



THE EUROPEAN UNION'S ENPI PROGRAMME

MIDTERM EVALUATION OF THE PROGRAMME
“STRENGTHENING DEMOCRATIC REFORM IN THE
SOUTHERN NEIGHBOURHOOD”

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FINAL REPORT

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ACRONYMS

APALD	<i>Autorité pour la parité et la lutte contre toutes formes de discrimination</i>
CEPEJ	European Commission for the Efficiency of Justice
CoE	Council of Europe
CSPJ	<i>Conseil supérieur du pouvoir judiciaire</i>
EC	European Commission
EEAS	European External Action Service
EU	European Union
EUD	European Union Delegation
GRECO	Council of Europe Anti-Corruption Group
HRBA	Human Rights-Based Approach
INLUCC	<i>Instance nationale de lutte contre la corruption</i>
MTE	Mid-term evaluation
ODG PROG	Office of the Director General of Programmes
OECD	Organisation for Economic Cooperation and Development
PACE	Parliamentary Assembly of the Council of Europe
TOR	Terms of reference
TPI	<i>Tribunal de première instance</i>
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development

1 EXECUTIVE SUMMARY

Background

The European Commission (EC) commissioned a team of two consultants managed by IBF International Consulting to conduct the mid-term evaluation (MTE) of the project entitled “European Union – Council of Europe Programme for strengthening democratic reform in the southern neighbourhood”, generally referred to as the Council of Europe (CoE) South Programme.

The overall objective of the programme is “*to enhance the political and democratic reform processes in countries in the southern neighbourhood, in accordance with European and international standards, based on a demand-driven and targeted approach*”. It has an overall budget of 4.8m€, entirely financed by the European Union (EU). It had an anticipated duration of 36 months, from January 2012 to December 2014. The programme was designed with four specific objectives, which were also the titles of its four components, as follows:

1. **To reinforce the independence and efficiency of the judiciary** by supporting the development of the normative framework, improvement of tribunals’ performance, and facilitating justice reform on the basis of CoE norms and methodology.
2. **To support good governance, notably through increased prevention of corruption and money laundering**, on the basis of the norms, mechanisms and instruments of the CoE, by reinforcing the policy frameworks in the target countries, as well as operational capacity and regional cooperation.
3. **To reinforce protection for human rights with focus on the prevention and control of trafficking in human beings**, in the context of the relevant CoE Convention and other international human rights standards.
4. **To promote democratic values in the target countries**, on the basis of existing CoE networks, including the Parliamentary Assembly of the CoE (PACE), the North-South Centre, the Youth Department, the Pompidou Group, the Venice Commission and the Schools of political studies.

A fifth “cross-cutting” component encompassed programme management and office costs as well as the overall coordination and monitoring of the programme from CoE headquarters in Strasbourg – including also the establishment of the offices in Rabat and Tunis.

The objectives of the MTE, according to its Terms of Reference (TOR), are:

- To provide an overall independent assessment of the CoE South Programme, and its delivery of activities, output and results according to the objectives and indicators of the programme as defined in the programme document and the inception report;
- To provide recommendations for possible adjustments of activities, strategies and selection of partners for the remaining period of the project;
- To provide an overall independent assessment of CoE comparative advantages in the southern neighbourhood vis-à-vis EC and EU member states and other development partners, and to provide recommendation for possible future focus areas for EC-CoE cooperation and joint programming in the southern Mediterranean and/or possible bilateral or regional on-demand support.

The MTE was conducted in a context of on-going, long-term collaboration between the EU and the CoE. The approach and methodology of the MTE addressed the programme at three levels:

- Activities implemented and planned under each of the components, assessed in accordance with the standard evaluation criteria set out in the MTE TOR;
- Programme management and monitoring processes, taking into account common patterns of challenges and opportunities across the four components; and
- Future action: based on the experience of the first two years of the programme, the team offers an assessment of possible future directions and implementation modalities for the programme.

The evaluators received extensive information from the EC and the CoE when they visited Brussels and Strasbourg at the start of the assignment in November 2013. In January 2014 they visited Tunisia and Morocco, where they met representatives of the CoE and the EU Delegation, as well as a range of stakeholders. The key limitation of the MTE was that the evaluators could not attend regional meetings, and were unable to speak to a representative sample of stakeholders from target countries other than Morocco and Tunisia. Nevertheless, the evaluators were able to form a reasonably well-rounded view of the programme by analysing written documentation, meeting representatives of the EC and CoE in Brussels and Strasbourg, and meeting an extensive range of stakeholders in Morocco and Tunisia.

Evaluation findings

The programme as a whole was **relevant** in that it addressed genuine needs in the two countries visited (Morocco and Tunisia), and that its design contributed to ensuring that those needs were met in an appropriate manner. However the various elements of the programme were of unequal relevance, and their design was also not equally appropriate to needs.

The programme design was relevant to the overall situation of the target countries, in that it provided a broad range of expertise-based mechanisms grounded in CoE conventions and human rights standards. The design was sufficiently open to allow for the programme to respond to arising needs in the target countries. This was particularly appropriate to the situation at the time the programme was designed, and in particular:

- The “Arab Spring” context was creating new opportunities for support to democracy, making it logical to develop a response capacity;
- At the same time, the lack of past CoE experience in the target countries, and the uncertain situation on the ground, made it difficult to set firm timelines for activities.

However, despite its overall relevance, the programme design had two weaknesses:

- Being structured around a range of CoE mechanisms, it did not encourage mechanisms to join forces or learn from each other. To a large extent, each mechanism was expected to deploy its own activities with little consideration of the agenda followed by other mechanisms and components.
- The design did not state explicitly which intermediate results or milestones the programme would seek to achieve in order to fulfil the specific objectives. The programme documentation described a number of activities to be implemented under each component, but did not systematically specify key results to be achieved during the course of the programme.

In terms of **effectiveness and impact**, the justice component clearly yielded some of the most tangible and concrete results and impact of the South Programme, and built strongly on the added value of the CoE. Some of the strongest justice impacts included direct contributions to the legislative drafting process in all recipient countries, not only for example to sections of the newly adopted Tunisian Constitution relating to the independence of the judiciary, but also to key organic laws implementing the Moroccan Constitution of 2011, for example relative to the status of magistrates and the creation of the *Conseil supérieur du pouvoir judiciaire* (CSPJ); legislation recognising the Amazighe language; and the creation of key instances, such as the *Autorité pour la parité et la lutte contre toutes formes de discrimination* (APALD).

The anti-corruption component of the Programme experienced certain constraints and difficulties, which undoubtedly had impacts on the final results. These included significant delays at the country level, related primarily to the overall transition environment, for example the drafting of Moroccan organic laws and the new Tunisian Constitution. It is noted however that despite this exceptional environment, the CoE was able to work around and through political blockages, since it was also able to address more non-contentious areas, for example related to capacity building. The results and impact of the anti-corruption component are also ultimately hampered generally by the weaknesses of other institutions. However, this component has had positive results and impact in both partner countries.

The anti-trafficking component has begun to achieve results and initial impact in Morocco, where CoE input may have contributed, along with the input of several other actors, to trafficking being incorporated with a human rights based approach, as part of the new migration policy reform. However, this component of the project in Morocco (and Tunisia) is currently in its early stages, with past activities consisting mainly of surveying stakeholders, and enlightening governments as to the principles and values guiding the fight against trafficking. The CoE has yet to provide substantial policy advice in this respect.

Among the elements of the programme dealing with democratic values (component 4) the picture is contrasted because of the variety of interventions undertaken. The following overview can be given:

- The Venice Commission component was by far the most effective and impactful. In Tunisia, the Commission's comments concerning the draft constitution (partly funded by a Norwegian voluntary contribution) were provided in a short period, after a request for comments came from the Constituent Assembly. One reason for the effectiveness of the Commission's approach was that it anticipated requests for help, in Tunisia as well as Morocco, and initiated its own research early in the process.
- The Pompidou Group also achieved appropriate effectiveness. One of its key inputs to date has been methodological advice on research about the situation of drug use in Morocco and Tunisia. There has been also effective input in training for medical personnel, and on-going advice to relevant authorities on reforming policies on drug addiction.
- The schools of political studies had both been running for over a year at the time of the evaluators' visit, and had both trained an initial intake of students. The two schools had chosen different approaches in terms of participant selection: while Tunisia focused on young members of political parties, recruitment in Morocco was diversified to include locally elected officials, civil servants and members of civil society. Despite these different approaches to recruitment, the schools had in common the aim of supporting constructive policy debates among the participants. Both schools could point to success in this field – for example, the

Tunisian school pointed out that young members of opposing political parties were provided with the skills to debate more effectively amongst each other.

- It was difficult to identify specific impacts for the two other sub-components (North-South Centre and Youth Department). The meetings that were conducted under these components were appreciated by interlocutors, but it was not possible – at the time the MTE took place – to identify clear follow-up on the part of the government stakeholders concerned, and it was not clear that a strong demand for these sub-components emerged from the countries.

In terms of **management and efficiency**, there is no doubt that programme management is one of the highlights of the present mid-term evaluation. The South Programme benefits from high quality and pro-active management, centralised by the Directorate-General of Programmes (DGPROG) in Strasbourg. DGPROG's coordination work is effectively supported by the two country offices, which are also pro-active in their contribution to programme implementation.

In essence, the programme management team at DGPROG has effectively coordinated the implementation of the various elements of the programme, eliciting regular reporting and input from the technical teams running the various components. The DGPROG team also developed programme monitoring tools for each component and sub-component, which it has been using to feed its own progress reports to the EC, and to press (when necessary) the technical teams to set and meet relevant deadlines for action. The offices in Tunis and Rabat also have been effective in supporting the programme, liaising with a wide range of stakeholders in the respective governments and with a broad spectrum of other actors, including the EU Delegations.

Some concerns remain, however:

- Overall, several of the components have been implemented with limited budgets, and yet have nevertheless enjoyed considerable achievements. However, some limitations have proven problematic. For example, it was not possible to purchase equipment (computers) with the programme budget for use by beneficiary state officials, even though this could have contributed to the implementation of CEPEJ recommendations in the pilot courts. This had a negative impact on the achievement of results.
- The delay in Tunisia granting formal recognition to the CoE representative office ("*accord de siège*") hampered the ability of representatives to conduct their activities, since they were operating outside a clear legal framework.
- Reporting of the individual components to DGPROG has been appropriate, but this has not led to increased synergies between the components. The programme is still implemented as a set of discrete activities, with very little collaboration across components – the only visible collaboration being attendance at meetings by representatives of the different themes.
- Reports by the DGPROG to the EU, while meeting formal EU requirements, are mostly focused on *activities* and contain only scattered, unsystematic reference to *strategies* and the *achievement of expected results and outcomes*. This runs counter to the needs of many EU users of the CoE progress reports, who would benefit from a more synthetic, strategic overview of programme achievements.

The most powerful factor of **sustainability** in the Evaluators' view lies in the political significance of the Council of Europe *Partners for Democracy*, a cooperation tool offered by the PACE. The partnership can provide impetus to other countries in the region to achieve similar status. Some key elements of sustainability can also be summarised as follows:

- The self-sustaining and replicable nature of the Programme's pilot projects, which in some contexts have garnered active support from national authorities;
- The strong on-going utilisation and adaptation of CoE tools and expertise, with beneficiaries demonstrating a considerable appropriation of skills and methods;;
- Their contribution to the drafting of key legislation in partner countries, which as indicated in *Impacts* below will have a lasting resonance;
- The development of informal professional networks of CoE experts and regional beneficiaries, which will continue as small trans-Mediterranean communities of practice;
- Development of professional and institutional capacities, for example the management, media and practice skills of the judiciary;
- The Programme's regional character, which will provide a vehicle for the dissemination of practices and lessons learnt;
- Participation in Programme activities of national ministers, ministries, parliamentarians and institutions at the highest policy-making level. Their direct implication to date, their deep appreciation of the CoE's specific added value, and the traceable impacts of their activities will provide ample impetus for authorities to capitalise on these gains.

It is considered however that more concrete follow-up mechanisms in the design and implementation of the Programme would significantly contribute to its overall sustainability.

Conclusions

- **The project benefited to a significant extent from the CoE's added value.** Several stakeholders noted that the CoE has unique added value in terms of standard setting in a range of areas related to law, human rights and other fields of interest to the EC. The programme staff in Morocco and Tunisia were pro-active in initiating contacts with a range of relevant stakeholders, both institutional and in civil society. There was near-unanimous recognition among stakeholders of the quality of the expertise provided by the CoE.
- **The programme's relevance was enhanced by its flexibility and ability to respond to needs expressed by target countries.** The programme was able to call on relevant expertise, thus answering key needs in a timely and effective manner. This was particularly the case in relation to components 1 (justice), 2 (anti-corruption) and the Venice Commission sub-component. Other aspects of the programme responded to equally important needs, though they may have been less acute or less clearly expressed (Pompidou Group, human trafficking). However, some sub-components (North-South Centre, Youth Department) have not addressed clearly and explicitly formulated needs and have not, to date, found a relevant "niche" where they could help address specific concerns in the target countries.
- **The programme design suffered from lack of synergies and ill-defined results or milestones.** The components were implemented in parallel, with little coordination between them. However, opportunities for coordination could be identified, for example when working with parliamentarians on legislative reforms concerning both justice and the fight against corruption. Also, the work of the Pompidou Group, which has largely been confined to the health sector, should also address the judicial institutions targeted by CEPEJ. The CoE representative offices are now in a position to help identify further opportunities for joint activities by different CoE mechanisms. However, the programme did not systematically

provide for specific results (targets or milestones) to be achieved by the components in the course of the project period.

- **The programme implementation was largely effective, despite significant delays.** Key aspects of the programme were implemented in accordance with plans, sometimes beyond expectations. This was the case in particular of the CEPEJ and Venice Commission, Pompidou Group and Schools of Political Studies. Other elements (anti-corruption and trafficking), though they performed appropriately, were hampered by lack of political will in the target countries or by delays in the implementation of relevant legislation. Significant delays were noted in the establishment of the CoE representative offices in Morocco and Tunisia, though these were not necessarily related to lapses in CoE performance. Overall, however, the programme has adapted well to the circumstances in the two target countries visited, and is broadly on course to achieve the planned activities, although it is anticipated it will require a few additional months for completion.
- **Programme coordination and management are effective.** The programme management team at the CoE has been highly effective in ensuring that the programme performs as well as possible. The team has consistently and effectively monitored activities conducted under the different components, and provided strong support to the various mechanisms involved. As a result, the team was also able to provide the EC with detailed and timely progress reports, and to keep CoE managers closely informed of the progress of the programme. In the evaluators' view, the quality of programme management is one of the key strengths of the programme. However, reporting to the EC could be further improved by including more explicitly (and more visibly) a strategic overview of progress made and strategic challenges to be addressed.
- **The programme is likely to achieve a significant impact.** Assistance by the CoE is contributing to entrenching democratic practices and to building the capacity of the governments of Morocco and Tunisia to follow CoE standards in the fields covered by the programme. Mechanisms and standards are gradually being established – albeit mostly on a pilot scale – as a result of the programme, which are likely to remain in place beyond the programme period. As a result, the programme is on course to laying the groundwork for a more sustained involvement of the CoE in the region, at least in Morocco and Tunisia.
- **The future CoE programme should be conceived as a flexible facility, focused on some core areas of CoE expertise.** There is a strong case to be made that the programme should continue beyond 2015, to help consolidate results achieved or foreseeable under the current programme, and to enhance the CoE's capacity to respond to future needs in the region. The recommendations below should be taken into account in designing that facility.

Recommendations

The following recommendations identify, to the extent possible, the specific CoE or EU actors who should implement them. However, all actors should take account of all the recommendations presented below, with a view in particular to enhancing programme coordination.

Most of the recommendations involve DGPROG and a combination of other actors. It is recommended that, as a matter of good management practice, DGPROG and EuropeAid should review the recommendations made below, and agree a timeframe for their implementation.

Implementation of the current programme

DGPROG should:

- a) Ensure that each CoE team which has not yet done so develop detailed, time-bound activity plans for the remaining months of the programme;
- b) Consult with the offices in Tunisia and Morocco to assess the plans' feasibility and inform Moroccan and Tunisian partners accordingly;
- c) Identify any opportunities for joint activities among programme teams and seek to build them into the plan if possible.

DGPROG and CoE country offices should:

- d) Explore with the Governments of Morocco and Tunisia the scope for establishing a South Programme steering committee charged with maintaining an overview of the programme's activities in each country;
- e) Ensure that steering committees are also consulted in the design of the future programme;
- f) Ensure that the EU Delegations in the respective countries are kept informed of the meetings of these committees.

