

IDLO Evaluation Brief

FINAL EVALUATION OF THE INL-FINANCED IDLO PROGRAM 'SUPPORTING JUSTICE SECTOR AND ANTI-CORRUPTION REFORMS IN UKRAINE- PHASE 1'

February 2019

1. Introduction and Background

The INL¹-financed IDLO² program "Supporting Justice Sector and Anti-Corruption Reforms in Ukraine - Phase 1" began in May 2015 and is a continuation of IDLO and INL support to the justice sector in Ukraine. The intervention was designed to respond to the needs of the Justice Sector Reform Strategy of Ukraine (2015-2020) by fostering the independence, transparency, accountability, efficiency and effectiveness of the Prosecutor General's Office (PGO), especially in relation to handling cases of corruption, money laundering, and human trafficking. The program's overarching objective was to rebalance the prosecutorial legal framework and system to better tackle corruption and abuse of power as well as to promote respect for human rights and fair trial. In the financing proposal, the initial duration of the program was 12 months and the budget was US\$ 990,153.³

The program consisted of two key components: (i) organizational reform and capacity building of the PGO; and (ii) criminal justice and anti-corruption grants to civil society organizations (CSOs). Soon after its commencement, the program was expanded to include the anti-corruption surge in Odessa Oblast, aimed at (iii) improving regional public administration. The third component was later extended to other regions and renamed the "regional anti-corruption and public sector reform initiative". In the framework of its implementation, the program addressed themes such as support of the new National Anti-Corruption Bureau of Ukraine (NABU) via a grant to CSO AntAC;⁴ security-related support to the Ministry of Internal Affairs (MoIA) focused on communication and public outreach through an IREX⁵ CSO grant; monitoring and analysis of anti-corruption investigations financed by a grant to CSO Nashi Groshi;⁶ support to the Special Anti-corruption Prosecutor's Office (SAPO); establishment of a Program Management Office (PMO) at the MoIA to support modernization initiatives; assistance in the establishment of 50 regional Police

Service Centers; and support to central government in the context of the Prime Minister's 'Together Against Corruption' (TAC) initiative.

This Evaluation Brief presents a summary of the final independent evaluation of the program.

2. Evaluation Purpose and Methodology

The purpose of the evaluation was to: (i) assess the changes triggered by the project activities; (ii) analyze the outputs/outcomes achieved and progress towards long-term impact; and (iii) draw lessons learned and recommendations for future programming. The evaluation was conducted using a 'theory-based' approach, where the reconstruction of the programs' Theory of Change (ToC) enabled causal links to be drawn among activities, outputs, expected outcomes and impact. The reconstructed ToC served as the key reference point to formulate a set of 9 Evaluation Questions (EQs) and their corresponding "Objectively Verifiable Indicators" (OVI), generated to assess achieved results. The formulation of EQs was guided by the five OECD/DAC-based evaluation criteria (relevance, efficiency, effectiveness, impact and sustainability prospects) as well as a sixth IDLO-specific evaluation criterion (IDLO value added).

Information for this evaluation was collected through: (i) desk study of program documents and monitoring data; (ii) interviews with stakeholders in Kyiv; and (iii) interviews with stakeholders during a site visit to the Public Service Center (PSC) in Kharkiv.

3. Findings

Project's relevance and design

The program has evolved and grown significantly since its beginnings in 2015. The intervention initially supported reform in the criminal justice sector but grew to include

¹ Bureau of International Narcotics and Law Enforcement Affairs, United States State Department

² International Development Law Organization

³ The program later received a no-cost extension.

⁴ Anticorruption Action Centre

⁵ International Research and Exchanges Board

⁶ Nashi Groshi: 'Our Money'.

segments of public administration reform and public safety initiatives. A common denominator to all program components was an effort to reduce corruption. Work related to criminal justice focused on institutional reform and public administration-related activities, deregulation at the national level (Kyiv) and improvement of public sector service delivery in selected regions (Kharkiv, Mariupol and Odessa). Support for public safety was carried out by promoting engagement between the newly introduced Patrol Police and communities. Program activities were relevant to policies, strategies and needs of all key stakeholders.

Allocation of human and financial resources

The program adapted to the rapidly changing operating environment, mainly characterized by an early termination of support to the PGO and relocation of the legal and regional teams from Odessa to Kyiv and Kharkiv. The donor and program partners confirmed IDLO's flexibility and responsiveness, and the IDLO country team noted the donor's approachability for requests and suggestions. However, IDLO and program partners pointed out that planning was complicated due to the donor's unpredictable funding cycle and by the timing of discussions on future activities.

Support to corruption-related investigations and prosecutions

The evaluation did not find sufficient evidence of substantive performance improvements emerging from the program's support to the PGO, as this initiative was terminated early due to the lack of institutional commitment. Nevertheless, the evaluation found that even this limited engagement was useful in bringing important issues to public attention. The operationalization of NABU is reported to have significantly enhanced the quality, transparency, and effectiveness of investigations. Support to SAPO helped to improve the quality of SAPO's public communication on prosecutions. Poor performance of the courts regarding corruption cases, a theme not covered by the program, impeded impact.

Quality and transparency of public services

The evaluation found that the program made a substantial contribution to the quality, transparency, and efficiency of public services. This was achieved primarily through support to the establishment of three new regional PSCs (Kharkiv, Mariupol and Odessa) which are reported to be

delivering social and administrative services more rapidly, accurately, and with greater emphasis on customer satisfaction. A significant innovation has been the separation of front and back office roles to eliminate corruption.

Through the IREX grant, the program has been highly effective in enhancing engagement and dialogue between the Patrol Police and communities through police-community initiatives. It is understood that the Police are committed to extend program-induced ideas and approaches more widely.

