



ANNEX 1

of the Commission Implementing Decision on the Special Measure III 2016 on Support to Rule of Law Reforms in Ukraine (PRAVO)

Action Document for Support to Rule of Law Reforms in Ukraine (PRAVO)

1. Title/basic act/ CRIS number	Support to Rule of Law Reforms in Ukraine (PRAVO) CRIS number: ENI/2016/039-835 , financed under European Neighbourhood Instrument			
2. Zone benefiting from the action/location	Neighbourhood East The action shall be carried out at the following location: Ukraine			
3. Programming document	Not available (programming process for 2014-2017 was halted due to the ongoing unrest and uncertainty in Ukraine)			
4. Sector of concentration/ thematic area	Legal and Judicial Development	DEV. Aid: NO		
5. Amounts concerned	Total estimated cost: EUR 52.5 million Total amount of EU budget contribution: EUR 52.5 million			
6. Aid modality(ies) and implementation modality(ies)	Project Modality <ul style="list-style-type: none"> • Indirect management with Expertise France • Indirect management with UNOPS • Direct management – procurement of services 			
7. DAC code(s)	15130 Legal and Judicial Development			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective

	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagship	n/a			

SUMMARY

Two and a half years after the "Euromaidan" protests, rule of law reforms in Ukraine have been initiated but need significant acceleration at a time when the Ukrainian public expects more than ever an impartial judiciary, a corruption-free public prosecution service and a community-oriented police. Rule of law reforms were declared a priority by the Ukrainian authorities since 2014 and are essential for the much needed improvement of the investment climate and the stimulation of economic growth in the country. Progress was made on the legislative front, with constitutional amendments and a new law on the judiciary having been recently adopted, new legislation creating the National Police and framing the role of public prosecution already in force and new anticorruption bodies established. This constitutes a solid basis for a comprehensive reform of the sector, in line with the approved Justice Sector Reform Strategy and the Reform Plan of the National Police.

Significant challenges remain in the implementation of reforms. This notably concerns the far-reaching reorganisation of the courts and the renewal of the judicial corps foreseen by the new legislation on the judiciary. In addition, the development of a proper strategic framework for law enforcement and improved coordination of rule of law reforms, a further delineation of responsibilities, the need of increased capacity and funding, the reduction of the influence of vested interests and the elimination of widespread corruption need to be addressed as a matter of priority.

International donors, among which the EU, have provided substantial support to the Ukrainian reform which helped developing reform legislation and methodologies.

However, with the focus shifting from legislation to implementation, significant additional resources will be required to ensure that reforms of judiciary, prosecution and the police are put in place countrywide.

This new initiative is expected to assist Ukraine in this endeavour and to step up the current support to rule of law reforms by providing – alongside the new EU-funded Anti-corruption and Public Administration Reform (PAR) support measures and the EU Advisory Mission for civilian security sector reform (EUAM) - necessary capacity building and equipment for efficient and sustainable reform. Two main areas of support are envisaged:

Component 1 will provide support to justice sector reforms, focussing on a number of key reform areas, namely the judiciary, the enforcement of judgments, improved access to justice, state registers and the execution of sanctions;

Component 2 will support reforms in the law enforcement sector with a particular focus on police reform. This part of the action will be carried out in close coordination and in

complementarity with the activities of the EU Advisory Mission and focus on improving the strategic framework, strengthening capacity for community and public order policing, criminal investigation and human resources management.

This initiative will be implemented by Expertise France (Component 1) and UNOPS (Component 2) in line with the regular policy dialogue between the EU and the Ukrainian authorities. As the initiative capitalises on the top level political commitments of the Ukrainian authorities and directly caters for the most pressing reform needs expressed by them, its sustainability is ensured already at the design stage.

1. CONTEXT

1.1. Sector/Country/Regional context/Thematic area

1.1.1 *Public Policy Assessment and EU Policy Framework*

Following its independence, Ukraine declared a commitment to the rule of law through its Constitution and its accession to various international treaties. Yet, after more than two decades of reforms supported with substantial financial and technical resources from the international community, Ukraine still scores relatively poorly on rule of law compliance¹. The undisguised use of judiciary, prosecution and law enforcement by state authorities as oppression tools during the "Euromaidan" protests in winter 2013-2014 brought the shortcomings of the rule of law system to international attention more acutely than before. The subsequent ousting of the Yanukovich regime opened a window of opportunity for substantial change in this area and the President as well as the two recent Ukrainian Governments have declared that a significant and concerted reform of the country's rule of law sector was a necessary precondition in order to consolidate the on-going efforts to further associate politically with the EU.