DGPROG, EuropeAid and EEAS should:

- g) Agree to a reporting format for the South Programme, focused on results/outcomes, that would best meet the monitoring needs of EuropeAid, and best support the policy and political advice role of EuropeAid and the EEAS;
- h) Ensure that this reporting format – which should supplement existing reports – is shared among relevant EC actors, including the EU Delegations in the region covered by the South Programme, not simply those in Morocco and Tunisia.

DGPROG and CoE teams should:

- i) Work with the CoE representative offices to ensure that the absorption capacity of partner and beneficiary institutions is monitored throughout the programme period;
- j) Encourage Ministries to be involved as direct partners in the implementation of activities where possible and appropriate;
- k) Engage existing or emerging inter-ministerial instances in South Programme activities;
- l) Ensure, if necessary in consultation with EuropeAid, that remuneration modalities for experts are made as flexible as possible, and where necessary and possible adjusted to align with administrative and other constraints in partner countries;
- m) Ensure that study visits are as effective as possible, in particular by giving adequate notice to participants, providing them with relevant materials in advance for them to prepare fully for these activities; the length and agenda of visits should be consistent with objectives;
- n) Ensure that external experts are fully briefed, without exception and prior to the implementation of the activity, concerning the specific country and sector context;
- o) Assess the capacity of institutions in other sectors to benefit from the activities designed in a given sector (for example, the capacity of the prosecution and court system to benefit from work in the anti-corruption sector);
- p) Develop stronger strategic relationships with civil society organisations, and in particular with key human rights organisations;
- q) Use the CoE's "soft diplomacy" approach in a more strategic manner, including to support and consolidate the commitment of authorities to on-going reform efforts, and to encourage more formalised, regular and strategic coordination initiatives;

- r) Deploy stronger efforts to encourage and monitor the follow-up and implementation of ratified CoE Conventions;

DGPROG and EuropeAid should:

- s) Develop an exit strategy for the current programme, which should include follow-up mechanisms that could contribute to an effective transition to the successor programme; the relevant EU Delegations and CoE country offices should be involved in this respect;
- t) Consult intensively to ensure coherence and complementarity of the remaining programme activities, particularly in the light of parallel EU programmes being designed in relevant fields in Morocco and Tunisia;
- u) Reinforce awareness-raising efforts as to the objectives and delineation of the programme, to avoid stakeholder confusion with EUD initiatives in the field;
- v) Review the possibilities of conducting joint or parallel activities with EU Member States and CoE Member States that are not EU members, with a view to achieving greater synergy and complementarity.

Design of the future South Programme

The design of the future programme should take into account the above recommendations. In addition, it is recommended that **DGPROG** and **EuropeAid**, in coordination with the **EEAS**, **EU Delegations** and **CoE representative offices**, take account of the following recommendations:

- a) The regional dimension of the Programme should be continued, consolidated and expanded (see however reservations below).
- b) In expanding the Programme's regional scope, however, care should be taken to ensure that it is able to strategically respond to demand, and manage authorities' and stakeholders' expectations.
- c) In expanding the Programme's regional scope, each potential country should be the subject of a comprehensive assessment which would take into account:
 - i. Specific country and sector needs;
 - ii. On-going or potential risks;
 - iii. Degree of governmental and institutional commitment to reform;
 - iv. Scope for synergy and complementarity with other countries in the programme, or other programmes in the country or region;
 - v. The specific added value of the CoE in the country context;
 - vi. The feasibility, priorities, and strategies for addressing highly sensitive themes.
- d) Activities that should be prioritised at the regional level could include:
 - i. "Universal" capacity building, such as the development of management skills, legislative drafting, international standards, etc.;
 - ii. Targeted experience-sharing which can be highly appreciated and useful in the transitional environment and can help foster informal professional networks;
 - iii. Awareness raising and sensitisation concerning more politically-charged themes, such as trafficking and corruption, or clearly identified areas of common interest, such as anti-money-laundering monitoring mechanisms.
- e) Bilateral cooperation should remain focussed on direct technical assistance and practical capacity support, such as working on specific procedures, institutional structures or legislation.
- f) Cross-regional or bilateral intra-regional exchanges and meetings should be considered as a strategy to build on the results obtained from the Programme, and increase ownership.

- g) The possibility of south-south cooperation and activities, for example with West Africa, could also be considered in later phases of the Programme.
- h) Given the anticipated increase in scope of any subsequent phase of the Programme, a highly strategic selection of activities should be conducted, to ensure that activities are not spread too thinly, which could otherwise result in a scattering and dilution of focus, implementation and results. The Programme should be designed to ensure that results are achievable, and have realistic result indicators.
- i) Any subsequent Programme should be designed to ensure that themes and activities:
 - i. Build directly on the achievements of the first phase;
 - ii. Are mutually supporting, and are capable of having impacts and synergies upon and with each other;
 - iii. Are designed in such a manner as to retain the flexibility of the first phase.
- j) Crosscutting issues should be added to the Transversal Component of any subsequent Programme, which should include: human rights based approaches; gender; children/ youth, and possibly civil society consultation and involvement.

In short:

A realistic and focussed second programme, with a limited number of themes corresponding to institutional added value and strategic priorities, will have more sustainable, resounding and visible impacts.

2 INTRODUCTION

The European Commission (EC) has commissioned a team of two consultants managed by IBF International Consulting to carry out the mid-term evaluation (MTE) of the project entitled “European Union – Council of Europe programme for strengthening democratic reform in the southern neighbourhood”, generally known as the Council of Europe (CoE) South Programme. The overall objective of the programme is *“to enhance the political and democratic reform processes in countries in the southern neighbourhood, in accordance with European and international standards, based on a demand-driven and targeted approach”*.

The programme

The CoE South Programme had an overall budget of 4.8m€, entirely financed by the European Union (EU). It was expected to run for 36 months, from January 2012 to December 2014. The programme was built around four specific objectives, which were also the titles of its four components. as follows:

1. **To reinforce the independence and efficiency of the judiciary** by supporting the development of the normative framework, improvement of tribunals’ performance and facilitating justice reform on the basis of CoE norms and methodology. The budget for this component was approximately 16% of the total.¹
2. **To support good governance, notably through increased prevention of corruption and money laundering**, on the basis of the norms, mechanisms and instruments of the CoE, by reinforcing the policy frameworks in the target countries, as well as operational capacity and regional cooperation. This component represented approximately 13% of the budget in Year 1.
3. **To reinforce protection for human rights with focus on the control of trafficking in human beings**, in the context of the relevant CoE Convention and other international human rights standards. This component represented 5% of Year 1 spending.
4. **To promote democratic values in the target countries**, on the basis of existing CoE networks, including the Parliamentary Assembly of the CoE (PACE), the North-South Centre, the Youth Department, the Pompidou Group, the Venice Commission and the Schools of political studies. This component represented approximately 31% of Year 1 budget.

A fifth “cross-cutting” component covered programme management and office costs, as well as the overall coordination and monitoring of the programme from CoE headquarters in Strasbourg – including also the establishment of the offices in Rabat and Tunis. Its budget represented about 35% of spending in Year 1. However, as these expenses are facilitating and contributing to the achievement of the programme’s four components, they should not be seen as a separate component for evaluation purposes.

Background of the mid-term evaluation

The objectives of the MTE, according to its Terms of Reference (TOR), are:

¹ This percentage, as well as those given for the other components, is based on the budget for Year 1 of the programme. Actual percentages may vary from year to year according to changing circumstances, but the order of magnitude is likely to stay similar.

- To provide an overall independent assessment of the CoE South Programme, and its delivery of activities, output and results according to the objectives and indicators of the programme as defined in the programme document and the inception report;
- To provide recommendations for possible adjustments of activities, strategies and selection of partners for the remaining period of the project;
- To provide an overall independent assessment of CoE comparative advantages in the southern neighbourhood vis-à-vis EC and EU member states and other development partners, and to provide recommendation for possible future focus areas for EC-CoE cooperation and joint programming in the southern Mediterranean and/or possible bilateral or regional on-demand support.

The TOR further assign the following three specific objectives to the evaluation:

- Assessment of programme design;
- Assessment of programme implementation;
- Recommendations for future actions.

The MTE took place in a context of on-going, long-term collaboration between the EU and the CoE. A 2012 evaluation of the cooperation between the two institutions noted the comparative advantages and weaknesses of the CoE. In essence, the main advantage was the CoE's substantive expertise and its standard setting and monitoring capacity; its key weakness related to project execution. The CoE took steps to address this by establishing, then reinforcing, the Office of the Director General of Programmes (ODG PROG), which manages the programme under review. ODG PROG's role covers general programme management, contributes to setting management standards for the various programme components and to improving communication on programme and related policy matters, both internally within the CoE and with other stakeholders such as the EU. ODG PROG interacts with operational directorates (DG1 and DG2), the PACE and "Partial Agreements", entities specialising in specific thematic areas. The present evaluation takes stock of the changes that have taken place since 2010, while assessing the progress of the programme.

Methodology

The approach and methodology of the MTE was outlined in the Inception Report, which the evaluators submitted to the EC in December 2013. In essence, the MTE addressed the programme at three levels:

- Activities implemented and planned under each of the components, assessed in accordance with the standard evaluation criteria set out in the TOR;
- Programme management and monitoring processes, taking into account common patterns of challenges and opportunities across the four components; and
- Future action: based on the experience of the first two years of the programme, the team offers an assessment of possible future directions and implementation modalities for the programme.

The evaluators received extensive information from the EC and the CoE when they visited Brussels and Strasbourg at the start of the assignment in November 2013. In January 2014 they visited Tunisia and Morocco, where they met representatives of the CoE and of the EU Delegations, as well as with a range of stakeholders including:

- Government officials involved in activities under the programme;

- Members of the judiciary and of the legal profession;
- Parliamentarians and other elected officials involved in the programme;
- Civil society representatives who took part in activities; and
- Representatives of EU Member States and other donors supporting projects in areas similar to those covered by the programme.

The MTE assesses the programme on the basis of the activities and expected results set out in documents including the South Programme Inception Report prepared by the CoE in September 2012. This document contains logical frameworks for the various components, which summarize the intervention logic and include indicators of achievement.

Constraints and limitations

The key limitation of the MTE was that the evaluators could not attend regional meetings and were unable to speak to a representative sample of stakeholders from target countries other than Morocco and Tunisia. They were also unable to visit Jordan, where a programme similar to that implemented under the South Programme is underway, with separate EC support, since July 2013. Nevertheless, the evaluators were able to form a reasonably well-rounded view of the programme by analysing written documentation, meeting representatives of the EC and CoE in Brussels and Strasbourg, and meeting an extensive range of stakeholders in Morocco and Tunisia. It is the evaluators' considered opinion that the present report is based on sufficient information to account for the programme's progress and challenges to date, including but not limited to the relationship with Morocco and Tunisia.

Programme implementation context

The current justice sector context in the Southern Mediterranean region is in large part the result of the tumultuous events of 2011 and the consequent on-going period of transition and reform, and marked by the diversity of the legal structures and jurisprudential sources of each country. Throughout the region, challenges in the legal sector have included, to a greater or lesser degree according to the specific country or province:

- Ensuring respect of the rule of law;
- Supporting judicial independence, at both the legislative and practical level;
- Increasing the efficiency and capacity of court systems, legal institutions, and legal professionals;
- Guaranteeing equal access to justice, in particular for women;
- Respecting due process and fair trial standards;
- Reforming the penitentiary and security sectors;
- Ensuring gender parity in legal institutions, in particular in genuine decision-making roles;
- Responding to the specific needs of children and youth in legal systems;
- Combatting corruption and nepotism within the judiciary and related administrations.

However, in the post-2011 context, specific and often pressing needs have arisen, which have included reforming Constitutions, which in some countries has entailed the complete re-structuring of the judiciary; drafting and implementing supporting legislation, procedures and administrative decrees relative to the legal sector; and creating and enforcing transitional justice mechanisms, often in the face of considerable political resistance.

Other general or inherent challenges that impact directly on the justice sector include the following:

- Political instability, which results in fitful reform initiatives, combined with a lack of genuine political or institutional will, or of effective mechanisms, to implement legal reform;
- High degree of sensitivity concerning key areas of reform, in particular relative to judicial independence, corruption, youth, and gender issues, such as gender-based violence;
- Dualistic systems, where civil jurisdictions co-exist with religious or customary justice systems, which presents numerous difficulties, particularly in the application of international norms;
- Inadequate harmonisation of national legislation with ratified international or regional conventions, coupled with a failure to implement conventions and standards in practice, for example by national courts;
- Absence of effective legal aid systems;
- Difficulties of legal institutions and ministries – or even individual departments within ministries – working in genuine cooperation;
- Marginalisation of key legal sector actors, notably Bar Associations, in reform processes;
- Political and institutional resistance to change; and
- Limited implication and capacity of local civil society to participate in legal reform processes.

In such a complex and rapidly changing context, the challenges faced by the justice sector in the Southern Mediterranean region are therefore multiple and interdependent, and the encouraging process of transition and reform has not automatically translated into more efficient, transparent and fairer justice systems. For this reason, each of the countries in the region have benefited from broad international support in the past three years, notably from the EU and its Member States, the World Bank, the UNDP, and USAID. These initiatives have responded to both longstanding and emerging needs in the sector, with cooperation being aimed at legislative reform, strengthening the capacity and the independence of the judiciary, training judges and other legal professionals, and improving the administration of courts. This has resulted in a highly complicated and sometimes crowded donor and cooperation environment (see *Cooperation* below), where the risks of duplication of activities are high, and where certain critical needs – in particular in rural areas – fall below the cooperation “radar” and are not addressed at all.

Corruption is unfortunately prevalent and widespread in the Southern Mediterranean region, and occurs on both a small and grand scale. The incidence of corruption is linked directly to general governance challenges, and is historically rooted in political instability, unwieldy and poorly resourced institutional and public sector infrastructures, and limited opportunities for public and civil society participation. It is also crucially linked to many of the general difficulties described above, and particularly weaknesses in ensuring the rule of law and therefore in developing cultures of accountability; the extreme sensitivity of corruption and related issues; and lack of political will and resistance to change.

Anti-corruption initiatives in the region must therefore address root causes, and at the same time involve multiple sectors of the society, and support in both technical and practical ways all existing national anti-corruption institutions and mechanisms. Anti-corruption conventions provide powerful political tools to promote reform, and most countries in the region have ratified the UN Convention Against Corruption (UNCAC), however full legislative harmonisation and practical implementation of the UNCAC has in many countries lagged behind. While some high-profile prosecutions for corruption have been instigated, and anti-corruption bodies have conducted investigations and transferred cases to prosecuting authorities, the weaknesses in the justice sector described above – and notably the limited technical and practical capacity of legal professionals – has meant that many of these files

simply join the existing and interminable court and prosecution backlogs. Civil society itself is hindered by numerous difficulties, including technical capacity and lack of resources, absence of perceived credibility, and practical constraints of their freedom of association including *inter alia* complex and lengthy registration procedures.

Nevertheless, there is some momentum to combat what is in reality a clear obstacle to development, although this is not equally shared across the region. In addition to legislative reform and the restructuring and empowerment of national anti-corruption institutions in Morocco and Tunisia, some measures have been integrated into governance reform agendas in countries such as Jordan and – formally at least – at the regional level, such as the *Arab Region Parliamentarians Against Corruption*, which promotes ratification and implementation of the UNCAC and engages in other anti-corruption activities.

There is also a degree of international support to anti-corruption efforts in the region, whose key actors include the EU and its Member States (primarily in the context of broader support to governance), the UNODC and UNDP (often in partnership), the OECD, and numerous specialised or *ad hoc* donor-supported interventions, such as American Bar Association projects in the region addressing corruption in the judicial sector.

The issue of trafficking in human beings evolved in recent years in Morocco and Tunisia, moving away from earlier perceptions that the countries were essentially transit locations for forced labour and prostitution. In the last few years the International Organisation for Migrations and non-governmental organisations have published reports indicating that countries of the southern Mediterranean were sources, destinations as well as transit countries for trafficking in human beings. Bilateral cooperation with EU Member States, while often aimed at addressing the flow of illegal migration into Europe, also contributed to highlighting the domestic reality of human trafficking within Morocco and Tunisia.

In both countries, according to experts interviewed by the evaluators, the issue of trafficking had long been considered mainly in terms of security challenges – fight against organised crime – and in terms of illegal migration, taking into account political pressure from European countries seeking to prevent migration onto their territory. Human rights aspects were not taken into consideration, neither were the social challenges posed by practices such as the sale of young people as forced labourers or prostitutes. In effect, policies and practices in the region have tended to deny victim status to those who have been trafficked. A gradual evolution has started in recent years, epitomized by Morocco (see next section).

It is difficult to give an overview of the context in the Southern Mediterranean relating to democratic values, because of the vague and general nature of this concept. However, there is a broad consensus among the informants interviewed by the evaluators, that the changes initiated by the “Arab Spring” were in part motivated by popular dissatisfaction with political decision-making processes. The lack of transparency and accountability in decision-making were among the complaints aired by Arab Spring protesters. The weakness of civil society organizations was a pattern across most countries in the region: while civil society remains weak, its voice has, broadly speaking, gained in strength in recent years, setting the stage for some of the activities of the South Programme.

