

ANNEX F: CASE STUDIES

Case Study 1

The programme against human trafficking in Belarus, Moldova and Ukraine, 2006-2014

Context: Trafficking of human beings is indicatively prevalent countries undergoing significant economic and/or political transition and conflict. That being said, trafficking is ubiquitous in the Danish neighbourhood region. In Belarus, Moldova, Ukraine and elsewhere in the region, there are close links between criminal networks that traffick human beings, and those that are involved in both the drug and arms trade.

Programme description: In this long-running programme, Danida supported and worked through the International Organisation for Migration (IOM). IOM had a strong international mandate and extensive track record for combating trafficking cells and had on-ground representation in all three countries. IOM partnered with national civil society and other relevant organisations. The programme had three continuous phases (2006-2009; 2009-2011; 2012-2014) and during the whole period, Denmark provided a total of EUR 75 million in support. In its last phase, the programme had three objectives:

- i. To promote a working national referral mechanism supported by primary and secondary legislative framework that is in-line with international standards and adopted by key stakeholders;
- ii. To develop sufficient human and institutional capacities to identify and assist victims of trafficking within governmental and non-governmental stakeholders; and,
- iii. To put in place an external and internal national referral mechanism, as well as a framework for monitoring and evaluation and quality assurance.

A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. (IOM)

What happened and what was done? The programme contributed to the development and adoption of a comprehensive law “on combating trafficking in human beings” in all three countries. Through diverse approaches, support was given to developing and adopting supplementary legislation in all three countries, which gave effect to the law including decrees on the national referral mechanism, and the establishment of comprehensive systems and procedures for supporting for victims of trafficking. A key intervention was the development of standard operating procedures providing a sound basis for coordinated action. The programme trained staff in all three countries to identify, refer and assist victims of trafficking. The capacity of the institutions involved were also strengthened, including civil society, to better provide services and support to victims. Support was also given to the development of monitoring systems that would bring greater transparency and accountability in methods for combating trafficking, and allowed them to be self-correcting.

Results achieved: Significant changes that occurred were:

- The NRM and the supportive legal framework is in place, has been consolidated, and is operational.
- Improvement of capacities, and enhanced cooperation between state and non-state actors in combating human trafficking, has led to substantial support to victims of trafficking and implementation of a widespread prevention programme.
- Systematic internal and external monitoring and evaluation of counter trafficking has improved in Moldova and Ukraine but still largely ad hoc in Belarus.

Impact and significance of the change. The promotion and consolidation of the NRM and the development of the supplementary legal framework has had a transformational impact on combating human trafficking because it has institutionalised and internalised – within government bodies and civil society organisations – the national referral and other mechanisms. Support to the legislative framework has been combined with a preventative programme and a gradual mind-set change that places the needs of the victims at the centre of the counter-trafficking response. As a result of the programme, state authorities increasingly recognise the valuable contribution of non-state actors in combating trafficking. This demonstrates transformative change, as it unlocks the actions of civil society, and by contributing to improved collaboration between actors, has made overall efforts more effective.

Providing direct assistance to some 3,000 victims of trafficking resulted in a high proportion achieving sustainable re-integration into society and the labour market, making a significant impact on the lives of those individuals, their families and communities. Likewise, preventative effects resulting from the programme has reached an estimated additional 4 million people.

Prospects for sustainability. At the end of the programme period, prospects for sustainability were considered good because the procedures were institutionalised in national/government services. However significant risks could remain if in the future governments fail to allocate sufficient financial resources for continued support, or the broader political situation deteriorates.

Case Study 2

“Technical Support to General Prosecutor’s Office Reform Ukraine”, implemented by the Council of Europe (Country Office Ukraine) (#36)

Context: A longstanding reform priority for Ukraine, the need for criminal justice reform has been highlighted since the country’s independence in 1991. Retaining many hallmarks of the Soviet system, the concentration of power within the general prosecution system in Ukraine has provided ample opportunity for both human rights violations and rampant corruption.

Programme Description: This project had a financial envelope of DKK 14 million over the period from 2012 to 2015. Its focus was the provision of technical assistance to the *implementation* of the new Criminal Procedure Code (CPC), which was adopted in 2012 and entered into force in 2013. A range of international donors and organisations supported the development of the CPC over a considerable period of time. The Council of Europe played a key role as a part of its function as the guardian of the European Convention on Human Rights and related legal and other instruments, and which have direct relevance for member states’ criminal justice systems. The project focused on key legal provisions in the CPC, including free legal aid, as well as the establishment of a State Bureau for Investigation (SBI) independent from the previous investigation function of the General Prosecutor’s Office.

