



European Commission / ENPI

SUPPORT TO JUSTICE SECTOR REFORMS IN UKRAINE

EuropeAid/134175/L/ACT/UA No 2013/328-160

FFINAL REPORT

On Strategic Planning and Policy Framework Assignments
carried out in January-November 2017

By

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November 2017

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This Project is implemented by
Consortium led by JCI



This Project is funded by
European Union



Final REPORT

Report No.	5
Component	I: Support to Implementation of JSRSAP 2015-2020
Project Title	EU Project 'Support to Justice Sector Reforms in Ukraine' Contract N2013/328-160
Name/Position of Expert	Erik Svanidze, Senior Short-Term Expert (80 WDs in total in January-November 2017)
Mission to (country)	Ukraine

Introduction / Background / Overall Context

The Justice Sector Reform Strategy and Action Plan (JSRS/AP) 2015-2020 provides for a wide-ranging reform of the justice sector of Ukraine. Justice Sector Reform Strategy is the key policy document outlining the fundamental principles, objectives, main directions, priorities of the reform, as well as suggesting an overall roadmap and framework for its implementation. The JSRSAP, as more elaborated and itemised policy document, is the key instrumental for guiding, coordinating and monitoring the reform and ensuring its consolidation. In particular, it is aligned according to the twelve pillars (chapters) that are further split in areas of intervention, more specific actions, furnished with general chronology/timetable, intervention area-related measures/outputs, and outcome and pillar-related impact indicators, and means to implement it.

Following the approval of JSRSAP by the Judicial Reform Council (JRC) on 17 March 2015, the policy framework has been thereafter confirmed by way of President's Decree on 20 May 2015 and decision of Cabinet of Ministers on 19 August 2015.

Further operational itemisation of the JSRSAP is being ensured through its annual implementation plans (AIPs) for each of its twelve chapters. The first set of them was introduced for 2016.

The overall implementation of the reform and the policy instruments in issue is coordinated by the Judicial Reform Council (JRC) placed under the aegis of the President of Ukraine with the Presidential Administration acting as its Secretariat. According to the outline of the coordination mechanism suggested in action 12.1.1 of Chapter 12 of the JSRSAP it is to be supplemented by the Working Groups and Ministry of Justice (MoJ) acting as a part of the justice sector reform coordination mechanism at central operational level with other justice chain institutions and stakeholders contributing accordingly.

In the initial years of the current justice sector reform policy cycle the efforts were predominantly focused on ensuring actual implementation of the activities and achieving relevant milestones. As to reporting, monitoring and evaluation, they remained largely fragmented.

In the course of 2016 international development partners, including the Council of Europe (COE), have contributed to the improvement of the policy implementation framework. In particular COE provided recommendations and by the end of 2016 developed a JSRS and JSRSAP-based methodology for reviewing, measuring the progress and results of the justice sector reform in Ukraine (Progress Review Methodology - PRM). However, there was no streamlined coherent process-oriented output-based monitoring and reporting framework that would concern implementation of the policy instruments in issue.

Moreover, the justice sector institutions largely remained without regular strategic planning, policy development and implementation, including monitoring and

evaluation, specific programme-based budgeting capacities and relevant institutional arrangements.

Against this background, the Project has expanded its assistance over further enhancement of strategic planning and implementation frameworks.

Advancement of Annual Implementation Plans

Under the guidance and with immediate input of the Senior Non-Key Expert, supported by the team of national experts, the Project contributed to streamlining and advancing the format, structure and content of Annual Implementation Plans (AIPs). Their advanced activity-oriented version has been developed and used for 2017 AIPs that have provided more coherent break-down of JSRSAP for each of its 12 Chapters.