The CoE and the Southern Mediterranean

The CoE uniquely combines inter-parliamentary and intergovernmental dimensions. The CoE has few traditional links with countries in the Southern Mediterranean region, though some have in the past

been invited to join conventions. This is not to say, however, that there were no links at all prior to the South Programme implementation. The multifaceted nature of the CoE – made up of the Parliamentary Assembly (PACE), the Secretariat and the so-called partial agreement institutions – is such that countries may be represented in one capacity or another within partial agreement institutions or at PACE-related events, even if they are not formal members or observers. The Pompidou Group², for example (dealing with drug policy) has a long-standing relationship with Morocco. Similarly, Moroccan and Tunisian representatives, among others, have attended past events held by the North-South Centre. There is also a degree of connection between CoE activities and the bilateral links between CoE Member States and South Programme target countries. For example, a CEPEJ³ mission in Tunisia was followed up in 2013 by a study tour to Switzerland, organised as a bilateral event by a Swiss magistrate who had been part of the CEPEJ mission. While the mid-term evaluation kept these connections in mind, it focused mostly on the activities and outcomes achieved by the South Programme itself.

Future programming

The TOR requested the evaluators – in addition to the MTE itself – to develop recommendations about the contents of a future (2015-17) phase of the South Programme. Since the MTE was taking place at a time when the CoE and the EC were already discussing the future programme, the evaluators took into account the programme content and structure that the two institutions were already considering. Some of the conclusions and recommendations are focused on a future-programming phase. They include consideration of a “facility” approach, under which a “toolbox” of CoE support could be considered and adapted to country and sub-regional requirements.

Structure of the report

Chapter 3 presents a detailed overview of the MTE findings, structured – as required by the TOR – around the standard evaluation criteria of relevance, effectiveness, efficiency, sustainability and impact, and also considering issues of coherence and visibility (as defined by the EC). This chapter provides answers to evaluation questions and requests set out in the TOR.

Chapter 4 presents a synthetic overview of the conclusions of the evaluation. Some of the conclusions concern individual components; others concern the programme as a whole. Similarly, the conclusions seek to bring together findings concerning different evaluation criteria. The conclusions refer explicitly to the findings in Chapter 3.

Chapter 5 presents recommendations addressed to the CoE in relation to the implementation of the programme for the remaining year. Further recommendations are addressed to both the CoE and the EU in relation to future programming.

² The official name of the Pompidou Group is: Cooperation Group to Combat Drug Abuse and Illicit Trafficking in Drugs.

³ European Commission for the Efficiency of Justice.

3 FINDINGS OF THE MTE

3.1 Response to problems and needs (Relevance)

The programme as a whole was relevant in that it addressed genuine needs in the two countries visited (Morocco and Tunisia), and that its design contributed to ensuring that those needs were met in an appropriate manner. However the various elements of the programme were of unequal relevance, and their design was also not equally appropriate to the needs.

Programme design and intervention logic

The programme was designed around four components, which also comprised its specific objectives. Each component was built around one or more CoE mechanisms, such as CEPEJ (component 1), GRECO (component 2), or around expertise otherwise available to the CoE (component 3 on trafficking). While the first three components involved a relatively clear link between the mechanisms involved and the specific objectives, component 4 was of a more general nature. Under the heading of “promotion of democratic values”, the component involved mechanisms as diverse as the Venice Commission and the Pompidou Group – as well as the PACE, the North-South Centre, the Youth Department and the Schools of Political Studies. For each component, the programme design provided for a set of activities aimed at achieving the proposed specific objectives, which largely reflected the existing work methods of the mechanisms concerned.

The programme design was relevant to the overall situation of the target countries, in that it provided a broad range of expertise-based mechanisms grounded in CoE conventions and human rights standards. The design was sufficiently open to allow for the programme to respond to arising needs in the target countries. That was particularly appropriate to the situation at the time the programme was designed:

- The “Arab Spring” context was creating new opportunities for support to democracy, making it logical to develop a response capacity;
- At the same time the lack of past CoE experience in the target countries, and the uncertain situation on the ground, made it difficult to set firm timelines for activities.

However, despite its overall relevance, the programme design had two weaknesses:

- Being structured around a range of CoE mechanisms, it did not encourage mechanisms to join forces or learn from each other. To a large extent, each mechanism was expected to deploy its own activities with little consideration of the programming and content of the other mechanisms and components.
- The design did not state explicitly which intermediate results or milestones the programme would seek to achieve in order to fulfil the specific objectives. The programme documentation described a number of activities to be implemented under each component, but did not systematically specify milestones to be achieved during the course of the programme.

Component 1 – justice

The justice component was relevant in that it was based on a sound methodology, focused on identifying specific needs in the administration of justice, and on addressing those needs in a range of pilot tribunals and in the form of cooperation with Ministries of Justice. The development of pilot projects in various courts in both Morocco and Tunisia, using CoE expertise and tools, was enthusiastically received by

the Ministries of Justice and by direct beneficiaries, including the judiciary and key court personnel such as registrars.

Component 2 – anti-corruption

The Component 2 of the Programme aims at the implementation of high standards for democratic governance to fight corruption, money laundering and terrorism financing. It responded to a high level priority of the European Union and the Council of Europe, and of all countries in the region.

Component 3 – human rights with focus on fight against trafficking

The fight against trafficking was clearly relevant in Morocco and Tunisia in that trafficking in people – particularly women – is a reality, with countries in the southern ENPI region forming transit routes for trafficking into Europe, and in some cases (Morocco) destinations and origins in their own right. The fact that trafficking exists in the region renders this component relevant, however this must be balanced against governments' widespread reluctance to address the issue. Indeed, interviewees mentioned that Tunisia and Morocco have until only recently largely denied the existence of a trafficking problem. However this component became significantly more relevant in the second half of 2013 in Morocco, following a decision taken at the highest level in the country to develop a more comprehensive policy on migration, in particular taking into consideration the human rights situation of victims of trafficking. In Tunisia, the need to fight trafficking also gained gradual acceptance in 2013, partly as a result of activities supported by UN agencies and USAID.

Component 4 – promotion of democratic values

This component was the most diverse of the programme, in the sense that it included five sub-components that were largely unconnected, both to each other and to the rest of the programme. It is therefore impossible to assess the relevance of the component as a whole. Regarding its five sub-components, the following remarks can be made:

- The Venice Commission was, by far, the most relevant sub-component and possibly the single biggest highlight of the entire programme, along with Component 1 on the judiciary. The Venice Commission responded to the need – and the demand formulated in both Morocco and Tunisia – to provide the target countries with sound, authoritative advice on constitutional and organic law matters. It played a significant role in advising Tunisia on its recently adopted Constitution (an activity partly financed by Norway), and Morocco on matters such as the functioning of the Constitutional Court. Other activities carried out by the Commission as part of the programme included a study visit to Germany's Constitutional Court. It is also a component that had a genuine regional approach, organising seminars of constitutional experts from a range of countries in the southern neighbourhood.
- The PACE was involved in some programme activities, though its relationship with the region is largely independent from the programme *per se*. Programme-funded activities included exchanges of information on parliamentary procedures, and a seminar with parliamentarians from the region as a parallel event to the November 2013 Lisbon Forum.
- The Pompidou Group's work on drug policy and technical advice on treatment of addicts, as well as its technical advice on the epidemiology of drug addiction, responded to clear needs on the part of Morocco and Tunisia, and helped build the capacity of their ministries of health (and related institutions) to develop responses to drug use better suited to the needs of the countries, and moving away from purely repressive policies.
- The schools of political studies were also relevant in that they correctly identified the need to reinforce a capacity for dialogue among representatives of a wide range of political organisations

(Tunisia), and among civil society, local officials and political decision-makers (Morocco). Although the schools in the two countries have adopted different strategies, they both addressed identified needs in a creative way, bringing added value through contacts with European counterparts.

- By contrast, the North-South Centre and Youth Department components lacked relevance: it was unclear what need they would fulfil, and what strategy they would follow. In the design documentation (project proposal, inception report) these two sub-components were related to extremely general and vague objectives and activities: contributing to enhancing democratic values, through “civil society capacity building activities” (North-South Centre) and through “support to youth policy” (Youth Department), with no explicit basis in a needs assessment.

Overall, the programme achieved relevance less through its initial design than as a result of its capacity to flexibly respond to specific needs in a range of narrow, highly technical areas – and also thanks to the CoE’s ability to work with the governments of the two target countries to help them shape their requests along the lines of CoE expertise and on the basis of its founding values. However, it is difficult to argue that the programme’s *design* enhanced its relevance: the programme was designed as a set of separate actions, with little attempt at synergies between them.

3.2 Achievement of purpose (Effectiveness) and likely achievement of wider effects (Impact)

Component 1

The justice component clearly yielded some of the most tangible and concrete results and impacts of the South Programme, and built strongly on the added value of the CoE (see *Added Value* below), and specifically through the utilisation of the tools and expertise of the *Commission européenne pour l'efficacité de la justice* (CEPEJ).

Some of the strongest justice impacts included direct contributions by CEPEJ and Venice Commission to the legislative drafting process in all recipient countries, not only for example to sections in the newly adopted Tunisian Constitution relating to the independence of the judiciary, but also to key organic laws implementing the Moroccan Constitution of 2011, for example relative to the status of magistrates and the creation of the *Conseil supérieur du pouvoir judiciaire* (CSPJ); legislation recognising the Amazighe language; and the creation of key instances, such as the *Autorité pour la parité et la lutte contre toutes formes de discrimination* (APALD), with advice from the CoE Gender Equality and Human Dignity Department. The experts' contributions generated enormous interest; a notable example was the Moroccan Minister for Justice who spent three hours in a consultative meeting, and personally worked with the group of experts on the draft law creating the CSPJ, article by article, an event rarely witnessed in any country. These specific impacts therefore demonstrated that one of the major contributions of the Programme has been to help establish the necessary underpinnings of democracy, and will provide a resonance at every level for generations to come.

The pilot projects in courts achieved significant impacts, for example by directly reducing case backlogs, but also demonstrated that methods and tools are capable of being replicated elsewhere, with the Moroccan Ministry of Justice indicating for example that for project at the *Tribunal de première instance* (TPI) in Casablanca “*the conditions have been met to generalise this approach*” (see *Sustainability* below). In addition, other donors and actors (e.g. UNDP in Tunisia) have indicated that they would be interested in building upon or replicating these pilot projects, either independently or in partnership with the CoE. Importantly, beneficiaries were given the confidence to adapt and expand the expertise provided, with for example the TPI in Zaghuan indicating that they “*are starting to find [their] own methods, through the experiences of other countries*”.

Exchanging good practices and building capacity of courts, institutions and the judiciary, through *inter alia* training in court and case management techniques and providing data-gathering and knowledge management tools, and through study visits to European courts and institutions, had multiple direct and indirect impacts. As an example of a powerful indirect impact, the beneficiaries of these activities consider that “*the discussions were even richer than the presentations*”, which indicates that while raw content and technical expertise are essential, the interactions and creative ideas that arise from the consultative process, as well as the on-going professional relationships that develop in the course of these activities, are also essential contributions to the legal sector. Training that is provided to courts and prosecutors in media and communication are also particularly appreciated; on the one hand the general public needs to understand legal processes and follow the progress of note-worthy cases, on the other the court and prosecutors have few practical skills in working with the media, and must also balance any outreach attempts with their own specific deontological constraints, for example concerning confidentiality.

In May 2013, Morocco was granted Observer status with CEPEJ, becoming only the second non-EU state to do so. This has clear benefits for the country, allowing it for example to participate in the Commission's cycle of evaluating justice systems. It will also provide significant political benefits for the CoE in the region since observer status provides a "*sign of more lively and wider interest [...] in the work of the Council's committees and as a result of the Organisation's policy of greater openness. [...] Extending working relationships is likely to benefit the Council of Europe and spread its message more widely*"⁴. Most importantly, this step was a further sign of political will by both the CoE and Morocco to formalise, consolidate, and actively continue their partnership.

A powerful impact of cooperation with CEPEJ is described as *l'acquis moral*, which is "*more psychological than legal*", and refers to the intangible, personal experiences and responses of beneficiaries. The activities helped judges look further than their casework, and focus on improving the quality of their work; the CoE therefore helped foster change and empowered local beneficiaries to create their own creative solutions. Importantly, CEPEJ did not provide "ready-made" solutions, but focussed on providing *strategic identification* of issues to be addressed, and defending and providing the necessary argumentation to support drafts prepared by local experts. This therefore served to validate the quality and credibility of national expertise; arm experts in their arguments before Parliament; increase ownership of processes and results; and strengthen the confidence of institutions. All of these impacts collectively helped to restore the confidence of court-users and the general public in the legal systems of beneficiary countries.

The Programme however experienced certain constraints and difficulties in the implementation of the justice component, which undoubtedly had impacts on the final results. These included significant delays at the country level, related primarily to the overall transition environment, for example the drafting of Moroccan organic laws and the new Tunisian Constitution. It is noted however by the Evaluators that despite this exceptional environment, the CoE was able to work around and through political blockages, since it was able to simultaneously address more non-contentious areas, for example related to institutional capacity building, which also served to foster the trust and confidence of authorities and beneficiaries.

Component 2 – Anti-Corruption

The results and impacts relative to this component appear to have been somewhat more problematic, for reasons that are undoubtedly linked to the high sensitivity of this issue in the transitional context, but also due to legislative and political delays similar to those described at Component 1 above.

The Evaluators observed specific difficulties relative to the absorption capacity of institutions (e.g. the ICPC in Morocco, which has limited human and financial resources to implement the activities of the Programme). In addition they observed:

- Difficulties with coordination of the nearly twenty stakeholders involved in the "Diagnosis" exercise that was implemented in Morocco – however, despite these challenges, the CoE advised the evaluators that the final diagnosis was of a high quality;
- A lack of proactive engagement on the part of relevant Ministries in Morocco;
- Difficulties finding local experts, due in part to strict CoE and EU rules on the avoidance of conflicts of interests, which may *inter alia* preclude the employment of civil servants as consultants;

⁴ CEPEJ Memorandum January 2003

- Certain study visits that were considered overly short and dense by Tunisian beneficiaries, with insufficient time and material given in advance for participants to prepare themselves; and with CoE experts who were not considered to have been adequately briefed concerning the specific country context. It must be noted however, that the preparation challenges related to study visits were in part related to delays in the Tunisian side in the identification of participants, which made it difficult to involve them in the planning of the visit in a timely manner.

The final results and impacts of this component are also ultimately hampered generally by the weaknesses of other institutions, for example, the lack of prosecution capacity in Tunisia to pursue cases referred by the national anti-corruption instance (INLUCC). This underscores the need to ensure that the follow-through capacities of other institutions of the anti-corruption “chain” are adequate, to avoid frustrating specific reform initiatives.

Despite these difficulties, this component has had positive results and initial impact in both partner countries. In Morocco for example the Programme contributed to an important anti-corruption diagnostic of the legal and institutional framework on the basis of GRECO methodology, due for publication at the time of writing.

The Programme is contributing to an on-going risk-analysis in Tunisia with the assistance of two European experts. The EU visits were greatly beneficial from both a technical and professional perspective, with participants observing that this has allowed them to create links with other experts and exchange on an on-going basis, including with a view to forming partnerships for further initiatives. Training on CoE methodology regarding the identification of risks in both countries created an opportunity for a large number of stakeholders to work together, and contributed significantly to work that had already been undertaken by national institutions. Following from this activity, the CoE will specifically support good governance in the implementation of the risk assessment in each country. In particular, good governance and anti-corruption units have been established in each ministry and governorate in Tunisia, and a law is being prepared to specify their powers and organizational advantage. It is also considered by the Evaluators that the presence and support of the CoE also contributed to the implicit “pressure” to constitutionalise INLUCC in Tunisia; the Programme has also provided specific assistance in its re-structuring, procedures, case and financial management, and the Agency’s ethical code.

Component 3 – fight against trafficking

This component has begun to achieve results and initial impacts in Morocco, where CoE input may have contributed to trafficking being covered as part of the new migration policy reform (along the input of several other actors). However, this component of the project in Morocco (and Tunisia since 2013) is actually in its early stages, with past activities consisting mainly in surveying stakeholders; raising awareness of governments concerning the principles and values guiding the fight against trafficking; and liaising with other relevant actors in this field. The CoE has yet to provide substantial policy advice in this field.