The objectives of the project were: to contribute to the implementation of the new CPC through capacity building of the public prosecution; to assist in the drafting of the Law on the Public Prosecutor and the law on the State Bureau of Investigations of Ukraine in accordance with international standards; and the development of the capacity of prosecutors to work in accordance with human rights standards.

What happened and what was done? The project provided technical assistance, including legal advice on key pieces of legislation that had to be adopted in the wake of the new 2013 Criminal Procedure Code. This included advice on the new Law on the Public Prosecutor’s Office to ensure that

it is in-line with Council of Europe standards. The project also provided support to operational reforms, including the introduction of an electronic case management system which minimised opportunities for manipulation and corruption. Capacity building was another critical area - the project provided comprehensive training for professionals involved in the system of free legal aid in Ukraine, as well as piloting a court monitoring tool with the ombudsperson's office.

Results achieved

- The new Law on the Office of the Public Prosecutor (PPO) was drafted and adopted in 2013, and entered into force in 2014, and complies with CoE standards. The role of the prosecution has been limited, and it no longer has a general supervisory function over the execution of justice. Thus possibilities for the prosecution to influence the process has been limited, as well as opportunities for corruption within the prosecution system.
- The Law on the State Bureau for Investigation was adopted, separating investigation from prosecution. Therefore, the prosecution no longer performs key investigative functions - in particular where they relate to human rights violations perpetrated by law enforcement agencies (e.g., ill treatment and illegal detention, etc.).

Impact and significance of the change. Through this project, long outstanding reforms within the criminal justice system have been brought underway. The legal framework is now in place to bring the functioning of the prosecutorial system in-line with international human rights standards, while lessening opportunities for politicisation and corruption in the system. In the medium and long-term, this should result in greater public trust in the justice system, and in rule of law overall.

Prospects for sustainability. The free legal aid system is by-and-large able to operate without outside assistance. The legal reforms are sustainable.

Lessons learned. The Council of Europe as the guardian of the European Convention of Human Rights was well-placed to facilitate prosecution reforms in Ukraine. After decades of failed reform efforts, stakeholders within the justice system (i.e., those who must work within the reformed regime) were initially sceptical about whether the reforms would work, or whether there would be a loss of momentum at some point. The Council of Europe's persistence in maintaining the integrity of legal frameworks and safeguarding against changes, was crucial to establishing the trust of legal professionals that reforms will be seen through.

Case Study 3

Civil society support in Belarus, Ukraine, Moldova (#4)

Context: The Danish Neighbourhood Strategy highlights the importance of a vibrant civil society as agents of change and key stakeholders in the democratic process. The sector is still considered weak overall in Ukraine and Moldova, while in Belarus, without outside support, civil society would probably not survive the pressures of an authoritarian regime.

Programme description: This thematic programme contributed to more inclusive, democratic and rights-based governance by strengthening democracy and human rights through capacity development of civil society and human rights organisations. It built upon the previous experience of the Danish Neighbourhood Programme support to civil society development and democratisation. Covering four years from 2012-2016, the overall financial envelope of the programme is DKK 65 million. The implementing modalities were diverse and tailored to each particular context in these three countries. In Belarus, assistance is provided through a peer-to-peer partnership between Danish and Belarussian

NGOs. In Moldova, Denmark provided core support to the East Europe Foundation (EEF), a leading national NGO. And, in Ukraine, the support is implemented through a delegated partnership with the UNDP country office. The overarching thematic component in all three countries was a focus on organisational development and strengthening the NGOs' capacities to adopt a human-rights based approach in their work.

What happened and what was done? Danish funding supported different activities in each of the three countries. In Belarus, Danish NGOs and organisations cooperated based on specific issues (e.g., ecology, and human rights) and funding supported specific partnerships that had a history pre-dating the current phase of support. In Moldova, Danish funding went directly towards implementation of the EEF's organisational strategy. In Ukraine, the programme had a specific emphasis on reaching out to organisations outside the capital Kyiv, and consolidated capacities of a targeted group of more advanced NGOs to become "centres for excellence" for smaller, nascent civil society groups in their respective regions. Regional trainings and capacity building activities explored commonalities between these organisations, based on geographic proximity and shared history.