Specific reform needs were identified and first steps have been initiated to address shortcomings in the rule of law area. However, Ukrainian political forces have so far failed to deliver significant results on rule of law reforms. The general public trust in the core state institutions, such as the judiciary and prosecution, remains dramatically low². Significant further efforts are needed to bring about tangible results on the ground and guarantee the sustainability of reforms.

The **EU-Ukraine Association Agreement (AA)**, which was signed by both parties in March and June 2014, respectively, constitutes a significant upgrade of the EU-Ukraine relations, provides a solid basis for EU-Ukraine cooperation on Rule of Law reform. Several provisions of the agreement refer to the importance of consolidating the rule of law and the reinforcement of institutions at all levels. The principle of the respect for the rule of law constitutes an essential element of the Association Agreement. The rule of law principle also figures prominently in the Association Agenda, the political roadmap for the implementation of the Association Agreement. Improved respect for the rule of law principle is also important for unlocking the full potential of the **Deep and Comprehensive Free Trade Area (DCFTA)**, which forms part of the Association

¹ According to the World Justice Project Rule of Law Index, 2015, out of 102 countries Ukraine was ranked the 70th according to its rule of law requirements implementation.

² OECD findings of 2014 suggest that Ukraine occupies the final position as to the degree of confidence in courts (12%) compared to other member states. A national survey of July 2015 suggests that only 5% of citizens trust the courts fully or partly, while 79 percent have no confidence in them.

Agreement and applies provisionally since January 2016. If implemented in a timely manner, the DCFTA, will help improve the business and investment climate in the country. Transparency and predictability of the legal framework and the rule of law institutions should stimulate the inflow of foreign investments which are needed for the modernisation of the economy.

The **European Convention of Human Rights**, which was ratified by Ukraine in 1997, sets a number of rule of law standards. Thus, the judiciary must be independent and impartial, trials must be fair, conducted within reasonable time, rights of defence must be respected, inhumane and degrading treatment by state authorities is prohibited etc. Ukraine is member of the **Venice Commission of Democracy through Law** and the **Council of States against Corruption (GRECO)** which have issued extensive recommendations on reform legislation and implementation, in particular in the area of rule of law.

The **EU-Ukraine Visa Liberalisation Dialogue** was launched in October 2008. In November 2010, the European Commission presented the Ukrainian Government with an action plan on visa liberalisation (VLAP) in which it committed itself to proposing visa-free travel for Ukrainian citizens as soon as all the benchmarks set in the VLAP had been met. The VLAP required Ukraine notably to strengthen its capacity to fight against corruption and cross-border crime and to co-ordinate operations between law-enforcement agencies, especially border guards, police, customs officers, as well as cooperation with the judicial authorities.

The Commission's sixth, final Progress Report of December 2015 concluded that the VLAP benchmarks had been achieved taking into account a number of commitments from the Ukrainian government. In April 2016, the Commission adopted the proposal to make the necessary legislative changes. The decision-making process in the European Parliament and the Council is ongoing.

Since 2014, Ukraine has initiated a number of reforms in the area of rule of law (understood as comprising the justice sector, including prosecution, and the law enforcement sector):

Justice sector

Under pressure from civil society, the Government appointed in February 2014 adopted in April 2014 a "Law on **Restoration of Trust in the Judiciary**", which provided for a vetting process for judges who adopted manifestly unfair decisions against "Euromaidan" protesters. The implementation resulted in several judicial dismissals but, ultimately, failed to deliver the restoration of trust into the judicial profession. The prevailing expert opinion is still that judiciary in Ukraine is institutionally weak, corrupt and subject to political interference.

The judicial reform in Ukraine accelerated with the adoption of the law "On ensuring the **right to a fair trial**" adopted in February 2015. This law allowed for a renewal of membership of the High Council of Justice and the High Qualification Commission of Judges and reinforced the principle of merit-based selection of judges. The law "**On Public Prosecution**", which came into force in July 2015, abolished the so called "general supervision powers" of the prosecution service and provide for the establishment of a system of prosecutorial self-governance. The law also triggered the local prosecutors' offices reform (drastic reduction from over 600 to just above 170 offices Ukraine-wide) and the subsequent local prosecutors' reappointment exercise, supported by the EU.

The UA Government (GoU) is sensitive to gender issues and provides legislative as well as enforcement measures for achieving gender equality, but there is still an imbalance between de jure and de facto women's rights and opportunities. In particular, women are still underrepresented in high-ranking positions in the justice sector institutions, and the problem of elimination of discrimination against women is still far from resolved.