Component 4 – democratic values

As mentioned in the relevance section, this component groups several sub-components whose effectiveness and impact varied widely:

- The Venice Commission component was by far the most effective and impactful. In Tunisia the Commission’s comments on the draft constitution were provided in a short period after the

request for comments was issued by the Constituent Assembly. Although funding for this aspect was provided by a bilateral donor (Norway) it contributed to enhancing the visibility of the South Programme and to the generation of further support by the Venice Commission to the Tunisian Constituent Assembly as part of the programme (see Relevance above). The Venice Commission's comments, while not necessarily very different in nature from those made by other stakeholders, were welcome in that they were:

- Authoritative, in that they came from an undisputed and credible expert body;
- Systematic, in that they addressed a range of issues across the draft constitution;
- Strategic, in that they took a factual approach, taking account of good practices from other countries, and basing advice on sound legal judgement.

One reason for the effectiveness of the Commission's approach was that it anticipated requests for help, from Tunisia as well as Morocco, and initiated its own research early in the process. It was clear that the input of the Commission has achieved significant impacts in Tunisia (partly with bilateral funding from Norway), as well as in Morocco in relation for example to the functions of the Constitutional Court in the country. At the time of the evaluators' visit, the Commission was aware of the need to prepare to provide further advice to both countries, which are in the process of debating organic laws stemming from the new Constitution (Tunisia) and constitutional reform (Morocco).

- The South Programme supported assistance to staff members of both chambers of Morocco's parliament, on issues related to the supervision of the executive branch. This activity was underpinned by the pre-existing cooperation between the PACE and the Moroccan parliament, based on the Partnership for Democracy. The 2013 regional conference on "political changes" in the region was also an opportunity for parliamentarians from several countries to initiate discussions on issues of interest to the CoE.
- The Pompidou Group has achieved appropriate effectiveness. One of its key inputs to date has been methodological advice on research about the situation of drug use in Morocco and Tunisia. There has also been effective input in training for medical personnel, and on-going advice to relevant authorities on reforming policies on drug addiction.
- The schools of political studies had both been running for over a year at the time of the evaluators' visit, and had both trained an initial intake of students. The two schools had chosen different approaches in terms of participants' selection: while Tunisia focused on young members of political parties, recruitment in Morocco was diversified to include locally elected officials, civil servants and members of civil society. Despite these different approaches to recruitment, the schools had in common the aim of supporting constructive policy debates among the participants. Both schools could point to success in this field – for example, the Tunisian school pointed out that young members of opposing political parties have been provided with the skills to debate more effectively amongst each other.
- It was difficult to identify specific impacts for the two other sub-components (North-South Centre and Youth Department). The meetings that were held under these components were appreciated by those who took part in them, but it was not possible to identify clear follow-up to them on the part of the government stakeholders concerned. While the CoE offices in the two countries were pro-active in their approaches to relevant stakeholders, it was not clear that a strong demand for these sub-components had emerged from the countries at the time the MTE took place.

3.3 Management and value for money (Efficiency)

There is no doubt that programme management is one of the highlights of the present mid-term evaluation. In contrast with past CoE practice noted in earlier evaluation reports, the South Programme benefits from high quality and pro-active management centralised by the Directorate-General for Programmes (DGPROG) in Strasbourg. DGPROG's coordination work is effectively supported by the two country offices, which are also pro-active in their contribution to programme implementation.

In essence, the programme management team at DGPROG has effectively coordinated the implementation of the various elements of the programme, eliciting regular reporting and input from the technical teams running the various components. The DGPROG team also developed programme monitoring tools for each component and sub-component, which it has been using to feed its own progress reports to the EC, and to press (when necessary) the technical teams to set and meet relevant deadlines for action.

The offices in Tunis and Rabat have been effective also in supporting the programme, liaising with a wide range of stakeholders in the respective governments and with a broad spectrum of other actors, including the EU Delegations. This has ensured that the offices have been “in the loop” in relation to the plans and activities of other major actors in the fields covered by the programme (bilateral donors, intergovernmental organisations, etc.). This has helped ensure that the CoE's input was not redundant to other actors' work, and was understood by others. The offices' engagement with the governments and parliaments of the two countries has contributed to make the programme widely known and understood.

Some concerns remain, however:

- Overall, several of the components have been implemented with limited budgets and have achieved a great deal in the light of their financial envelope. However, some limitations have been observed. For example, it was not possible to purchase equipment (computers) with the programme budget for use by beneficiary state officials. This has hampered the effectiveness of some activities and the achievement of some results.⁵
- Reporting by the components to DGPROG has been appropriate, but this has not led to increased synergies between the components. The programme has still implemented a set of discrete activities, with very little collaboration across components – the only visible collaboration being attendance at meetings by representatives of the different components. This is all the more regrettable since some components would definitely benefit from the support of others: for example, the work on drug policy implemented within the Pompidou Group sub-component would benefit from the input of the Ministry of Justice, which is addressed under Component 1.
- Reports by the DGPROG to the EU, while meeting formal EU requirements, are mostly focused on *activities* and contain only scattered, unsystematic reference to *strategies* and the

⁵ This issue – supporting the computerisation of pilot courts – is one that could be covered by a future EC justice support programme. The resourcefulness of some staff members of pilot courts (who used their own computers to implement CEPEJ recommendations) has helped the programme achieve its short-term results, but this approach is clearly not sustainable over the long term. Future programme design should take more explicit account of the practical needs of target courts.

achievement of expected results and outcomes. It is sometimes difficult to identify results, which reports tend to “hide” among large amounts of data about activities, which could then be translated to strategic responses. This runs counter to the needs of many EU users of the CoE progress reports, who would benefit from a more synthetic, strategic overview of programme achievements.

3.4 Likely continuation of achieved results (Sustainability)

The Programme has to date demonstrated the establishment of results, processes and systems that will continue to have an impact beyond the programme’s duration, many of which are described in detail at *Impacts* above. It is noted however that, given the regional dimension of the Programme has not been fully developed, sustainability at this level remains somewhat limited.

The most powerful factor of sustainability in the view of the Evaluators lies in the political significance of the PACE’s *Partnership for Democracy*. This provides an expression of deep commitment on both sides, which in turn leads to strong structural, practical and political incentives to build on achievements to date, of which the South Programme is an important part. Partnerships provide impetus to other countries in the region to achieve similar status, and are also deeply reassuring to national stakeholders, who interpret this as a sign of positive and “unstoppable” development.

Some key elements of sustainability can also be summarised as follows:

- The self-sustaining and replicable nature of the Programme’s pilot projects, which in some contexts have garnered active support from national authorities, who wish to roll initiatives out on a more extensive basis, or from other actors or donors, who have expressed interest in replicating the projects themselves;
- The strong on-going utilisation and adaptation of CoE tools and expertise, with beneficiaries demonstrating a strong appropriation of skills and methods, and a motivation to share these experiences with other colleagues and institutions, and more broadly at the regional level. It is also noted that these tools can also be used and adapted by other donors in their own cooperation programmes;
- Their contribution to the drafting of key legislation in partner countries, which as indicated in *Impacts* above will have a lasting resonance;
- The development of informal professional networks of CoE experts and regional beneficiaries, which will continue as small trans-Mediterranean communities of practice;
- Development of professional and institutional capacities, for example the management, media and practice skills of the judiciary;
- The Programme’s regional character, which will provide a vehicle for the dissemination of practices and lessons learnt;
- Participation in Programme activities of national ministers, ministries, parliaments and institutions at the highest policy-making level. Whilst it is accepted that “*nothing obliges governments to follow-up*”, as expressed by one EU Delegation, it is considered that their direct implication to date, their deep appreciation of the CoE’s specific added value, and the traceable impacts of their activities will provide ample impetus for authorities to capitalise on these gains, if not in the short term, and if not in relation to all activities, at least in subsequent Programmes and in certain sectors.

The South Programme also benefits from a generally favourable context for reform, despite difficulties experienced in relation to highly sensitive themes, which provide global factors of sustainability and notably:

- Authorities' expressed political commitment to modernise certain sectors (for example, justice) in line with international standards;
- Active non-state actors who operate as pressure groups at the national and regional level to effect reform.

It is considered however that more concrete follow-up mechanisms in the design and implementation of the Programme would significantly contribute to its overall sustainability (see also *Programme Management* above).

3.5 Mutual reinforcement (coherence) and EU added value

The South Programme allowed the CoE to showcase its significant added value in the transitional environment, and clearly brought the considerable experience gained through *inter alia* the EU's Eastern Partnership (EaP) initiative to each of the programme themes.

The most significant element of added value is the high-level expertise that the CoE contributes to each of the Programme's four components, in particular through its institutions (CEPEJ, Venice Commission, GRECO, Pompidou Group...), but also through its network of highest-level experts, sourced from each of its Member States. Beneficiaries of the Programme unanimously praised the quality of CoE expertise, and note that, unlike some institutions, they are offered a multiplicity of experts from which to choose tailored interventions. Experts can also be deployed relatively rapidly, with such reactivity being crucial in the volatile transitional context in the region.

Importantly, experts are for the most part extremely well prepared prior to arriving *in situ*; in this respect they are able to provide immediate inputs based on the specific laws, procedures and structures of the recipient institutions. It is observed that such essential preliminary work is unfortunately not always conducted by other programmes and organisations. Experts are also considered to show a *genuine commitment and curiosity*, asking pertinent questions, and remaining open to on-going contact; this results in the formation of small informal professional networks that are highly beneficial on both sides of the Mediterranean (see also *Impacts*). The strong level of CoE expertise also results in a high degree of respect and local uptake of the opinions provided, which hence increases their specific impacts.

Council of Europe conventions and instruments are also highly respected in the region, and “*are like the Bible on certain matters*” and are “*indispensable on the standard-setting side*”. Interestingly, certain older Conventions that are no longer considered as having particular relevance in the European context can now find a second life in the developing South Mediterranean region (for example, social security). The eagerness of partner countries to ratify CoE conventions is a sign of their political willingness to adhere to European standards, particularly relative to human rights and governance; indeed considerable efforts have been undertaken by the CoE to ensure that a strategic and prioritised selection of Conventions is made. A particular added value of CoE instruments is that they can then be utilised as a cooperation tool, for example to provide monitoring, and provide countries with the sense that they increasingly belong to a common legal space.

Council of Europe tools are also highly valued, for example those that support the development of indicators for data collection and monitoring, assessment tools for example relative to corruption, and implementation tools for example relative to the justice sector. It is particularly appreciated that CoE sites have a quantity of useful information already available in Arabic, which is seen as an indicator of their professionalism and openness to communication and collaboration.

An important factor that is noted is the neutrality and transparency with which the Council is viewed in the partner countries, and the clear independence of its key institutions (such as the Venice Commission), which allows them to work openly with a very broad spectrum of stakeholders, from ministries through to local civil society organisations. This results in very unique impacts. Firstly, the opinions of the CoE, which are based purely on international standards and have no political basis, are accepted by the full range of political actors, and contributed directly for example to finding consensus in the drafting of the Tunisian Constitution on key issues relating to religion. Secondly, the respect conferred upon the CoE is transferred by implication to the local partners with which they work; this contributes to the credibility and “de-demonisation” of civil society, for example, which has proved problematic in the region. Finally, it provides a neutral atmosphere and forum where institutions, often within the same ministries, can work directly together, often for the first time; again, this is unfortunately not always possible given the significant political and institutional tensions in the beneficiary countries.

The neutrality and transparency of the CoE also results in considerable “soft” diplomatic leverage and influence, and provides an entry point for cooperation that other entities – including the EU and its Member States – can not always enjoy. National ministries, institutions and organisations now consider the CoE as a privileged and irreplaceable partner, with one Ministry of Foreign Affairs stating that “*les programmes, ce sont des preuves d’amour*”. Civil society in particular finds the Partnership for Democracy, coupled with the direct implication of the CoE in the beneficiary countries, as a guarantee that the region “*won’t go backwards*”. This neutrality and “soft diplomacy” contribute to a highly positive image of the CoE in the region, which has conferred considerable cachet to the activities it undertakes.

The positive image of the CoE in the region, and the high esteem in which its expertise, instruments and tools are held, represent a unique opportunity for the organisation to propagate its values and contribute directly to the development of partner countries. Indeed it is considered by the Evaluators that the CoE should endeavour to build directly on these specific elements of added value in the remaining months of the current Programme, and on into any second phase. It is considered that the Council has already established its highly specific niche and approach in the region, but that additional efforts could be employed, in particular, to develop stronger *strategic* relationships with members of civil society, particularly given that CoE support confers considerable weight to organisations’ efforts; to utilise its “soft” approaches to support and consolidate the commitment of authorities to on-going reform efforts; and to encourage and monitor follow-up and implementation of ratified CoE Conventions.

Despite the clear added value of the South Programme in the region, and the local offices’ pro-active involvement of civil society in their activities, the Evaluators note however that they do not appear to have many direct working relationships with human rights organisations, apart from the national human rights institutions. Certain respected organisations were not aware of CoE activities, despite working directly on many of the themes being addressed. It is considered that developing stronger relationships with human rights organisations would provide increased credibility and impact of the Programme’s initiatives.

3.6 Visibility, co-ordination & complementarity

Co-ordination has been defined as “activities of two or more development partners that are intended to mobilise aid resources or to harmonise their policies, programmes, procedures and practices so as to maximise the development effectiveness of aid resources”⁶. Co-ordination is essential, particularly in transitional environments, since its absence – or ineffectiveness – can result in donor-driven agendas, duplication of efforts, inefficiency and the waste of restricted resources, and inconsistencies of approach.

Complementarity is intended to ensure that EU development policy “shall be complementary to the policies pursued by the Member States”⁷, the aim of which is to achieve greater collective effectiveness of EU and Member States' development cooperation, taking account of, among other things, the comparative advantages of their respective actions, particularly on the ground. However in the current evaluation, the concept also encompasses complementarity with other donor or national initiatives.

Coordination

In the context of the South Programme, it is necessary to take into account coordination attempts at several levels: international, regional, national, sub-national, and sectorial. Given that the Programme touches several complex and overlapping sectors, and that activities have been conducted at the regional, national and local basis, contributing to and benefiting from existing coordination efforts has presented a particular challenge.

The Evaluators note the plethora of initiatives in each of the partner countries, with dozens of programmes and projects by multiple donors and organisations in each of the thematic areas. While the justice sector, for example, is undergoing radical re-construction in both Morocco and Tunisia, and multiple opportunities for cooperation exist, with the EC itself undertaking large-scale support to justice reform, the scope, scale and volume of initiatives means that the risks of duplication are considerable, and opportunities for genuine synergy are lost.

Few or no regional cooperation mechanisms exist in any of the sectors targeted by the South Programme, and national coordination mechanisms are essentially embryonic, *ad hoc*, or at best informal. Both CoE offices have pro-actively participated in existing initiatives, which is commended, but these efforts may provide a false sense of security, given the somewhat patchy nature of such coordination. It is accepted that the CoE has neither the resources nor – to date – the political clout to spearhead coordination, particularly across several sectors; it is however considered that it could perhaps bring its “soft diplomacy” skills to bear (see *Added Value* above) in calling for more formalised, regular and strategic coordination initiatives. In addition, the evaluators note that in addition to increased donor coordination, greater coordination with national institutions and ministries is also necessary in some sectors; the CoE should in particular capitalise upon and engage existing or emerging inter-ministerial instances in this respect.

Coordination with EUD has not proved problematic to date, particularly in Morocco where, as indicated in *Programme Management* above, the Programme was “embedded” in the Delegation for some

⁶ Review of aid coordination and the role of the World Bank, World Bank, November 1999

⁷ Article 130u, European Union Treaty

months, which allowed an opportunity to develop mutual operational understanding. Similarly no overlap was observed with EU Member States initiatives, which are fully aware of the CoE's presence, and the nature of its activities and specific contributions. However as each EU Delegation commences key programmes in 2014 (Justice, Governance, Migration, etc.), the need for strict consultation and coordination is becoming, and will remain, acute. Related to this, greater awareness-raising as to the objectives and delineation of each programme is also necessary – beyond general confusion and visibility concerning the two entities – since certain key stakeholders expressed confusion as to their coherence and specificity.

Complementarity

As indicated in Added Value above, the unique approaches and expertise of the CoE means that genuine complementarity is relatively easy to achieve. This is most marked in relation to the cooperation initiatives being undertaken by EUD, which have clearly understood the specificity of the CoE approach. Member States and local institutions are also clearly aware of possible synergies; indeed several Embassies expressed strong interest in conducting joint or parallel activities in certain sectors, a possibility that does not seem to have been adequately examined to date. The CoE itself is acutely aware of its own added value, stating for example that: *“our tools are so very specific that duplication is highly unlikely”*.

This high degree of *potential* complementarity however in no way diminishes the necessity of maintaining strong coordination, as recommended above; donors, MS, and stakeholders must be “educated” on a continuing basis as to the nature of CoE tools and expertise, and how these can dovetail and co-exist with their own cooperation efforts.