Results achieved:

- Danish support in Belarus provided a lifeline to civil society actors, helping them to survive and continue to function despite an oppressive regime. It strengthened peer-to-peer relations between Danish and Belarussian organisations. Funding also contributed to visible strengthening of issues-based civil society organisations, specifically in cases where their voice was taken into account by the government (thus making the organisations somewhat less vulnerable). Furthermore, these partner organisations introduced organisational reforms making their internal governance more democratic and accountable.
- In Moldova, Danish support consolidated the role of the EEF as the leading indigenous non-governmental organisation, and as a centre of excellence and a significant resource for civil society organisations (i.e., with the capacity to on-grant to smaller or nascent organisations across the country). Through support to issues-based coalitions, the EEF facilitated civil society access to key reform debates in the country.
- In Ukraine, Danish support was channelled through UNDP and established eight regional hubs of NGOs serving as resource and capacity building centres for smaller and nascent civil society groups in the respective geographic areas. Participating NGOs have strengthened their advocacy capacities, and had first results in attracting additional funding from the EU.
- From a regional point of view, the results are less certain. There was a demand for regional partnerships, but as interventions were issues-based this was not met by the regional aspect of the programme. There is also a question as to the implementing modality for the regional aspect, which was reminiscent of an early-1990s approach to civil society development (i.e., delegated through an international organisation).

Impact and significance of change. Without international support to civil society in Belarus, it is questionable whether these organisations could survive in the current climate. In Moldova, international assistance was competently administered by a national organisation. And in Ukraine, crucial support reached organisations outside the capital, and where there was traditionally a lack of donor attention and funding.

Prospects for sustainability. The continual survival and growth for civil society in these countries will depend - for the unforeseeable future - on outside donor assistance.

Lessons learned. Providing core funding to the EEF in Moldova was made possible through a partnership with Sida, who was the other donor and had already scrutinised EEF's suitability as a national implementing partner. NGO-to-NGO peer partnerships worked well, drawing upon specific Danish strengths that should be explored and leveraged in civil society support programmes in other countries.

Case Study 4

Support to agricultural and rural development in Danish neighbourhood countries (#8, #10, #15, #19, #23, #25, #28-29, #34)

Context: The Strategy of Denmark's development cooperation 'The Right to a Better Life' and Danish Neighbourhood Strategies 2008-2012 and 2013-2017 put significant importance on sustainable and inclusive economic growth, in which one of the most important domains was integrated agricultural and rural development. Many of the neighbourhood countries, such as Albania, Kosovo, Moldova, and Georgia, predominantly rely on agriculture and a rural economy, especially where poverty rates have been especially high. There have been numerous constraints for development of the agricultural sector in these countries, including: a) sector integration; physical, quality and knowledge infrastructures; b) efficient competitive and export policies; and, c) greatly varying dynamics in the local demography.

Projects description: The current portfolio of the Danish neighbourhood strategy in agricultural and rural development and education, consisted of 16 main interventions in seven countries. Most of the projects were implemented through financial agreements with governments, with a parallel delegation to international implementing partners. This set-up supported equal involvement of both authorities and experienced partners, contributing to both quality and commitment.

What happened and what was done? All the projects contributed to development of regional and local value chains through a similar intervention approach. This included: (i) supporting horizontal and vertical integration of value chain actors; (ii) introduction and testing of advanced technologies for farming and food processing; (iii) developing agricultural and quality infrastructures; (iv) educating both the private and public actors; (v) contributing to state agricultural policies; (vi) supporting the emergence of professional associations; and, (vii) promoting access to finance in agriculture.

Significant and integrative results achieved:

- Agricultural and rural development policies for the horizon of 2014-2020 were improved in Albania and Kosovo, by incorporating relatively complete value chain approaches. In these countries, Danish support helped prepare the capacities of both value chain participants and the state authorities for the EU IPARD programme (in Ukraine and Moldova, the EU ENPARD). Specifically, in Georgia, quality management regulations were also updated.
- A number of value chains in Albania, Ukraine and Georgia were established and improved in different ways. In Ukraine, there was small-scale direct access of producers to processors, and in Albania and Georgia, a few complete value chains of regional significance with integration and quality improvement effects. However, for the majority of grant sub-projects in these and other countries, the emergence of any value chains was not yet visible.
- The income of approximately 1,200,000¹ beneficiaries in seven countries was increased, as well as

¹ This is the rough estimate of the evaluation team based on an aggregate of the number of active beneficiaries in the projects' reports.

the level of seasonal employment in targeted areas. There has been also evidence of notable productivity increases.

- In Kosovo, Bosnia and Herzegovina much was achieved in strengthening specialised funding and micro-finance institutions, many of which became skilled in handling high-risk agricultural loans. Some stable and quickly developing consultancies in Albania, Kosovo and Ukraine were also supported.

Impact and significance of change. Supported value chains in Albania and Georgia have already impacted horizontal and vertical integration of value chain actors, as well as improved quality standards and export potential. Enhanced agricultural and rural development policies could further help authorities to increase efficiency of investments in the sector in the very near future, by providing a more competitive environment, higher productivity factors (e.g., infrastructure, research, education, technologies, and exchange), and reasonable financial policies.

