envisaged by the Strategy and AP per relevant period of their implementation.³ In terms of the best practices of using information tools one could refer to the reports on the implementation of the Justice Sector Reform Strategy in Moldova.⁴
19. Accordingly, besides serving as an **analytical instrument for the policy development and adjustment**, the methodology and the relevant assessment system could serve as an important tool for **informing policymakers, international partners and public at large about the reform steps and results**.

² E.g. Multi Donor Trust Fund for Justice Sector Support (MDTF-JSS), http://www.mdtfjss.org.rs/en/about-us#.V7_scCh9601

³ IMT is not a part of the current assignment and is to be developed separately.

⁴ Available online: http://justice.gov.md/public/files/Raport_SRSJ_En_2016_v7_format_electronic_ENG.pdf