The AIPs (their tables, overall grid) now more consistently mirror the JSRSAP and they are appropriately structured in accordance with and clearly refer to the intervention areas and actions of the latter. The AIPs have included a completely new set of output indicators that are appropriate for operational planning and subsequent monitoring purposes. They are closely (by means of introducing relevant rows corresponding to each action) linked to the activities. While also indicating how the achievement of each 'output' (interim result) will correlate with the achievement of relevant 'outcomes' (final results). As a result, they now specify how each relevant result provided under JSRSAP is to be achieved by way of a particular measure/activity.

Having advanced AIPs as part of the JSRSAP mechanism allows to take into account the changing priorities each year without amending the JSRSAP itself, while also increasing the degree of local/institutional ownership of the whole initiative.

After the final cycle of consultations with the sector stakeholders, facilitated by the Project, the set of AIPs for 2017 have been adopted by JRC on its 2 June 2017 session, during which it also reviewed the key results of the JSRSAP implementation in 2016.

The 2017 AIPs have been uploaded and published on the JRC website. They are accessible both in Ukrainian and English on <http://jrc.org.ua/plan/en> (under the each Chapter of JSRSAP).

At the very final stage of the Project implementation, the SNKE designed and proposed an algorithm and uniform approach for developing the next set of AIPs. Based on the agreed approach the SNKE supported by the national experts facilitated development of draft 2018 AIPs that have been put at the JRC and sector stakeholders disposal for processing through further consultation procedures.

Strategic Planning and Relevant Capacities

By means of series of consultations, support in organising and holding its meeting, advising on the reporting scheme and format and other interventions, the Project assisted the JRC to reinforce its core role of acting as the central policy-setting and coordinating body in the process of JSRSAP implementation, monitoring and evaluation (M&E).

In addition, the SNKE, supported by the Project team carried out series of capacity building activities, meetings with the leadership of the MoJ and HCJ, its secretariat, as well as on the job coaching and training for the newly created Strategic Planning Department of the HCJ and relevant MoJ subdivisions in charge of strategic planning and policy development.

Both the MoJ and HCJ were assisted in streamlining their consolidated annual plans and synchronising them with the JSRSAP/AIPs.

The MoJ-related interventions continued the Project's contribution to the advancement of the strategic planning framework (specifically mentioned in Chapter 6 of the JSRS), development of Strategic Policy Documents and, at that stage, predominantly its internal strategic planning, monitoring and evaluation capacities with respect to implementation of the policy interventions falling under its immediate competition.

Under this assignment, the Project helped and specifically supported the advancement of MoJ capacities, role, and institutional setting through providing expert advice as to designing the structure, fine tuning functions and statute of newly created Directorate General of Strategic Development and EU Integration. After completion in late October 2017 of the selection process of its Director General, the SNKE, supported by the national consultants and TL, carried out series of her on the job coaching and discussions.

Moreover, the Project provided the HCJ, MoJ with expert inputs, consultations on policy interventions' cost estimation under the programme-based budgeting principles. As a separate deliverable the SNKE developed a Guide addressing these issues that has been presented to these beneficiaries accordingly.

In cooperation with the EU Advisory Mission, the SNKE contributed to series of consultations and drafting of the Road Map for Public Prosecution Service of Ukraine. In addition to providing substantial comments as to the set of activities and indicators, the contribution concerned specific emphasis on the RM consistency and synchronisation with the JSRSAP.