Prospects for sustainability. Main results achieved within value chains as demonstrated above, could prove to be sustainable, as far as they are based purely on economic motives and factors. However, small-scale grant projects to farmers – distanced from any integrated value chains – may become unsustainable in the future. For example, particularly in Kosovo, the value chain interventions targeted disjointed farmers in too broad of an area.

Lessons learned. Critical success factors for value chain interventions are development of skilled and dedicated food processors and wholesalers, who can integrate suppliers and customers and are capable of advocating for fair competition and quality. It is worth to invest in value chains in areas where the concentration and likelihood of the consolidation of farmers and mutual learning is high enough, and where there is a physical possibility to access the processors and related infrastructure. A consistent approach of involvement of state partners in every step of the project cycle also ensures their commitment and usage of the results for policy decisions.

Case Study 5

Support to human rights and good governance (#9)

Context: The Strategy of Denmark's development cooperation 'The Right to a Better Life' and Danish Neighbourhood Strategies 2008-2012 and 2013-2017 specifically emphasized the importance of further enhancement of independent public institutions in their facilitating role of pluralism, and respect for human rights and democratic principles of governance. Danish support has been both relevant and timely in Albania, as the country has continuously experienced challenges in this area. These issues have been regularly highlighted by international organisations and in focus as a part of EU and members' states policy dialogue with the country for most of the last decade. Additionally, systemic issues have been prevalent in Albania, specifically related to capacities, and coordinated and joint functioning of human rights protection entities.

Project description: Danish support to the Ombudsman institution has been ongoing since 2011, until the end of 2016. The project was designed with three components: a) outreach to and increasing presence of Ombudsman institutions in the regions of Albania; b) strengthening oversight of the situation with human rights in the penitentiary system; and, c) increasing freedom of information, by improving cooperation with media and civil society. Originally, the project did not foresee any physical on-site support. However, based on local requests, a project management unit and component

coordinators were hired and deployed in the first year of operation – a relevant step forward to more efficiently build the capacity of the ombudsman institution.

What happened and what was done? The project availed timely support to cover most urgent systemic needs of the Ombudsman office, beginning with the policy framework. The project further supported the Ombudsman’s core functions of human rights protection oversight, and adequate response to violations in the regions and the penitentiary system. This included: (i) the analytic, information management, and reporting capacities of the institution; (ii) the practices of liaison with public administrations; (iii) formulation of quality requests; and, (iv) the practices of cooperation with NGOs and the media, and their involvement in the work in regions and with the penitentiary. The project also helped establish an efficient cooperation with the penitentiary department and the regional administrations.

Significant and integrative results achieved:

- The first policy framework was established by supporting the finalisation and implementation of the first Strategy of the Ombudsman Institution (2013-2015).
- The Ombudsman institution’s capacity to handle complaints was significantly increased, with 350 complaints handled in only the first four months of 2016, versus an annual average of 200 before. Furthermore, seven full-time regional offices were funded from the state budget.
- Oversight over detention places, and NGO’s capacities to engage, was strengthened. The scope of the coverage of inspections was widened from police pre-detention and detention facilities, to military facilities, psychiatric centres, and centres for handling illegal migrants and victims of human trafficking.

Impact and significance of change. As result of Danish support, the public and professional profile and trust for the Ombudsman institution was notably increased. The quality and comprehensiveness of voicing of human rights violations by the institution was significantly reinforced, and currently key international partners (e.g., EU, OSCE, and Council of Europe) rely on the Ombudsman institution’s reports to input on their human rights dialogue within the country. Thanks to the increased regional presence and cooperation with NGOs, a direct and efficient interface was established with regional authorities. The capacity of the institution to inspect penitentiary and other human rights sensitive entities was also increased. These developments could foster continued positive impacts on the human rights situation in Albania. However, a slightly missed opportunity, has been the lack of any updates on the policy framework.

Prospects for sustainability. There are already strong signs that the success and high profile of the Ombudsman will lead to further support from other donors, possibly ensuring sustainability when Danish support ends. The current budget is only sufficient to cover salaries and operations for the time being. Without an increase in the recurrent budget, activities related to the involvement of NGOs, media and wider stakeholder discussions may cease or significantly be reduced in scope.

Lessons learned. A specific country strategy for Danish support would better map and coordinate with other development partners, particularly in regard to parallel and continuous support to the Ombudsman institution. Likewise, an inclusion and budgeting of a possible specific task on *legal-institutional analysis* would make it possible to advise on how to increase the internal organisation of the Ombudsman institution (taking into account legal and institutional changes of 2014-2015), and how to coordinate better with other human rights protection entities.