3.7 Future Focus Areas & Approaches

Section 2.2 of the Evaluation's TOR requests *“recommendations for possible future focus areas for EC-CoE cooperation and joint programming in the southern Mediterranean and/or possible bilateral or regional on-demand support”*. The Evaluators have also taken into consideration the document⁸ drafted in January 2014 by the Council of Europe and shared with the European Commission, which sets out a preliminary indication of the possible structure and thematic content of a subsequent CoE programme in the region. This document will serve as a basis for discussion in the forthcoming meetings between the partners.

3.7.1 Regional focus

The regional dimension, whilst not having been truly exploited to date, remains nevertheless the key structural underpinning of the Programme, indeed its *raison d'être*. The Evaluators consider that this should not only continue, but also be consolidated and expanded, even though this may take considerable time, since it involves a process rather than an outcome. Two key reservations to this view should be noted however: where (which countries will be considered as potential partners of the Programme), and what (which specific themes and activities will be included in the Programme, and which of these will have a regional or national character).

⁸ South Programme II (2015 – 2017), Version 15th January 2014

It is without question that the Programme should continue its presence and activities in **Morocco**, **Tunisia** and **Jordan**. The impacts and added value described in this Evaluation demonstrate that the Council of Europe has a strong role to play in each of the partner countries, and that its niche and specific contributions have been established in the broader cooperation environment. It is evident from general observations of the region, and from the perspective of national stakeholders, that the scope for a CoE contribution in the broader region is considerable; indeed the Council must ensure that it does not become a “victim of its own success” in this regard, since each intervention almost by definition generates demand elsewhere.⁹

In terms of potential partner countries, it is evident that each country will have to be thoroughly assessed on a case by case basis, taking into particular account issues of regional and country volatility, which not only represents an element of risk – but which can also open up unexpected opportunities. In this respect, **Algeria** and **Libya** can be considered primary contenders for expansion of the geographical scope of the Programme, and certainly relative to dialogue, but that dialogue and activities in **Egypt**, whilst currently not recommended for political, practical and security reasons, may become feasible during the remainder of the current Programme – or indeed at any moment. The CoE noted in comments to an earlier draft of this report that, in May 2013, representatives of the Venice Commission held meetings in Cairo with Ministry of Justice officials, civil society representatives and diplomats, as part of the South Programme, to prepare an opinion on a draft NGO law. That opinion was subsequently discussed in June 2013 with Egyptian officials. Venice Commission representatives have also been monitoring constitutional developments in Egypt.

Other countries that have expressed considerable interest in cooperation also include **Lebanon** and countries outside the neighbourhood region, such as **Yemen**. However separate assessments would clearly need to be conducted prior to their inclusion, which would take into particular account:

- Specific country and sector needs;
- On-going or potential risks;
- Degree of political commitment to reform;
- Scope for synergy and complementarity with other countries in the programme, or other programmes in the country or region; and
- The specific added value of the CoE.

Palestine and **Israel** (which is already a CEPEJ Observer State) are also eligible to benefit from the Programme, and have both participated actively in EU regional programmes in the past, for example in the justice sector¹⁰, with certain positive impacts, and should thus not be discounted out of hand.

However, the second reservation concerning the specific activities to be conducted at the regional level is crucial. It is evident that the needs and most appropriate responses in each country are highly specific, and regional programmes become problematic when activities focus on subject matter that is applicable only to the country context. Activities that can be highly successful at the regional level would include:

- “Universal” capacity building, such as the development of management skills, legislative drafting, international standards, etc.,

⁹ It is also important to ensure that any response by the CoE to demands from the region should take into account the political fragility of many governments, and the fragility of democratic processes in some countries.

¹⁰ See Evaluation of EU Programme *Euromed Justice II*, June 2013

- Targeted experience-sharing, which can be highly appreciated and useful in the transitional environment and can help foster informal professional networks;
- Awareness raising and sensitisation on more politically charged themes, such as trafficking and corruption;
- Activities concerning *clearly identified areas of common interest*, such as anti-money-laundering monitoring mechanisms.

Bilateral cooperation however should be focussed on direct technical assistance and practical capacity support, such as working on specific procedures, institutional structures or legislation, which cannot “translate” to a regional forum, since even where it is considered that countries share “common problems”, in practice, for the most part, they do not.

Cross-regional or bilateral exchanges and meetings, that is between two or three partner countries, could also prove to be beneficial, and would be an exciting, efficient and effective way to build on the results obtained from the Programme to date, and could serve to increase ownership in recipient countries. One could easily envisage for example exchanges between Tunisia and Morocco in Algeria and Libya based on their own transitional experiences and their own expertise relative to *inter alia* legislative drafting, building political consensus, or reinforcing the capacity and structures of institutions, bearing in mind that such exchanges may not be automatically welcomed or appropriate, since understandably countries do not necessarily appreciate being compared and contrasted. It is worth remembering however that Morocco’s experiences and legislation have already been used as a “model” in the context of regional conferences, and has also served to increase political engagement and increase demand for CoE expertise.

Some stakeholders pointed out the increasing demand for south-south cooperation and related activities, particularly with West Africa; whilst this is clearly outside the geographical and political scope of the current Programme, this approach could conceivably be integrated into some activities in a subsequent Programme, or indeed in the context of the CoE’s developing presence and other activities in the region.

The Evaluators note however that an increase in the number of partner countries and of regional activities will necessarily result in a reduction of activities in existing partner countries, given that funding levels will remain essentially the same for any subsequent South Programme. Great care will therefore need to be taken in both Strasbourg and at the country level to ensure that activities and approaches are prioritised and selected on the basis of:

- Their strategic impact on the reform and transitional processes at the country and regional level;
- Their capacity to be conducted conjointly with other partner countries to increase efficiency and impact;
- Their complementarity and synergy with other regional and national initiatives; and
- Their capacity to simultaneously address multiple themes and priorities, such as justice/ corruption, human rights/ trafficking, etc.

3.7.2 Existing components

It is evident that the existing components, as indicated at *Relevance* above, have considerable merit, and it is considered that the remainder of the existing Programme and any subsequent Programme should specifically build on the achievements to date.

Justice sector reform has enormous importance in all of the partner countries, and in the additional countries referred to above, and it is the Evaluators' firm view that a justice component should be included in any subsequent Programme. The achievements to date are impressive (see *Results – Justice* above), and it is considered that this momentum should be maintained and the impacts consolidated. Indeed in both Tunisia and Morocco, and at the regional level, there is a smorgasbord of possibilities for very concrete assistance, for example the implementation of the Justice Sector Charter in Morocco, and the Plan of Action that is still being developed in Tunisia. In addition to the ongoing priorities in the sector itself, the CoE is advised to build on and monitor the specific results achieved to date, for example to ensure that CEPEJ tools are being correctly applied.

The anti-corruption activities of the CoE, whilst addressing a highly-charged issue in the region, and whilst results and impacts are somewhat chequered to date (see *Results* above), are certainly worth continuing, since the ground-work of building the confidence and trust of authorities and key stakeholders has been largely achieved, and key outputs, such as the analysis due for publication in Morocco, will provide a firm basis for very concrete future activities.

A similar conclusion can also be reached for the Programme's anti-trafficking component, whose inclusion in the Programme appeared at the outset to have been a somewhat unwise strategic decision due to its political sensitivity. Notably, a fundamental change in immigration policy in Morocco in late 2013 fortuitously allowed the CoE office to begin work on this component (see *Results – Anti-trafficking* above). Such providence however has not been forthcoming in Tunisia, nevertheless the Evaluators are of the view that considerable inroads have been made in terms of the CoE's presence as a credible actor in this field, particularly with the authorities. The IOM has indicated their very strong interest in working with the CoE at both the country and regional level, since their approaches are seen as complementary and mutually supporting, and they are adamant that while the issue is thorny, there is strong scope to make significant impact, not only at the level of dialogue, but also in very practical terms.

The activities of the governance component were somewhat more scattered, and implicated a number of initiatives and beneficiary institutions; it is consequently somewhat harder to indicate what precise aspects of this component should be retained or consolidated. This aspect is discussed however more fully at *Proposed South Programme II* below.

3.7.3 Proposed South Programme II

As indicated above, the Council of Europe provided in January 2014 a proposal for the eventual continuation of the South Programme into a second phase. This was arranged according to Priorities and Geographical Scope, and provided miscellaneous observations. The proposed geographical scope aligns closely with the suggestions provided above, notably through an expansion of the Programme to include other ENP South countries, with however Algeria being specifically mentioned.

The Programme is divided into four separate components; it is observed by the Evaluators that each of these aligns with the three institutional “pillars” of the Council of Europe, namely Human Rights, Rule of Law and Democracy, with a fourth component reserved for “Transversal” issues. These components are sub-divided as indicated in the following Chart:

COMPONENT I- HUMAN RIGHTS
Fighting torture and inhuman and degrading treatment in prisons; penitentiary / police reform
Fighting trafficking in human beings
Freedom of expression, media freedom and internet governance
Children’s rights
Fighting drug abuse and trafficking (Pompidou)
COMPONENT II- RULE OF LAW
Venice Commission
Justice Reform
Fight against corruption and money laundering
Cybercrime
COMPONENT III- DEMOCRACY
PACE’s co-operation with Parliaments
Schools of political studies
Human Rights Education and Education for democratic Citizenship for children, young people / young professionals
COMPONENT IV – TRANSVERSAL
Creation of a common legal space
Regional Conference to debate key issues linked to the Programme
Coordination

The Evaluators note that many aspects of the current South Programme are retained, albeit restructured under different or broader headings, and that four new themes are added to the Programme, highlighted in orange for ease of reference, namely Torture, Freedom of expression, Children’s rights, and Cybercrime.

The Evaluators make the following observations regarding this proposal:

Programme Component structure

It is understood that organising the Programme according to CoE “pillars” makes considerable sense in terms of maintaining intellectual and institutional coherence of approaches, and consistent dialogue in partner countries, and of providing a ready structure for the design and organisation of specific activities. However a convenient structure “does not necessarily a Programme make”, and the proposal risks falling again into the “compartmentalised” approaches that were observed in the Programme’s design and in the conduct of interviews in Strasbourg, and fortunately avoided in the Programme’s implementation to date. As indicated above, there are huge overlaps in the selected themes, which could be usefully harnessed to provide synergy between the activities, however the suggested structure creates a concern that implementation will devolve into “box ticking” for each component and sub-component, rather than developing an approach where each of the themes are mutually supporting, and can have impacts and synergies upon and with each other.

An additional concern of the Evaluators is that defining a programme structure by component and subject matter, with a related Logical Framework, which will then be binding on the CoE and the

European Commission, will result in the Programme losing much of the flexibility that has been a major strength of the Programme and has contributed to the relevance and impact of its contributions.

While the proposed structure can conceivably be retained, and indeed is an improvement on the original Programme structure, the Evaluators suggest that a process or approach map, as a tool for the design and selection of activities and programme implementation could also be developed. In this, activities could be designed according to the specific added values and approaches of the CoE, for example by type of intervention, with the themes providing the “content” of each approach.

In this way, the Programme’s focus would remain on CoE added value, and precise content and themes could be selected individually, or together, or in multiples, on a highly flexible “on demand” basis, which would take into account shifting needs and priorities at the country and regional level, and if necessary open up hitherto unconsidered areas of intervention. This does not mean that the Programme would “float”, but rather that the institutional emphasis will be on maximising and multiplying the “reach” of Programme activities, and providing the specific, bespoke responses for which the CoE is renowned.

It is also suggested that Component IV (transversal issues, that is creation of a common legal space, coordination, and regional programme events), also add specific cross-cutting issues that should be integrated in all of the components/ themes/ activities, which should include:

- Human rights based approaches (HRBA) (in addition to the human rights “Component”);
- Gender;
- Children/ youth; and possibly
- Civil society involvement.

Programme thematic content

Additional themes

Whilst the relevance of continuing with existing thematic areas is discussed above, the Evaluators note the additional themes: torture and ill-treatment in detention, police reform, children’s rights, freedom of expression, human rights education and cybercrime.

The relevance of including children’s rights and youth issues is unquestionable, with countless opportunities existing in the region for targeted CoE assistance. Stakeholders in partner countries referred to new laws on juvenile justice, and youth and civil society, in particular relative to the democratic process; the absence of a protection system in Morocco and the failure to apply existing protection laws in Tunisia; and the need to implement new Constitutional provisions.

The Evaluators note however the surprising degree of sensitivity of addressing youth and protection issues in the region, and hence a careful preliminary assessment in each country should be conducted to determine the feasibility (in particular relative to political commitment to dialogue or reform), priorities, and strategies for addressing child and youth rights in each beneficiary country.

Indeed it is noted from discussions with CoE in Strasbourg the difficulties in the existing Programme with engagement on the part of authorities and policymakers concerning youth issues. Algeria has refused to engage whatsoever on youth issues, for reasons that remain somewhat murky, but linked to the current political climate in the country. Considerable efforts should therefore be undertaken in the

remaining Programme period to develop or at least gauge the attitudes and degree of political will, before committing a future Programme to directly address this issue.

Similar observations can be made concerning the proposed Freedom of Expression theme: this remains a highly sensitive issue in the region, in particular in the suggested additional partner countries (Algeria...), and considerable care must be taken to assess feasibility, priorities and the degree of political uptake and engagement at the country level.

Cybercrime did not emerge as an overwhelming priority in the course of this Evaluation, both in discussions with the Commission and the CoE, and with authorities and other key stakeholders in partner countries, and from the examination of available material. Nevertheless, there is again considerable scope for the Council to contribute its expertise on this issue: it corresponds to a relatively high level of interest in the Euro-Mediterranean region; activities could be conducted at a truly regional level; and is not encumbered by a high degree of sensitivity, compared with for example corruption, trafficking, youth etc.

Number of proposed themes

The primary concern of the Evaluators however is the number of themes that the proposed Programme is intended to address. As indicated above, the Evaluators consider that a strict priority should be the consolidation of the gains made in the first phase of the Programme. Viewed globally, the proposed programme looks overly dense, and the Evaluators consider that the increased geographical and thematic scope may result in a scattering and dilution of focus, implementation and results. For the proposed structure to be feasible, it would require the dramatic reining in of expectations by the EC, by the CoE and by beneficiaries, and the identification of realistic indicators and achievable results.

It may be however that if the focus of the Programme is shifted towards the kinds of CoE approaches and interventions that can be provided, rather than their precise content, as suggested above, then possibly additional themes may not prove to be problematic and can be “slotted in” according to needs and priorities.

The CoE may nevertheless be constrained to proceed with the difficult task of removing some intended areas of intervention. The country assessments suggested above may assist with this process, for example to exclude themes that are clearly not yet feasible. The Evaluators maintain the strong position that a realistic programme with a limited number of themes corresponding to institutional added value, and strategic priorities, will ultimately have more sustainable, resounding and visible impacts than a well-intentioned but scatter-gun approach.

4 CONCLUSIONS

1. The project benefited to a significant extent from the CoE's added value.

Several stakeholders noted that the CoE has unique added value in terms of standard setting in a range of areas related to law, human rights and other fields of interest to the EC. The programme staff in Morocco and Tunisia were pro-active in initiating contacts with a range of relevant stakeholders, both institutional and in civil society. There was near-unanimous recognition among stakeholders of the quality of the expertise provided by the CoE.

2. The programme's relevance was enhanced by its flexibility and ability to respond to needs expressed by target countries.

The programme was able to call on relevant expertise, thus answering key needs in a timely and effective way. This was particularly the case in relation to components 1 (justice), 2 (anti-corruption) and the Venice Commission sub-component. Other aspects of the programme responded to equally important needs, though they may have been less acute or less clearly expressed (Pompidou Group, human trafficking). However, some sub-components (North-South Centre, Youth Department) have not addressed clear needs and have not, to date, found a relevant "niche" where they could help address specific concerns in the target countries.

3. The programme design suffered from lack of synergies and ill-defined results or milestones.

The components were implemented in parallel, with little coordination among them. However, opportunities for coordination could be identified, for example when working with parliamentarians on legislative reforms concerning both justice and the fight against corruption. Also, the work of the Pompidou Group, which has largely been confined to the health sector, should also address the judicial institutions targeted by CEPEJ. The CoE representative offices are now in a position to help identify further opportunities for joint activities by different CoE mechanisms.

The programme foresaw the development of on-going relationships between target countries and some mechanisms such as CEPEJ, GRECO, etc. Some mechanisms, such as the Schools of Political Studies, are also aiming to develop an on-going presence in the region. However, the programme did not systematically provide for specific results (targets or milestones) to be achieved by the components in the course of the project period.