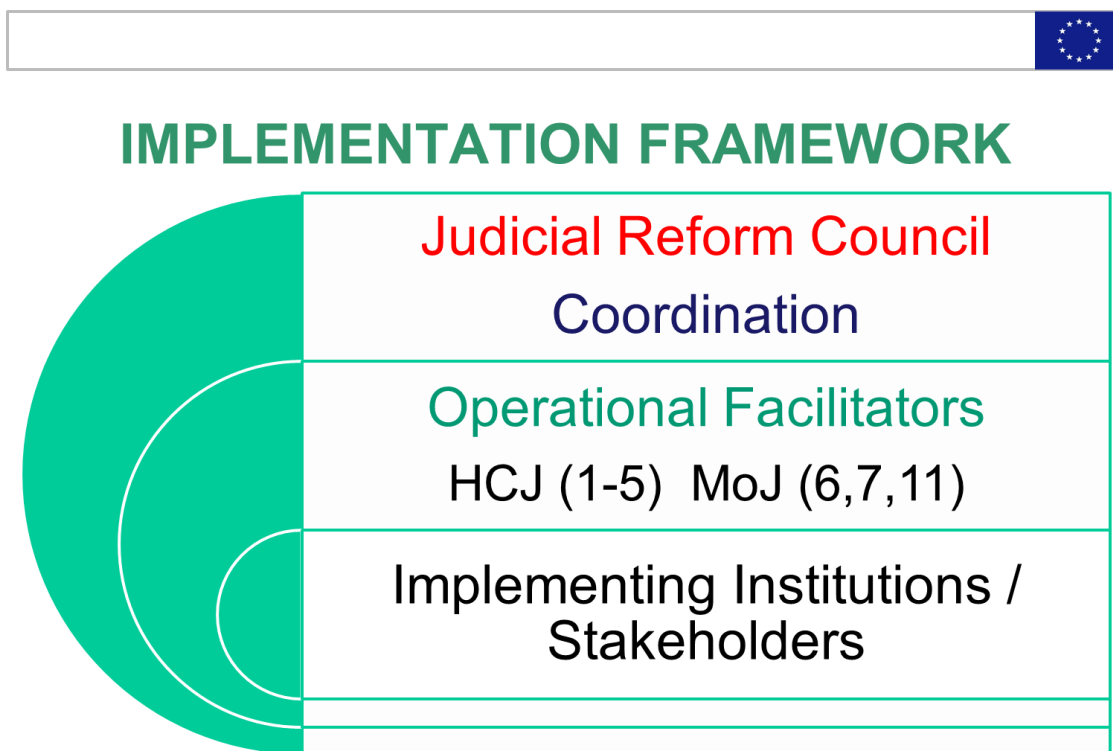
JSRSAP Monitoring and Reporting

The gap analysis carried out at the initial stage of this assignment confirmed that the JSRSAP implementation arrangements had been lacking a coherent and effective monitoring element of the monitoring and evaluation framework envisaged by the

JSRS and AP (its Chapter 12). As outlined,¹ while the evaluation component is being tackled by the Council of Europe, which has deigned the Progress Review Methodology representing only an evaluation (not a monitoring) tool, there was a need to supplement it by a process-related scrutiny arrangements that would follow and verify JSRSAP/AIPs implementation at the operational level, i.e. keeping track of carrying out the activities, actions, measures and delivering outputs envisaged by them.

In view of the limited human and other resurces available at the JRC secretariat, the Project supported designing a scheme that would involve HCJ and MoJ as intermeidary implementing (monitoring and reporting) facilitators with regard to respective chapters of the JSRSAP (1-5 and 6,7 and 11 respectively). This approach would reflect the specific institutional role of the HCJ within the judicial limb of the sector. As to the MoJ it would comply with its functions of operational coordinator in line with the relevant provisions of Chapter 12 of the JSRSAP. This instituional rrangeement could be illustrated by the following chart:

Chart 1. Institutional Set-up for JSRSAP implementation framework.



Furthermore, for the purposes of increasing the efficiency and consistency of coordination and monitoring the SNKE with the support of national experts of the Project designed and developed two JSRSAP-specific instruments:

1. An output oriented/weight assignment-based integrated monitoring and reporting tool;

¹ See the introductory section of this report.

The Information and Reporting Monitoring Tool provides a consistent scoring scheme based on the weight assignment approach (specifying the importance of each intervention carried out and indicators achieved) measuring an overall and relative progress (in terms of Chapters, areas of intervention, activities, indicators) denominated in percentages and other quantifiable data. Its automated Excel-based module (fed by both the monitoring and evaluation components) generates data, compiles tables and other informative instruments to be used for the reporting and overall management of the policy implementation.