In June 2016, amendments to the **Constitution of Ukraine concerning the judiciary**, which the Venice Commission assessed as being generally compliant with internationally-recognised standards, were adopted by the Parliament. On the same day, Parliament adopted a **new law on the judicial system and the status of judges**, which notably foresees the creation of a new Supreme Court, and specialised anti-corruption and patent courts (art.31 of the Law), simplifies the Ukrainian court system by abolishing High Administrative, Commercial (Economic) and Specialised (Criminal and Civil) Courts and provides for open competitions for judicial positions. Together, these amendments paved the way for a far-reaching and comprehensive judicial reform in Ukraine.

In July 2016, the President of Ukraine signed a legislative package aimed at reforming the **enforcement of judicial decisions**. The laws will become effective in October 2016 and aim at making the existing enforcement procedure more efficient by streamlining the procedure and by introducing the role of private enforcement officers who will be authorized to enforce court decisions (with certain exceptions) alongside the state enforcement officers. The laws also provide for the establishment of a Register of Debtors which will make information on non-fulfilled pecuniary liabilities publicly available. The system of **free legal aid** is in the process of being reformed by establishing a country-wide network providing assistance to vulnerable groups.

As a result of concerted efforts driven with the assistance of the EU-funded Project to Support Justice Sector Reforms, a sensible improvement in the **sector policy and reform coordination** has taken place. In March 2015, the **Justice Sector Reform Strategy 2015 – 2020 (JSRS)** and **Action Plan** was approved, which brought together all justice sector stakeholders (Government, judiciary, public prosecution, police, bar, etc.) around a roadmap of the sector-wide reforms. The JSRS is being implemented through Annual Implementation Plans, drawn up by each justice sector stakeholder; this exercise is coordinated by the Justice Reform Council. The JSRS AP consists of 12 Chapters in accordance with the following core areas of intervention:

- increasing independence, competence, accountability and efficiency of judiciary (Chapters 1-4),
- increasing transparency and access to justice, including Bar, legal aid and enforcement system (Chapters 5-7),
- improving criminal justice, including institutional development of the Public Prosecutor's Office (PPO), fairness and defence rights, fight against organised crime and corruption, and execution of sanctions (Chapters 8-11),
- and better reform coordination and interoperability of justice sector information systems (Chapter 12).

Law Enforcement Sector/Police

The law enforcement sector in Ukraine is characterised by a multitude of agencies, in particular the National Police, State Border Guard Service, State Fiscal Service, Security Service of Ukraine and the recently created National Anti-Corruption Bureau. In 2017, a new agency, the State Bureau of Investigations, will be established to investigate criminal offences of law enforcement officials.

The **National Police of Ukraine** was created by the **Law on police** from July 2015, which is in force since November 2015³ and separated operational policing functions from the Ministry of Internal Affairs. This is the first time that Ukraine has a national police service in the Western sense – previous policing functions having been carried out by the "militsiya", a state-protection apparatus under, but integrated within the Ministry.

In 2015, one of the most visible "showcase" reforms was launched with the assistance of the US, Canada and Japan through the creation of the **Patrol Police** in the 19 biggest cities of the country and rolled out to 32 cities and 3 oblast of Ukraine⁴ by June 2016. The patrol police recruited candidates in a general competition open to all citizens up to 35 years of age. In parallel, a re-attestation process of former militsiya staff is taking place with the aim to integrate successful staff in the new National Police and removing officers found unfit for duty. With support from the EU Advisory Mission to Ukraine the NPU launched the process of creating rapid reaction units in small cities and rayons (districts) not covered by the roll-out of the patrol police. The rapid reaction units are inspired from the so-called "Sambir model" where a reorganisation of the police station led to a significant decrease in the police reaction time to calls.

So far, a large part of reforms targeted the central level and main population centres (in the case of the Patrol Police). While this remains important, more emphasis needs to be put on the regional dimension of reform. There is a need for increasing trust in law enforcement agencies to further stabilise the country. Shortcomings in professional training and further efforts to sustain the police are now at the forefront of needs.

The reputation of law enforcement officials reached new lows following their inability to react adequately and trust levels remain far below optimum because the law enforcement institutions had always been viewed by the corrupt Ukrainian "authorities - dislodged by the "Euromaidan" - as a handy tool of political and economic coercion against their opponents as well as a means of corrupt "moneymaking". It is thus of utmost importance to professionalise and modernise the police's public order capacities and reinforce the perception of the police as a trustworthy and citizen-oriented force contributing to stability.