4. The programme implementation was largely effective, despite significant delays.

Key aspects of the programme were implemented in accordance with plans, sometimes beyond expectations. This was the case in particular of the CEPEJ and Venice Commission, Pompidou Group and Schools of Political Studies. Other elements (anti-corruption and trafficking), though they performed appropriately, were hampered by lack of political will in the target countries or by delays in the implementation of relevant legislation. Significant delays were noted in the establishment of the CoE representative offices in Morocco and Tunisia, though these were not necessarily related to lapses in CoE performance. Overall, however, the programme has adapted well to the circumstances in the two target countries visited, and is broadly on course to achieve planned activities, although it is anticipated it will need a few additional months to be completed.

5. Programme coordination and management are effective.

The programme management team at the CoE has been highly effective at ensuring that the programme performs as well as possible. The team has consistently and effectively monitored activities conducted under the different components, and provided strong support to the various mechanisms involved. The team has also effectively liaised with the two country representative offices. The team also put in place rigorous reporting mechanisms for each component and sub-component, addressing activities, results achieved and expenditure. As a result, the team was also able to provide the EC with detailed and timely progress reports, and to keep CoE managers closely informed about the progress of the programme. In the evaluators' view, the quality of programme management is one of the key strengths of the programme.

However, reporting to the EC could be further improved by including more explicitly (and more visibly) a strategic overview of progress made and strategic challenges to be addressed. Current reports tend to include detailed information about activities and their outcomes. While these are necessary, they should be complemented by a more strategic overview of the key challenges faced by the target countries in relation to each component, together with a consideration of the changes achieved with CoE input.

6. The programme is likely to achieve a significant impact.

Assistance by the CoE is contributing to entrenching democratic practices and to building the capacity of the governments of Morocco and Tunisia to follow CoE standards in the fields covered by the programme. Mechanisms and standards are gradually being established – albeit mostly on a pilot scale – as a result of the programme, which are likely to remain in place beyond the programme period. As a result, the programme is on course to laying the groundwork for a more sustained involvement of the CoE in the region, at least in Morocco and Tunisia.

7. The future CoE programme should be conceived as a flexible facility, focused on some core areas of CoE expertise.

There is a strong case to be made that the programme should continue beyond 2015, to help consolidate results achieved or foreseeable under the current programme, and to enhance the CoE's capacity to respond to future needs in the region. The recommendations below should be taken into account in designing that facility.

5 RECOMMENDATIONS

The following recommendations identify, to the extent possible, the specific CoE or EU actors who should implement them. However, all actors should take account of all the recommendations presented below, with a view in particular to enhancing programme coordination.

Most of the recommendations involve DGPROG and a combination of other actors. It is recommended that, as a matter of good management practice, DGPROG and EuropeAid should review the recommendations made below, and agree upon a timeframe for their implementation.

5.1 Implementation of the Current South Programme

DGPROG should:

- a) Ensure that each CoE team which has not yet done so develop detailed, time-bound activity plans for the remaining months of the programme;
- b) Consult with the offices in Tunisia and Morocco to assess the plans' feasibility, and inform Moroccan and Tunisian partners accordingly;
- c) Identify any opportunities for joint activities among programme teams and seek to build them into the plan if possible.

DGPROG and CoE country offices should:

- d) Explore with the Governments of Morocco and Tunisia the scope for establishing a South Programme steering committee charged with maintaining an overview of the programme's activities in each country;
- e) Ensure that these committees are also consulted in the design of the future programme;
- f) Ensure that EU Delegations in the respective countries are kept informed of the meetings of the country committees.

DGPROG, EuropeAid and EEAS should:

- g) Agree upon a reporting format for the South Programme, focused on results/outcomes, that would best meet the monitoring needs of EuropeAid, and best support the policy and political advice role of EuropeAid and the EEAS;
- h) Ensure that this reporting format – which should supplement existing reports – is shared among relevant EC actors, including the EU Delegations in the region covered by the South Programme, not simply those in Morocco and Tunisia.

DGPROG and CoE teams should:

- i) Work with the CoE representative offices to ensure that the absorption capacity of partner and beneficiary institutions is monitored throughout the programme period;
- j) Encourage Ministries to be involved as direct partners in the implementation of activities where possible and appropriate;
- k) Engage existing or emerging inter-ministerial instances in South Programme activities.

- l) Ensure, if necessary in consultation with EuropeAid, that remuneration modalities for experts are made as flexible as possible, and where necessary and possible adjusted to align with administrative and other constraints in partner countries;
- m) Ensure that study visits are as effective as possible, in particular by giving adequate notice to participants, providing them with relevant materials in advance for them to prepare fully for these activities; the length and agenda of visits should be consistent with the activity or component objectives;
- n) Ensure that external experts are fully briefed, without exception and prior to the implementation of the activity, concerning the specific country and sector context;
- o) Assess the capacity of institutions in other sectors to benefit from the activities designed in a given sector (for example, the capacity of the prosecution and court system to benefit from work in the anti-corruption sector);
- p) Develop stronger strategic relationships with civil society organisations, and in particular with key human rights organisations;
- q) Use the CoE's "soft diplomacy" approach in a more strategic manner, including to support and consolidate the commitment of authorities to on-going reform efforts, and to encourage more formalised, regular and strategic coordination initiatives;
- r) Deploy stronger efforts to encourage and monitor the follow-up and implementation of ratified CoE Conventions;

DGPROG and EuropeAid should:

- s) Develop an appropriate exit strategy for the current programme, which should include follow-up mechanisms that could contribute to an effective transition to the successor programme; the relevant EU Delegations and CoE country offices should be involved in this respect;
- t) Consult intensively to ensure the coherence and complementarity of the remaining programme activities, particularly in the light of relevant EU programmes being designed in Morocco and Tunisia;
- u) Reinforce awareness-raising efforts as to the objectives and delineation of the programme, to avoid stakeholder confusion with EUD initiatives in the field;
- v) Review the possibilities of conducting joint or parallel activities with EU Member States and CoE Member States that are not EU members, with a view to achieving greater synergy and complementarity.

5.2 Design of the Future South Programme

The design of the future programme should take into account the above recommendations. In addition, it is recommended that **DGPROG** and **EuropeAid**, in coordination with the **EEAS**, **EU Delegations** and **CoE representative offices**, take account of the following recommendations:

- a) The regional dimension of the Programme should be continued, consolidated and expanded (see however reservations below).
- b) In expanding the Programme's regional scope, however, care should be taken to ensure that it is able to strategically respond to demand, and manage authorities' and stakeholders' expectations.
- c) In expanding the Programme's regional scope, each potential country should be the subject of a comprehensive assessment which would take into account:

- i. Specific country and sector needs;
 - ii. On-going or potential risks;
 - iii. Degree of governmental and institutional commitment to reform;
 - iv. Scope for synergy and complementarity with other countries in the programme, or other programmes in the country or region;
 - v. The specific added value of the CoE in the country context;
 - vi. The feasibility, priorities, and strategies for addressing highly sensitive themes.
- d) Activities that should be prioritised at the regional level could include:
- i. “Universal” capacity building, such as the development of management skills, legislative drafting, international standards, etc.,
 - ii. Targeted experience-sharing which can be highly appreciated and useful in the transitional environment and can help foster informal professional networks;
 - iii. Awareness raising and sensitisation on more politically-charged themes, such as trafficking and corruption;
 - iv. Activities related to *clearly identified areas of common interest*, such as anti-money-laundering monitoring mechanisms.
- e) Bilateral cooperation should remain focussed on direct technical assistance and practical capacity support, such as working on specific procedures, institutional structures or legislation.
- f) Cross-regional or bilateral exchanges and meetings should be considered as a strategy to build on the results obtained from the Programme, and increase ownership.
- g) The possibility of south-south cooperation and activities, for example with West Africa, could also be considered in later phases of the Programme.
- h) Given the anticipated increase in scope of any subsequent phase of the Programme, a highly strategic selection of activities should be conducted, to ensure that activities are not spread too thinly, which could otherwise result in a scattering and dilution of focus, implementation and results. The Programme should be designed to ensure that results are achievable, and have realistic result indicators.
- i) Any subsequent Programme should be designed to ensure that themes and activities:
- i. Build directly on the achievements of the first phase;
 - ii. Are mutually supporting, and are capable of having impacts and synergies upon and with each other;
 - iii. Are designed in such a manner as to retain the flexibility of the first phase.
- j) Crosscutting issues should be added to the Transversal Component of any subsequent Programme, which should include: human rights based approaches; gender; children/ youth, and possibly civil society consultation and involvement.

In short:

A realistic and focussed second programme, with a limited number of themes corresponding to institutional added value and strategic priorities, will have more sustainable, resounding and visible impacts.

ANNEX 1: MID-TERM EVALUATION TERMS OF REFERENCE

"European Union - Council of Europe Programme for strengthening democratic reform in the southern Neighbourhood" ("CoE South Programme")

FWC COM 2011

Request for services N° 2013/325163/1

BACKGROUND

The Joint Communication by the European Commission (hereafter EC) and the High Representative of the European Union (hereafter EU) for Foreign Affairs and Security Policy "A new response to a changing Neighbourhood"¹¹ set out the basis for a renewed European Neighbourhood Policy in response to the Arab Spring. The Communication stated that the High Representative would invite partner countries to step up their co-operation with the Council of Europe, by pursuing a Partner for Democracy status with the Council of Europe Parliamentary Assembly (PACE), and to take steps towards accession to a number of Council of Europe (hereafter CoE) relevant conventions.

At its meeting in Istanbul on in May 2011, the Committee of Ministers of the Council of Europe took note of the proposals made by the Secretary General for the "Council of Europe Neighbourhood Policy"¹² regarding a policy towards its immediate neighbourhood and invited the Secretary General to develop action plans for the implementation of this policy. A policy which was aimed at promoting dialogue and co-operation with the countries and regions in the vicinity of Europe which requested Council of Europe assistance, based on the common values of human rights, democracy and the rule of law.

Based on the Council of Europe's consultations with countries in the southern neighbourhood, the project "European Union - Council of Europe Programme for strengthening democratic reform in the southern Neighbourhood" (hereafter the "CoE South Programme") was formulated in the 2nd half of 2011. Project implementation started by the beginning of 2012.

Objectives of the CoE South Programme

Overall Objective

The overall objective of the CoE South Programme is to enhance the political and democratic reform processes in countries in the southern neighbourhood, in accordance with European and international standards, based on a demand-driven and targeted approach.

Purpose

The specific objectives of the project are:

- 1- To enhance independence and efficiency of the judiciary by improving Courts' performance and by facilitating judicial reform, using as a reference the relevant Council of Europe standards.
- 2- To promote good governance notably through increased prevention of corruption and money laundering on the basis of the relevant Council of Europe standards, mechanisms and instruments, and to improve the basic framework for regional co-operation in this respect.
- 3- To contribute to strengthening and protecting human rights, in particular through the prevention and control of trafficking in human beings in line with the provisions of the Council of Europe Convention on Action Against Trafficking in Human Beings and other international standards.
- 4- To promote democratic values of the partner countries building notably on Council of Europe existing networks such as those developed by the North-South Centre, the Youth Directorate, the Pompidou Group, the Venice Commission and the Schools of Political Studies.

Implementation of the CoE South Programme

¹¹ COM(2011)303 of 25 May 2011

¹² SG/Inf(2011)7 rev 2

Implementation of the CoE South Programme started in January 2012 and an inception report, specifying activities, outputs and specific indicators, was elaborated by CoE in May 2012 and forwarded for EC comments. A final inception report was forwarded in August 2012 (report dated 3 August 2012) including a logical framework for the project. Pilot activities carried out in 2012 are described in the interim progress report dated 25 January 2013. The EC provided a number of comments on the report. Among other things the EC stressed the need for CoE to "be able to tap into the experience of all relevant CoE Directorates" as well as the need "to ensure fair representation of all political wings to avoid political bias and demonstrates impartiality". A final version of the CoE interim report was forwarded 20 March 2013. This report also includes tentative activity plans covering 2013 for the four components. The next interim report is expected to be elaborated during the second half of 2013 and send along with a request of pre-financing.

In addition to the CoE South Programme, the EC has recently decided to develop specific bilateral activities with the CoE in Jordan under the SPRING envelope and to grant the organisation EURO 500,000. The project started the July 2013 ("Support to the Jordanian authorities in improving the quality and efficiency of the Jordanian justice system".)

Current and Future cooperation between the EU and the CoE

An EC Evaluation of the Commission cooperation with CoE was carried out between December 2010 and July 2012. The evaluation covered the period 2000-2010. The evaluation concluded that:

"The CoE's main comparative advantage identified by the evaluation is the fact that the cooperation with its Member States is based on CoE's own standard setting in the key areas of cooperation (human rights, rule of law, democracy), and the follow-up monitoring of the compliance with these standards. Strengthening the ties between monitoring findings and cooperation could strengthen the utilisation of this comparative advantage."

At the same time, however, the evaluation identified:

".... strong evidence of weaknesses relating to the implementation of the EC-CoE joint programmes. Weak implementation (relative to other implementing agencies) ran throughout the project cycle, from project formulation to inferior project execution, weak monitoring and evaluation, and little incorporation of lessons learned. These weaknesses were systemic rather than occasional, and have only recently started to be addressed through the institutional reforms of the CoE. The strengthening of CoE's field presence has already led to some improvements in project management."

Other issues of importance highlighted in the report were coordination and the involvement of civil society.

Following up on the recommendations, the CoE initiated a number of initiatives to strengthen its capacity to implement programme and projects.

Moreover, the CoE and EU have entered into a process of defining the framework for future EC-CoE cooperation. At the EU-CoE Senior Officials Meeting on 28 June 2012, it was agreed that a concept paper was going to be prepared by the CoE to define the organisation comparative advantage/added value and possible new modalities for cooperation. In January 2013 the concept paper was forwarded to EC. (*A reinforced partnership between the Council of Europe and the European Union for promoting Human Rights, ensuring the Rule of Law and strengthening Democracy in Europe and beyond.*)

Taking the point of departure in the recommendations of the evaluation as well as the concept paper the EU decided to attempt to specify the comparative advantage of the CoE, not least the *triangle of standard setting, monitoring and cooperation*, in a matrix for the CoE's work in the Eastern Neighbourhood. The Matrix attempts to identify a clear link between standard-setting and /or monitoring tools of the CoE in order to make the best use of the CoE's comparative advantage and expertise. The aim of the matrix is to provide the basis for strategic framework agreement for EC-CoE cooperation through joint programmes in the eastern neighbourhood and to provide for a stable predictable support for the CoE in the future as claimed by the above mentioned evaluation report.

For the time being, it seems premature to replicate this for the southern Neighbourhood. In Neighbourhood East the CoE operates in countries which are also members of the organisation whereas in case of the Southern Mediterranean CoE only has a mandate to operate in three partner countries: Jordan, Morocco and Tunisia. As regards the EC-CoE future potential cooperation in the Southern Neighbourhood it would most likely still be implemented in the shape of a **"programme-approach"** combined with targeted on-demand activities, leaving the "matrix approach" as a longer term objective for the EC-CoE co-operation in the Southern Neighbourhood.

The present programme is the first ever joint programme EU-CoE in the Southern Mediterranean, 100% financed by the EU and implemented by the CoE. The programme includes a long list of different areas of activities, including both long term capacity building activities and single events, as well as it involves a broad variety of partners, both on the CoE side and in partner countries. The programme has rolled out in Tunisia and Morocco, with more partner countries from the Southern Mediterranean coming on board for some regional activities.

The present mid-term evaluation is to provide an important input into the discussion of a possible extension of a joint EC-CoE cooperation in the southern neighbourhood, including providing recommendation on how best to explore the comparative advantages of the CoE within future EC-CoE cooperation in the southern Mediterranean, as well as on how to combine bilateral and regional support for the CoE and how to ensure that support is demand-driven and not donor-oriented.

EVALUATION OBJECTIVES

To carry out a systematic and timely mid-term evaluation of the CoE South Programme. The focus is on activities, outputs and the results¹³ (including an assessment of likely impact) aiming at providing recommendation on necessary adjustments regarding the remaining period of the present project as well as recommendation for the possible for further EU – CoE cooperation in the southern neighbourhood.

Beneficiaries

The beneficiaries of this evaluation will be the European Commission and CoE, and ultimately, the direct and final beneficiaries of the CoE South Programme.

Global objectives

The main objectives of the evaluation are the following:

- to provide an overall independent assessment of the CoE South Programme, and its delivery of activities, output and results according to the objectives and indicators of the programme as defined in the programme document and the inception report.

- to provide recommendations for possible adjustments of activities, strategies and selection of partners for the remaining period of the project (expiring 31/12/2014).

- to provide an overall independent assessment of CoE comparative advantages in the southern neighbourhood vis-à-vis EC and EU member states (hereafter MS) and other development partners, and to provide recommendation for possible future focus areas for EC-CoE cooperation and joint programming in the southern Mediterranean and/or possible bilateral or regional on-demand support.