The rationale and composition of the tool could be illustrated by the following charts:

Chart 2. Interrelation with the JSRSAP structure

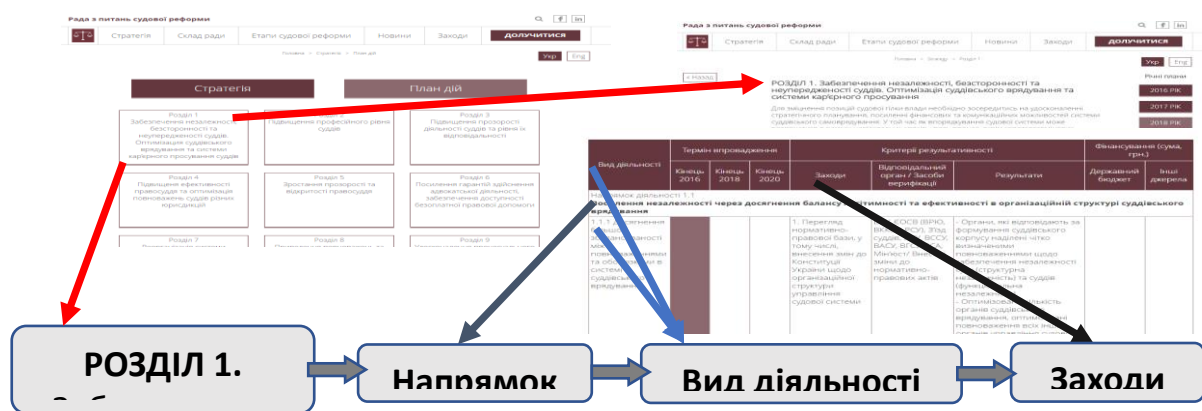


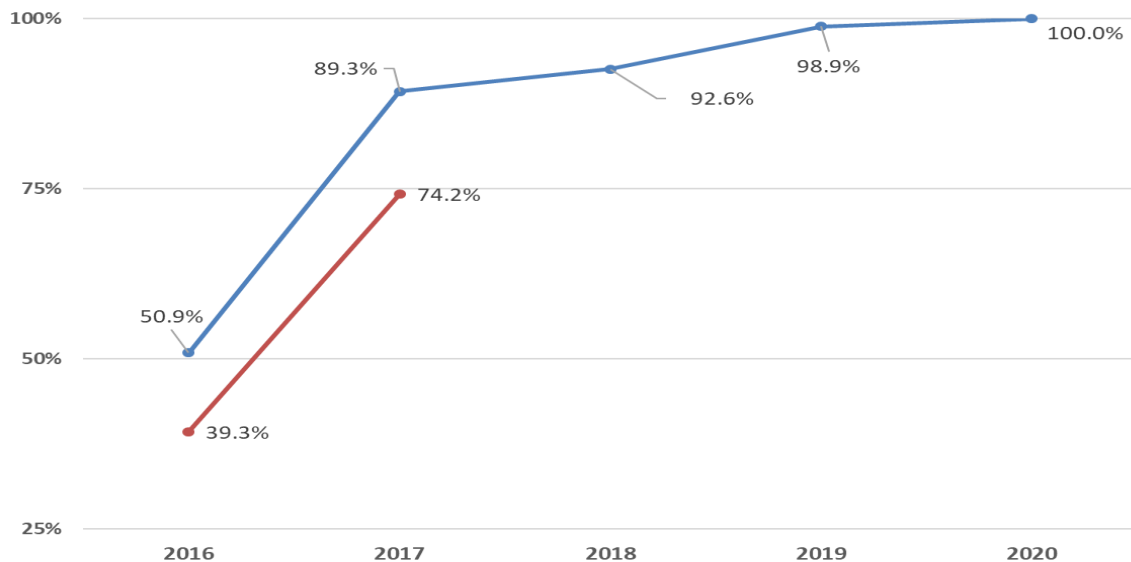
Chart 3. Sample measure-specific interface with indicators, scoring/weights and implementation calendar-based icons.