Transparency in regulatory and control activities of supported central government ministries

IDLO supported drafting of 28 laws, of which 12 were registered and 5 were adopted. Legislative assistance focused on deregulation, with the aim of simplifying official procedures to eliminate opportunities for corruption. IDLO also supported 6 ministries⁷ with the development and implementation of anti-corruption initiatives in the context of the TAC initiative.

Stakeholders suggest that IDLO's most important contribution has been in the framework of construction norms and permits, where the organization helped to eliminate unnecessary and time-consuming administrative requirements, and thus reduced opportunities for corruption.

Public confidence in the criminal justice system and in regional public administration

Trust in regional and local public administration does appear to be improving, and a recent public opinion survey suggests that the new Patrol Police is more trusted than the Militsiya that it replaced. However, stakeholder feedback and public opinion surveys indicate that, despite some positive developments, there is still widespread mistrust of the criminal justice system, especially the courts (a theme not covered by the program).

Development of institutional capacities and strategic ownership of program benefits

The program's partner institutions and bodies are maintaining and developing further the capacities enhanced by the program. There is a clear desire to continue cooperation with IDLO on specific issues. The exception is the PGO, where support was terminated early due to a lack of institutional commitment to reform.

⁷ Ministries of Defense, Interior, Agriculture, Education, Culture and Regional Development, and Construction and Housing.

Program partners were actively involved in decision making and the program flexibly responded to partners' needs and concerns rather than offering ready-made solutions. The program's *modus operandi* appeared well adapted to partners' absorption capacities and expectations. However, there is much uncertainty as to whether the same level of ownership will be maintained after the presidential and parliamentary elections due in 2019.

4. Conclusions

Relevance

IDLO has a strategic plan and Ukraine is included in the related 'Regional Strategy: Eastern Europe and Central Asia (EECA) 2017-2020'. However, coverage of Ukraine in this document is limited and IDLO does not have a country strategy specific to Ukraine. IDLO's activities in-country are developed in close consultation with the donor and are closely aligned with the donor's objectives. Funding is renewed at irregular intervals to cover different activities as needs arise.

Efficiency

IDLO's flexibility and responsiveness were much appreciated by the donor and program partners. However, the rapid and continuing evolution of program activities may also negatively influence cost-efficiency. In terms of day-to-day management, review and rationalization of program documentation may be desirable. Various types of reports were in use, including weekly and quarterly reports, and reports to IDLO's Director General. The quarterly reports were an important source of information for the desk phase of the evaluation, but it was difficult to develop a clear understanding of the content, structure and the evolution of the program over time, or the underlying reasons for the changes, as the reports provide limited information about outcomes.

Effectiveness

The program has been highly effective in some areas but less so in others, especially regarding the reform of the PGO and the envisaged absorption of the PMO into the MoIA.⁸ This suggests that risk analysis could have been stronger in the earlier stages of the program. IDLO's work on the TAC initiative was closely related to its regional work which was perceived as a logical evolution of regional activities that started with the anti-corruption surge in Odessa. Following the same logic, there may be scope for

increased synergies between the national and regional strands of IDLO's work.

The evaluation suggests that more predictable funding would enhance effectiveness (and efficiency). The irregular funding cycle and planning generated additional costs and constrained consolidation of program gains (some initiatives to consolidate program gains were delayed). There were cases of activities funded for 12 or 18 months, while in one case funding was provided for just 45 days. As of early September, plans for January could not be confirmed, creating uncertainty for all concerned.

Impact and Sustainability Prospects

There is limited institutional memory regarding earlier program stages. Following early termination of some activities and demobilization of team members, these activities were effectively left behind. In this regard, there is limited information about what was accomplished, to what extent outputs are still in use, or to what extent the practices and performance of the PGO have changed. There is a similar situation regarding the work and legacy of the PMO that was established within the MoIA.

IDLO value added

IDLO's role in the CSO grants was purely administrative. As such, grants were implemented mostly as standalone projects. The donor noted that it requested IDLO to administer the grants as it was not in a position to administer them directly at the time. This may change over time.

5. Recommendations

Recommendation 1:

- Consider whether the development of an updated IDLO strategy specifically for Ukraine might bring more stability and predictability to IDLO's work in the country. More predictability would also contribute to enhanced efficiency.

Recommendation 2:

- Review risk analysis processes to mitigate the effects of disruptions which generate additional costs and can undermine outcomes of implemented programs.

⁸ The PMO embedded in the MoIA was not absorbed into the institution and was disbanded following the departure of a deputy minister.

Recommendation 3:

- Discuss with the donor and program partners, including government ministries and the Regional State Administration and City Council in Kharkiv, how synergies could be enhanced between IDLO's national and regional levels of deregulation work.

Recommendation 4:

- Discuss with the donor how the funding cycle and planning horizon could be made more predictable, as this would enhance efficiency and enable program gains to be consolidated more rapidly.

Recommendation 5:

- Consider how program documentation might be streamlined to avoid duplication of effort and ensure that all reports are fulfilling a real, practical need. There is also a need to review the content of reports so that they provide a clearer picture of program objectives, structure, outcomes, changes, etc. This implies more emphasis on strategic aspects, rather than compiling long lists of activities and outputs. Reporting should support longer-term institutional memory and learning, not only short-term accountability requirements.

Recommendation 6:

- Discuss with the donor if IDLO's role in administering CSO grants still makes sense now that donor structures and processes are in place to do this directly. The resources devoted to administering the grants could add more value if redeployed to IDLO's core activities. While the grants are thematically in line with IDLO's core activities, they are essentially standalone projects and have limited practical synergies with other activities.