Specific objectives and outputs

Overall the evaluation should focus on the following specific objectives:

Assessment of the design of the Project (as described in the project document and the inception report)

1. Evaluate the appropriateness of the specific project objectives and areas of intervention, taking into account the specific policy environment in countries of cooperation as it stood in the end of 2011 and as it stands at the moment;
2. Review the Project's approach and methodology and assess its appropriateness and relevance for achieving the Project's objectives; special attention should be paid to whether the special comparative advantages of the CoE (the triangle of *standard setting, monitoring and cooperation*) are being applied;
3. Assess the overall intervention logic of the project as presented in the logframe and project activities, and to what extent a framework for monitoring results and outcome has been established.

Assessment of the implementation of the Project

4. Assess the overall implementation of the Project;
5. Review the activities and outputs, effectiveness and efficiency as well as, to the extent possible, likely impact and sustainability of the supported actions with respect to the project objectives of the individual components;
6. Assess to what extent a demand-driven approach is applied;
7. Assess whether the many single event and "ad hoc" visits/seminars/meetings are being followed up by planning and implementing of longer-term exchange and capacity building with measurable results;
8. Evaluate the complementarity/synergy/overlap of this project with other programmes in the same field (funded by EU, EU MS or other donors/development partners) as well as CoE projects funded by other means; including an assessment of the extent to which an appropriate coordination and exchange of information is taking place;
9. Assess the feasibility and appropriateness of the broad spectrum of activities in terms of efficiency and effectiveness and to what extent it might be appropriate to focus the scope of the programme on a more limited number of activities/themes;

¹³ Understood as "outcomes" in DAC terminology.

10. Review the role of CoE vis-à-vis its many CoE cooperating partners involved in the project, and assess whether appropriate exchange of information and experience is taking place;
11. Assess project management set-up and appropriateness of monitoring and reporting, including an assessment of to what extent a result-based monitoring system has been established;
12. Assess quality and "fit" of the CoE experts used in project implementation, including an assessment of whether they are able to adapt messages to the specific political, social and cultural environment in Morocco and Tunisia.
13. Assess whether level and competences of human resources applied within the programme fit the needs; including both permanent staff in Strasbourg and Country offices and short term expert;
14. Assess to what extent the operational presence of the Council of Europe in Tunisia and Morocco has contributed to improve the level of contacts between: the CoE and partner countries; the CoE and the EU delegations; and the CoE and other donors present there and to what extent the CoE presence has enhanced the implementation capacity of CoE;
15. Assess whether the CoE ensures a fair representation of all political wings in project activities to avoid political bias and to demonstrate impartiality; including selection of civil society representatives;
16. Assess the pros and cons regarding widening the scope of involvement of countries from the southern neighbourhood; with particular focus on component four 'Promotion of democratic values';
17. Assess the extent to which the planning of, presentation of and communication about the project ensure proper visibility of the EU contribution and comply to EC visibility guidelines;
18. Assess the complementarity of CoE Country Strategies (Morocco, Tunisia and Jordan) and the country action plans of the EC-CoE joint Programme.

Recommendations for future actions

19. On the basis of the lessons learnt from the first one and a half year of the CoE South Programme, and considering EU, EU MS and other development partners activities in the same field as well as the comparative advantages of the CoE, recommend on:
 - possible adjustments of activities, strategies and selection of partners for the remaining period of the project, and
 - future focus areas for possible continued EC-CoE joint programmes as well as possible financial modalities and contractual frameworks to be applied (one or more joint programmes, bilateral projects, facility (?), ad hoc interventions, result-oriented matrix of interventions etc).

Regarding the individual components, the mid-term evaluation should focus on the following questions:

Component 1 Independence and efficiency of the judiciary

- Identifying the gaps in implementation and the reasons why the programme is lagging behind in the case of Tunisia.
- Assess the scope, the depth and the relevance of capacity building operations developed so far by the CoE.
- Assessing the level of overlap/complementarity with the programme Euromed Justice of the EU-OECD.

Component 2 Good governance notably through increased prevention of corruption and money laundering

- Assessing the level of overlap/complementarity with the programme Sigma of the EU-OECD.

Component 3 Protecting on human rights with focus on control of trafficking

- Assessing the scope and the relevance of activities and contacts developed so far and their consistency with the activities initially budgeted and planned.
- Recommend for potential for reallocation of funds to other components.

Component 4: Promotion of democratic values (North-South Centre, the Youth Directorate, the Pampidou Group, the Venice Commission and the Schools of Political Studies)

- Assess the relevance of the involvement of all CoE bodies, their added value as regards to organising activities with a regional dimension, and how stand-alone activities organised by CoE bodies, contribute to the achievement of the overall objective of the programme.
- Assess the need and the modalities for extending the involvement of the Venice Commission in a potential future support to the CoE in the field of constitutional and electoral reforms, including consideration on a bilateral versus regional approach in this field.

ISSUES TO BE STUDIED

The contractor shall verify, analyse and assess in detail the issues outlined in Annex II. The list of issues is not intended to be exhaustive. The Contracting Authority could add further issues if necessary and will consider proposals coming from the contractor. The *questions* refer to the five evaluation criteria endorsed by the OECD-DAC (relevance, effectiveness, efficiency, sustainability and impact), and to the EU-specific evaluation criteria (EC added value and coherence). Due to the fact that the project is only initiated in the beginning of 2012 the

assessment of impact and sustainability will be focused on likely impact and sustainability and review of outputs and possible results.

The contractor is requested to verify, analyse and assess also the integration and impact of cross cutting issues in the project. Methodological guidance for the evaluation of integration of cross-cutting issues (environmental sustainability, gender, good governance and human rights) may be found in the following websites (please note that this links could be changed):

http://ec.europa.eu/development/icenter/repository/environmental_integration_handbook_en.pdf

<http://ec.europa.eu/europeaid/sp/gender-toolkit/index.htm>

<http://www.consilium.europa.eu/showPage.aspx?id=1681&lang=EN>

The contractor is required to use its professional judgement and experience to review all relevant factors and to bring these to the attention of the European Commission. The Contracting Authority will specify in the preliminary meeting the issues relating to each component of the project that require a particular attention and analysis.

METHODOLOGY

The methodology will be based on the EuropeAid's Evaluation methodology website http://ec.europa.eu/comm/europeaid/evaluation/intro_pages/methods.htm as well as to 'Aid Delivery Methods', Volume 1 "Project Cycle Management Guidelines" (EuropeAid, March 2004).
http://ec.europa.eu/europeaid/infopoint/publications/europeaid/49a_en.htm

Management

The evaluation will be managed by Unit F4 of EuropeAid.

The Evaluation Approach / Process

The evaluation approach should be developed and implemented as presented below (for further details consult the evaluation methodology website above mentioned). The evaluation process will be carried out through three phases: a Desk Phase, a Field Phase and a Synthesis Phase, as described below:

Desk Phase – Inception

In the inception stage of the Desk Phase, the relevant programming documents should be reviewed, as well as documents shaping the wider strategy/policy framework. Interviews are carried out with DEVCO F4 in Brussels and CoE staff in Strasbourg (management as well as the responsible for the individual components). On the basis of the information collected the evaluation team should:

- Review systematically the relevant available documents (see Annex 2: Layout, structure of the Final Report);
- Describe the development co-operation context;
- Comment on the logical framework;
- Propose a definitive set of evaluation questions justifying their relevance. Develop the evaluation into sub-questions, identify provisional indicators and their verification means, as well as describe the analysis strategy;
- Propose the work plan for the finalisation of the Desk phase;
- Confirm the final time schedule;
- Present an indicative methodology to the overall assessment of the programme and projects;
- Present each evaluation question stating the information already gathered and their limitations provide a first partial answer to the question, identify the issues still to be covered and the assumptions still to be tested, and describe a full method to answer the question;
- Identify and present the list of tools to be applied in the Field Phase;
- List all preparatory steps already taken for the Field Phase.

At the end of the desk phase a desk report shall be prepared (see section 5).

Field Phase

The Field Phase will start – unless authorised otherwise by the evaluation manager - upon approval of the Desk Phase report by the evaluation manager. The evaluation team should:

- Submit its detailed work plan –already included in the Desk report-with an indicative list of people to be interviewed during the missions in Morocco and Tunisia, dates of visit, itinerary, and name of team members in charge. This plan has to be applied in a way that is flexible enough to accommodate for any

last-minute difficulties in the field. If any significant deviation from the agreed work plan or schedule is perceived as creating a risk for the quality of the evaluation, these should be immediately discussed with the evaluation manager.

- Hold a briefing meeting with CoE programme management and the EU Delegations during the first day of each country visit. All the experts who will participate to the field missions should attend such a briefing meeting.
- Ensure adequate contact and consultation with, and involvement of, the different stakeholders. Use the most reliable and appropriate sources of information and harmonise data from different sources to allow ready interpretation.
- Summarise its field works at the end of the field phase with a debriefing to be presented for the CoE programme management and the EU Delegation in Morocco and Tunisia at the end of each visit. A factual report of a maximum of 3 pages length (bullet points) should be presented (and copy forwarded to the evaluation manager).
- Discuss the reliability and coverage of data collection, and present its preliminary findings in a meeting with the programme management in Brussels. This meeting should be attended by all the experts who participated to the field phase.

Synthesis Phase

This phase is mainly devoted to the preparation of the draft final report. The contractor will make sure that:

- Their assessments are objective and balanced, affirmations accurate and verifiable, and recommendations realistic.
- When drafting the report, they will acknowledge clearly which changes should be taking place, in order to avoid misleading readers and causing unnecessary irritation or offence.

A meeting with the evaluation manager will take place in Brussels in the presence of the entire evaluation team. The evaluation team will take into account the comments on the Draft desk report received from the evaluation manager. Comments requesting methodological quality improvements should be taken into account, except where there is a demonstrated impossibility, in which case full justification should be provided by the evaluation team. Comments on the substance of the report may be either accepted or rejected. In the latter instance, the evaluation team is to motivate and explain the reasons in writing.

At the end of the synthesis phase a final report shall be delivered. (see section 5)

REPORTING REQUIREMENTS

The text of the report should be illustrated, as appropriate, with maps, graphs and tables. The contractor will submit the following reports (required outputs):

1. **Inception report** of maximum 20 pages (excluding annexes) to be submitted after 3 weeks tentatively from the start of the contractor services. A first draft of the inception report should be presented to the Contracting Authority and commented by the evaluation manager. In the report the contractor shall describe the first findings of the study, the foreseen decree of difficulties in collecting data, other encountered and/or foreseen difficulties in addition to the issues mentioned in section 4.
2. **Draft final report** of maximum 40 pages (annexes not included) using the structure set out in **Annex II** and taking due account of comments received from the evaluation manager. The report should be presented within 10 days from the receipt of comments.
3. **Final report** with the same specifications as mentioned under 2 above, incorporating any comments received from the concerned parties on the draft report, to be presented within 10 days of the receipt of these comments.

All reports will be in **English**, font Arial or Times New Roman minimum 11 and 12 respectively, single spacing.) Each report will be submitted first in electronic version as a draft. The Contracting authority will submit comments within 10 working days. The final reports version shall be submitted within 15 working days from the receipt of the comments. The manner each comments has been integrated has to be explained and non-integration of comments has to be duly justified.

The final report should be received maximum 4 months from the start of the contractors' services.

Distribution of the Inception Report, Draft Final Report and Final Report (final versions) will be forwarded in *electronic versions* in pdf and word format via e-mail. The contractor will include as an Annex the DAC Format for Evaluation Report Summaries (see Annex IV).

EXPERTISE REQUIRED: THE EVALUATION TEAM

The evaluation team will be composed of **2 experts** and the team as such will comply with the following qualifications and expertise:

2 Senior Experts, one of them will be nominated by the Contractor as the Team leader.

Educational background:

University degree one of the following fields: economics, sociology, demography, political science, law or relevant to the assignment. In absence of the University degree, the relevant professional experience will be of a minimum 13 years.

As such, these two experts must demonstrate the following experience:

- **Extensive and relevant experience (minimum 10 years) in the field of international cooperation within the field of good governance**, preferably in geographical area of the South European Neighbourhood policy with country experience from Morocco and Tunisia - subsequently Jordan.
- Experience in the area of support for judiciary, corruption and money laundering, human trafficking and democratisation.
- Knowledge of the work and functioning of Council of Europe.
- **Full working knowledge of English and French and excellent report writing skills.**
- Knowledge of Arabic would be an asset.
- **Good knowledge of the strategic relationships between the EU and the Southern Mediterranean.**
- **Extensive experience in evaluation methods and techniques (one of the experts must have at least 5 years' experience from reviewing and/or evaluation of development projects).**
- At least one of the experts should be fully conversant with the principles and working methods of project cycle management and EC aid delivery methods.

The minimum required skills are indicated in bold.

WORK PLAN AND TIMETABLE

Provisional start of the assignment: October 2013;

Max duration of the assignment: 4 months (including provision for participation at networking event and debriefing, see below) and for a maximum of 82 working days for both experts.

In addition to the man/days indicated in the table below, a reserve of 12 additional days is to be quoted with the corresponding per diem. The use of these days and related per diem is subject to prior approval of the contracting authority

The indicated duration is indicative and valid only for the purpose of the offers' submission.

Activity	Place	Indicative Duration	Indicative Dates
Desk Phase – Inception		18 days	End October 2013
<ul style="list-style-type: none"> • Interviews EC • Interviews with project management of CoE South Programme, including responsible for individual components • Review of projects documents • Preparation – submission of inception report 	Brussels Strasbourg	3 days for meetings and interviews (1 day in Brussels and 2 days in Strasbourg) + 2 travel days for each expert 8 days	
Field Phase (Morocco and Tunisia)		28 days	November/December 2013
<ul style="list-style-type: none"> • Missions to Morocco and Tunisia (5 ½ day in each country). 	ENPI South	11 days+3 day of travels ENPI South for each expert= Total 28 days	
Debriefing EC HQ	Brussels	4 days 1 day for the meeting and 1 day for the travel for each expert.	End December 2013

Synthesis Phase <ul style="list-style-type: none"> • Drafting provisional final report • Meeting with EC and CoE • Finalization report 	Brussels or Strasbourg?	20 day(s)	Mid January 2014
		10 days	
		2 days (one day of meeting and one for the travel) for each expert	
		6 days	End January
TOTAL (maximum)		70 days	3 months (70 working days)

This contract is a global price contract.

Provisional maximum reimbursable costs per expert:

International travels to Brussels and Strasbourg: 4
International travel (roundtrip Tunisia and Morocco) 2

Per diems Europe: 10 (indicative)
Per diems ENPI South (including week-ends): 24 (indicative)

Please note that per diems for stays in Belgium, France, Tunisia and Morocco can be consulted at the EuropeAid Website:

http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/documents/july_2013.pdf

As countries to be visited and related duration of stay both in EU and beneficiary countries is not yet defined, an average per diem is to be considered: 250 for EU and 200 for beneficiary countries.

The offer will foresee interpretation services (from and to Arabic) for 10 days (in case needed).

ADMINISTRATIVE ASPECTS

Conflicts of interest

The contractor and the evaluation team must not have had a direct role in the implementation of the CoE South Programme project. In case of doubts, the contractor must inform the Contracting Authority as soon as possible of any risk of conflict of interest.

Methodology

The contractor together with the Inception Report should present the methodology that will apply to the mid-term evaluation of CoE South Programme. This document must be written in English, font Arial or Times New Roman minimum 11 and 12 respectively, single spacing.). All the rules applicable to the reports and indicated in paragraph 5 "Reporting Requirements" will be applied to the methodology.

VAT

The framework contractors are invited to obtain information from the Contracting authority concerning reimbursement procedures or possible exemption from VAT.