Захід	Відповідальний орган	Кроки	Прогрес	2016	2017	2018	2019	2020
1. Забезпечення належного функціонування Комітету з питань комунікацій в межах компетенції	ВРП	Визначено модель функціонування Комунікаційного комітету системи правосуддя	0,2	1	0	0	0	0
		Створені та затверджені правові основи функціонування Комітету	0,4	1	0	0	0	0
		Забезпечено створення Комітету	0,6	0	1	0	0	0
		Комітет належно функціонує	1	0	1	0	0	0
				40%	100%	100%	100%	100%

The tool, as an expert product, has been handed over to the HCJ and MoJ. The former, its Secretariat (Strategic Planning Department) took it over and by demonstrating full ownership reviewed its parameters (implementation strategies and indicators of many measures), as well as introduced implementation data in testing

regime. The output module generated reporting data and figures could be illustrated by the following chart:

Chart 4. Graph on JSRS Chapter 1 Implementation Status



The selected Director General of the Strategic Planning and European Integration Directorates of the MoJ has been introduced to and rendered on the job coaching for handling this tool accordingly.

Based on the information monitoring tool the SNKE have developed and suggested reporting formats and templates on JSRS/ and AP implementation to be applied in the JRC reporting cycle. They were provided to the JRC, which processed them in a trial reporting cycle, which, however, have not been fully completed by the end of the Project lifetime.

2. Justice sector external assistance online coordination platform (dashboard).

The Project (SNKE supported by national consultants) initially designed a concept model of the justice sector reform external assistance coordination platform (dashboard) that has been presented to the MoJ and accepted by its leadership and the unit, assigned by them for putting the tool into operation.

After a round of consultations, the concept model was handed to the IT specialists (of the relevant governmental agency), who developed an initial working model used for testing and further consultations as to its advancement and final set-up. The trial version is available on <https://minjust.gov.ua/dep/coordination-donor-help/rozdil-7-reorganizatsiya-sistemi-vikonannya-sudovih-rishen-ta-pidvischennya-efektivnosti-vikonavchogo-provadjennya> .

The selected Director General of the Strategic Planning and European Integration Directorates of the MoJ has been introduced to and rendered on the job coaching for handling this tool accordingly.

Further Action

Notwithstanding the outlined and Project's overall considerable assistance and specific inputs for advancing the justice stakeholders' strategic planning and JSRS/AP implementation capacities the scope of the area and issues concerned require further even more intrinsic support. Thus, the forthcoming EU Programme "Support to Rule of Law Reforms in Ukraine (PRAVO) in coordination with other international development partners are to consider it as a priority for their interventions. In particular, the relevant (strategic planning-specific) of PRAVO should focus on support to:

- Further advancement and reinforcement of the JSRSAP implementation framework, including processing AIPs, their integration into institution-specific planning schemes;
- Enhancement of analytical and reporting, coordination capacities, set-up and formats of the overall sector reform, JSRSAP implementation process and its proper communication;
- Advancement of the JRC operation, its working methods and formats;
- Maintaining (fully-fledged operation) and fine-tuning of the Integrated JSRSAP-based Monitoring and Reporting Tool and Justice Sector External Assistance Coordination Platform (Mechanism);
- Support to introduction and enhancement of strategic planning institutional and regulatory arrangements in all key (independent) stakeholder (line) institutions, with particular emphasis on the MoJ and HCJ, as well as, possibly, General Prosecutor's Office, as JSRSAP implementation facilitators.
- Appropriate introduction of programme-based budgeting methods (MTBF-oriented) of implementation of the JSRSAP and other policy instruments.