ANNEX 2: LIST OF PEOPLE CONSULTED

European Commission, Brussels:

EuropeAid

- Alberto Cortezon Gomez
- Mogens Blom
- Hristo Hristov
- Francesca Gilli
- Rob De Lobel
- Leone Alessandro

EEAS

- Cristiana Famea
- Ambra Longatto
- Gosia Lachut

Council of Europe, Strasbourg:

ODGPROG

- Verena Taylor, Director
- Pilar Morales, Head of Neighbouring Regions Division
- Giovanni Battista Celiento, Co-ordinator of the South Programme
- Christine Ey, Head of Financial Management Unit
- Katerina Markovova, Advisor
- Gaia Manselli, Advisor

Directorate of External Relations

- Zoltan Taubner, Director
- Jean, Claus, Advisor
- Max Gilbert, Advisor

DG I

- Stéphane Leyenberger, Muriel Decot, Clementina Barbaro – Component I
- Ardita Abdiu, Guillaume Parent, Igor Nebyvaev – Component II
- Elda Moreno, Emmanuel Baron – Component III

DG II

- Claudia Luciani, Director of Democratic Governance

Parliamentary Assembly

- Despina Chatzivassiliou, Head of Secretariat, Committee on Political Affairs and Democracy
- Alessandro Mancini – Component IV

Venice Commission

- Simona Granata, Deputy Secretary
- Serguei Kouznetsov, Head of Neighbourhood Cooperation Division - Component IV

Directorate of Policy Planning

- Michael Remmert, Head of Division responsible for the Schools of Political Studies - Component IV

European Youth Centre

- Rui Gomes, Head of Education and Training Division - Component IV

Pompidou Group

- Florence Mabileau, Administrator, Research Mediterranean Cooperation - Component IV

Rabat, Morocco:

CoE Representative Office

- Mehdi Remili, National Coordinator
- Halima El Joundi, Consultant
- Malika Smaali, Consultant

Ministry of Foreign Affairs

- Karima Kabbaj, Director of EU and Mediterranean processes Department
- Omar Amghar, Head of EU relations Division
- Halima Benhanni, advisor
- Lahcen Azoulay, Director of Legal Affairs and Treaties Department

National Centre for the treatment, prevention and research on addictions

- Jalal Taoufik

Embassy of Spain

- Miriam Alvarez de la Rosa Rodriguez, First Secretary
- Vicente Ortega Camara, Deputy General Coordinator

Instance Centrale de Prévention de la Corruption

- Abdesselam Aboudrar, President
- Fatima-Zahra Guedira, international cooperation coordinator
- Yassir Chokairi, Director of Partnerships

Organisation Marocaine des droits de l'Homme

- Mohamed Nechnache, President
- Messaoud Bouaich
- Nadia Belgari
- Samira Ainane
- Mustapha Znaidi

Délégation inter-ministérielle aux droits de l'Homme

- Abderrazak Rouwane, General Secretary
- Said Leleche, Cooperation Director
- Mohammed Hashi

Ministry of Justice

- Abdelilah Bennami, Director of Legislation Department
- Bouttaina Benamour, Magistrate
- Najia Rahali, Director of Studies, Cooperation and Modernisation Department
- Boujjida Abdallah, President, TPI Civil Casablanca
- Abdelaziz Esserssif, President, TPI Sidi Kacem
- Abdelmati El Kaddouri, President, TA Agadir

Ministry of Solidarity, Women, Family and Social Development

- Larbi Tabit, Secretary General

Chambre des Représentants

- Mohamed Yatim, Member
- Abdelkébir Berkia, Member
- Nezha Elouasi, Member

ECEP (School of political studies)

- Youssef Laaraj

National Human Rights Commission

- Abderrazzal El Hannouchi

Maison des jeunes d'Asilah

- Taoufik Louzari

Association ADALA

- Abdelaziz Nouaydi, President

Fondation Abderrahim Bouabid

- Ali Bouabid, Director

International Organisation for Migration

- Anke Strauss, Representative

Swiss Embassy

- Bertrand Louis, Ambassador
- Ms Schmidt Tartagli, Advisor

French Embassy

- Payam Shahrjerdi, Governance Attaché

EU Delegation

- Corinne André, Head of Governance Sector
- Sylvie Millot, Head of Cooperation
- Louis Dey, Justice and Human Rights Project Officer

Tunis, Tunisia:**CoE Representative Office**

- William Massolin, National Coordinator
- Muriel Iseli, Programme Coordinator
- Imene Khalifa, Coordination Support

EU Delegation

- Marie-Hélène Enderlin, Programme Officer, Justice and Governance

Ministry of Foreign Affairs

- Selim Hammami, Director, EU Relations Department
- Salma Nannous, Advisor

EU Delegation

- Patrick Berckmans, Advisor
- Marie-Hélène Enderlin, Programme Officer, justice and governance

Ministry of Justice

- Inès Mâter, International Cooperation Advisor
- Taieb Rached, Deputy Inspector General
- Walid Ben Ali, Deputy Director, Statistics Department
- Riadh Essid – Director General, *Institut supérieur de la magistrature*
- Mohamed Tahar Hamdi – Training Director, *Institut supérieur de la magistrature*

Tribunal de première instance de Tunis

- Fatma Ezzahara Ben Mahmoud, President
- Beligh Abassi, Magistrate
- Raja Boussema, Vice-President

Swiss Embassy

- Siri Walt, Advisor
- Esther Keimer, Programme Manager

Tribunal de première instance de Zaghouan

- Mongi Chalgoum, President

Tribunal cantonal de Zaghouan

- Radhia Ben Aissa, Judge

Ministère de la gouvernance et de la lutte contre la corruption

- Hichem Hammi, *Chef de cabinet*
- Tarek Bahri, Director General

Instance nationale de lutte contre la corruption - INLUCC

- Samir Annabi, President

Ministère des domaines de l'état et des affaires foncières

- Hedi Snoussi, Head of Good Governance and Anti-Corruption Cell

Réseau national anti-corruption – R-NAC

- Chamari Taoufik, President
- Anis Somai Secretary General

OHCHR

- Demiter Chalev, Representative

UNDP

- Filippo di Carpegna, Justice Programme Manager
- Oumama ENNAIFER, Programme Officer

Assemblée Nationale Constituante - ANC

- Mouldi Ayari, Advisor

Ministère de la Santé

- Nabil Ben Salah, Director General
- Mounira Garbouj, Director of school and university medicine

Institut Arabe des Droits de l'homme – IADH

- Abdel Basset Ben Hassen, President
- Lamia Grar, Executive Director

Ecole politique de Tunis

- Ahmed Driss, Director

Global Infrastructure Anti-corruption Centre for MENA Region

- M. Kamel Ayadi, Representative

International Organisation for Migration

- Lorena Lando, Head of Mission
- Helene Le Goff, Project Coordinator

Democracy Reporting International

- Geoffrey Weichselbaum, Director

ANNEX 3: MAIN DOCUMENTS CONSULTED

a. Documents related to the programme

- Communication Plan
- Contract between EU and CoE (28 December 2011), plus annexes
- Description of project ("Description of Action")
- Excerpts from the "Scoreboard report" (2012, 2013)
- First progress report (20/3/2013)
- Inception report (28/9/2012)
- Interim report (15/7/2013)
- Mission reports by the CoE coordination team
- On-going assessment (project monitoring) fiches
- Other reports related to specific components (e.g. CEPEJ assessments)
- Programme's press review, November 2013 (multiple articles)
- Report of the 1st Steering Committee meeting (5/2/2013)
- Report of the kick-off meeting (7/9/2012)

b. Council of Europe main texts of interest to the programme

- Atelier consacré aux méthodologies de l'analyse de risques (T3.3), PowerPoint Presentation, CoE, 18 June 2013
- Atelier consacré aux méthodologies de l'analyse de risques (T3.3), Synopsis, CoE, 18 June 2013
- Atelier de lancement de l'Ecole des Études Politiques, Programme, CoE (undated)
- CoE policy towards its immediate neighbourhood
- Commission de Venise : Avis sur le Projet final de la Constitution de la République Tunisienne, CoE 17 October 2013
- Coopération avec la Tunisie: Fiches de projet avec les tribunaux pilotes et l'Institut supérieur de la Magistrature, CEPEJ, 5 January 2014
- Descriptif de projet Notification simplifiée au sein du Tribunal de première instance civil de Casablanca, CEPEJ 11 June 2013
- Descriptif de projet Notification simplifiée au sein du Tribunal de première instance de Sidi Kacem, CEPEJ, 2 December 2013
- First Progress Report, Component 2 (South Programme), CoE 2 August 2013
- Forum of Lisbon 2012: List of Participants, North-South Centre, CoE, 5 November 2013
- Forum of Lisbon 2012: Programme, North-South Centre, CoE, 5 November 2013
- Forum of Lisbon 2013: Conclusions, North-South Centre, CoE, 7 November 2013
- Forum of Lisbon 2013: List of Participants, North-South Centre, CoE, 7 November 2013
- Forum of Lisbon 2013: Programme, North-South Centre, CoE, 5 November 2013
- Index of Proposed Themes for CoE South Programme II
- Interim implementation report in respect of Jordan (June 2013)
- Interim implementation report in respect of Morocco (June 2013)
- Interim implementation report in respect of Tunisia (June 2013)
- Joint Programmes between the Council of Europe and the European Union in 2012, CoE 4 April 2013

- Méthodologie du Conseil de l'Europe, PowerPoint Presentation (undated)
- Neighbourhood cooperation priorities for Jordan 2012-2014
- Neighbourhood cooperation priorities for Morocco 2012-2014
- Neighbourhood cooperation priorities for Tunisia 2012-2014
- Programme "Échanges sur les garanties normative et institutionnelles de la liberté d'expression 2-3 Avril 2013", CoE
- Proposal from the Secretary General for a new partnership for non-member States
- Rapport relative à la gestion du temps judiciaire et de la qualité au sein du Tribunal de Première instance de Sidi Kacem, CEPEJ, 2 August 2013
- Rapport séminaire régional "Comprendre le printemps arabe et son impacte", 11 – 12 November 2013, CoE
- Report on the evaluation of the partnership for democracy in respect of the Parliament of Morocco (Doc. 13230 of 10/6/2013)
- Reports about implementation of the CoE policy towards its immediate neighbourhood
- Resolution 1680 (2009) on the establishment of a "Partner for Democracy status" with the Parliamentary Assembly of the CoE
- Resolution 1818 (2011) on "Request for Democracy status with the Parliamentary Assembly submitted by the Parliament of Morocco"
- Resolution 1830 (2011) on "Request for Democracy status with the Parliamentary Assembly submitted by the Palestinian National Council"
- Second Progress Report, Component 2 (South Programme), CoE 16 January 2013
- SNAC WP (Internal Planning South Programme), November 2013
- Tunisie: Revue de presse spéciale, 28 January 2014

a. External Documents

- Arrêté pour la création d'un Comité de pilotage, Projet EU (Justice), Côte d'Ivoire 16 aout 2010
- Bassima Hakkaoui promet la loi sur l'instance de la parité pour cette année, Article, Aujourd'hui, 14 February 2013 (Morocco)
- Charte de la réforme du système judiciaire, Morocco July 2013
- Charter for the Observatoire Tunisien des Drogues et de l'Addiction (draft)
- Constitution, Tunisia, 27 January 2014
- Constitution, Tunisia, Version of 22 January 2014 (with corrections)
- Consultation nationale sur la réforme de la Justice en Tunisie, December 2013 (English & French)
- Droits de l'enfance : Le mea culpa de Massima Hakkaoui, Article, Aujourd'hui, 23 October 2013 (Morocco)
- État des lieux des migrants subsahariens dans les prisons au Maroc, OMDH, 2012
- Étrangers et droits de l'homme au Maroc: pour une politique d'asile et d'immigration radicalement nouvelle", Conseil national des droits de l'homme, Morocco
- Examen à Strasbourg de l'état d'avancement de la coopération Maroc-CEPEJ, Article Menara, 28 September 2013 (Morocco)
- Fiche sur la Coopération avec le CdE, Délégation interministérielle aux droits de l'homme, Morocco
- Ideals without Illusions: Corruption and the Future of a Democratic North Africa, Northwestern Journal of International Human Rights, Summer 2012

- Le Conseil de l'Europe envisage la création du statut d'état associé pour les pays ayant un partenariat avancé, Article, MAPF (Morocco), 1 July 2013
- Le Maroc : Premier membre non-européen de l'Observatoire européen de l'Audiovisuel, Article, La Vie Éco, 16 December 2013 (Morocco)
- Lutte contre la Drogue : Le Maroc rejoint officiellement le Groupe Pompidou, Article ; Yabiladi, 25 July 2013 (Morocco)
- Lutte contre la traite des êtres humains: Le Maroc veut faire plus, Article, Aujourd'hui, 27 November 2013 (Morocco)
- M. Benzakou s'entretient avec une délégation des membres du Conseil de l'Europe et de la Commission de Venise, Article, Menara, 25 April 2013 (Morocco)
- Maroc : Examen de la coopération avec la Commission européenne pour l'efficacité de la Justice, Article, Le Maghreb, 30 September 2013
- Maroc, L'un des états pionniers dans la région en matière de protection des données de la vie privée, Article, Menara, 21 November 2013 (Morocco)
- Maroc: La Lutte contre la corruption diagnostiquée la le Conseil de l'Europe, Article, Pol Nationale, 16 July 2013 (Morocco)
- Note sur les droits fondamentaux des victimes de la traite, en particulier les femmes et les enfants au Maroc, Délégation interministérielle aux droits de l'homme, Morocco
- Partenariat maroco-bulgare entre écoles d'études politiques citoyennes, Article L'Opinion, 1 December 2013 (Morocco)
- Plan stratégique 2012 – 2016, Délégation interministérielle aux droits de l'homme, Morocco
- Présentation du Tribunal administratif d'Agadir, Morocco
- Presentation package, Ecole citoyen des Études politiques, Morocco
- Presentation package, Organisation Marocaine des droits humains (OMDH), Morocco
- Presentation, Ministère des domaines de l'État et des Affaires Foncières, Tunisia
- Programme Scientifique 2013 – 2014, Certificat d'études complémentaires d'Addictologie, Ministry of Health, Tunisia
- Projet de loi n° 12-113 relatif à l'Instance Nationale de Probité, de Prévention et de Lutte contre la Corruption (October 2013), Instance Centrale de Prévention de la Corruption, Morocco
- Rapport de la Commission nationale d'investigation sur la Corruption et la Malversation, Tunisia 2011
- Réponse au questionnaire visant à évaluer les risques et la bonne gouvernance au Ministère des domaines de l'État et des Affaires Foncières, Tunisia
- Santé : Enfin un Observatoire national des drogue au Maroc, Article, Aujourd'hui, 13 June 2013 (Morocco)
- Séminaire de l'APCE à Rabat sur le contrôle parlementaire de l'action gouvernementale, Article, Menara, 7 November 2012 (Morocco)
- Strategic framework 2014 – 2016, Arab Institute for Human Rights
- Une proposition de loi pour lutter contre la traite des êtres humains, Article, Le Matin, 25 December 2013 (Morocco)
- Usage de drogue en milieu scolaire, Minister of Health, Tunisia, June 2013
- Voyage au cimetière des vivants, OMDH 2013

c. Web sites

- www.coe.int

- <http://south-programme-eu.coe.int/>
- <http://www.jp.coe.int/default.asp>
- http://www.coe.int/t/dghl/cooperation/cepej/default_en.asp
- <http://www.venice.coe.int>
- <http://www.consultation-justice.net/>
- <https://www.facebook.com/Consultation.Justice>
- <https://www.facebook.com/Justicetransitionnelle.tn>
- <https://www.youtube.com/watch?v=VVH380BulMU&feature=youtu.be>

ANNEX 4: STANDARD DAC EVALUATION SUMMARY

Mid-term Evaluation of the Programme “Strengthening Democratic Reform in the Southern Neighbourhood”

Letter of contract No 2013/325163

Abstract

This programme, started in 2012 and due to continue till December 2014, has a budget of €4.8m. It is implemented by the Council of Europe and covers 4 components: judiciary reform; fight against corruption; control of human trafficking and promotion of democratic values. This report presents the outcome of the mid-term evaluation.

Evaluation Description

The objectives of the MTE are to provide an overall independent assessment of the CoE South Programme; to provide recommendations for possible adjustments of activities, strategies and selection of partners for the remaining period of the project; to provide an overall independent assessment of CoE comparative advantages in the southern neighbourhood vis-à-vis EC and EU member states and other development partners, and to provide recommendation for possible future focus areas for EC-CoE cooperation and joint programming in the southern Mediterranean.

The methodology of the MTE addressed the programme at three levels: activities implemented and planned under each of the components, assessed in accordance with the standard evaluation criteria set out in the TOR; programme management and monitoring processes, taking into account common patterns of challenges and opportunities across the four components; and future action: based on the experience of the first two years of the programme, the team offers an assessment of possible future directions and implementation modalities for the programme.

Main Findings

- The project benefited to a significant extent from the CoE’s added value.
- The programme’s relevance was enhanced by its flexibility and ability to respond to needs expressed by target countries.
- The programme design suffered from lack of synergies and ill-defined results or milestones.
- The programme implementation was largely effective, despite significant delays.
- Programme coordination and management are effective.
- The programme is likely to achieve a significant impact.
- The future CoE programme should be conceived as a flexible facility, focused on some core areas of CoE expertise.

Recommendations

The report makes multiple, detailed recommendation on the implementation of the remaining programme period, and on the design of the successor programme.

Feedback

Donor: European Commission	Region: ENPI South	DAC sector :
Evaluation type: Efficiency, effectiveness and impact.	Date of report: 15 April 2014	Subject of evaluation :
Language :	N° vol./pages :	Author :
Programme and budget line concerned :		
Type of evaluation : () ex ante (x) intermediate / () ex post ongoing		
Timing :	Start date :	Completion date :
Contact person :	Authors :	
Cost : Euro	Steering group : Yes/No	