The **National Security and Defence Council**, a coordination body under the President, has so far not addressed any major issues related to internal rule of law matters or police reform. An overarching strategic view of the Ukrainian authorities in the area of law enforcement reform is missing while an **Action Plan on Law Enforcement Reform** and its offshoot, **the National Police of Ukraine Reform Plan 2016-2017** lay out some reform steps. The NPU reform plan identifies five specific areas for further attention, in accordance with the declared priorities of the Head of the NPU:

- Sustainability of the Patrol Police
- Community Policing

³ <http://zakon3.rada.gov.ua/laws/show/580-19/print1453395159680995>

⁴ <http://patrol.police.gov.ua/2016/05/30/patrolnu-politsiyu-zapustyly-v-31-misti-ukrayiny-mariupoli>

- Human Resources
- Criminal Investigations
- Public Order

Both documents set out a number of goals but need to be complemented with details on how these goals will be achieved as well as the processes required. Working groups on each of the above mentioned areas, composed of representatives of the Ukrainian authorities and the international donor projects active in the country in these sectors meet regularly to improve the strategic framework and further monitor it during implementation.

Human Rights

In December 2015, Ukraine adopted the **National Human Rights Strategy and its Action Plan (2016-20)** which is relevant for a specific set of rule of law related issues. The adoption of the Human Rights Action Plan, however, has not been paralleled with financial estimations or Ministry of Finance budget capabilities, which makes its implementation in the planned timeline challenging. The following goals related to fundamental freedoms and human rights are to be addressed in accordance to article 14 of the Association Agreement:

- a) Ensuring the right to privacy: abandon the use of collective-type prisons in favour of personal detention; stipulate an exhaustive list of circumstances for law enforcement agencies (especially police) to legally apply operational, search, and detention activities;
- b) Ensuring the freedom of assembly: develop a draft law and review MoI internal instructions on the protection of peaceful assembly;
- c) Raising awareness: introduce knowledge of human rights as a minimum requirement for security officials' performance of their duties (hiring, education, training, recertification, and promotions).

1.1.2 Stakeholder analysis

The rule of law sector comprises a variety of stakeholders, ranging from the responsible Ministries – Ministry of Justice and Interior, various independent or semi-independent institutions (courts, public prosecutors' office, specialised criminal investigative services, such as a recently set-up anti-corruption service, NABU) to private corporations and professional associations (lawyers, bailiffs, notaries). Moreover, civil society institutions and the parliament play a vital role by exercising public oversight over rule of law reforms. These stakeholders are also the final beneficiaries of the programme; ultimately, also Ukraine's population as a whole will benefit from improvements in the rule of law area.

In July 2016, Ukrainian decision maker institutions (the Presidential Administration and the Ministry of Justice) were made aware and consulted on the planned initiative, which is fully compliant with the Ukrainian authorities' commitment to the reforms: the Justice Sector Reform Strategy 2015-2020 Action Plan and also the National Police of Ukraine Reform Plan 2016-2017.

Justice Sector Stakeholders

The Ministry of Justice (MoJ) is directly responsible for a number of reforms which this programme aims at supporting, notably the enforcement of judgments, state registers and the

execution of sanctions/probation which are handled by separate departments of the MoJ, e.g. the **Registration Department** and the **State Enforcement Service**. In addition, the MoJ is, primary, responsible for justice sector legislation and is a main actor in the coordination of sector reform policy.

The judiciary. Ukraine has more than 8000 judges and 700 courts whose interests are represented by a complex system of self-governance bodies:

The **High Council of Justice** consists of 20 members and is responsible for general policy decisions such as the appointment of judges as well as disciplinary proceedings for the judges of the highest courts. The **High Judicial Qualifications Commission** conducts the selection of judicial candidates, submits to the High Council of Justice recommendations on the appointment of candidate judges, and conducts disciplinary proceedings for lower court judges, which may result in dismissals. The **Council of Judges** (in the periods between the meetings of the Congress of judges, the highest self-governance body) is responsible for ensuring the implementation of the decisions of the Congress of Judges and to take measures ensuring the independence of judges. The **State Judicial Administration** provides organizational support of the judiciary and represents the judiciary to the Cabinet of Ministers and the Verhovna Rada.

The Public Prosecutor's Office (PPO) is responsible for opening criminal investigations and bringing cases to court. The 2014 Law on the PPO creates the legal framework for turning the old Soviet-style "procuratura" into a prosecution office compliant with European standards but implementation is lagging behind. As of April 2017, the selection, promotion and disciplinary sanctioning of prosecutors will be the responsibility of newly created self-governance bodies, notably the Qualification and Disciplinary Commission.

Law Enforcement Sector

The **Ministry of Interior's (MoI)** overarching challenge has been to break with its role as a post-Soviet 'police ministry'. The ministry is in the process of developing into a responsive state body that effectively performs all functions critical to competent policy-making, including strategic planning and legal drafting. The establishment of a separate National Police was a first step on the way of the MoI to ensure civilian control, civilian management and public oversight of its subordinated agencies.

The National Police of Ukraine (NPU). The NPU, comprised of approximately 130,000 staff, was created in November 2015 and separated from the Ministry of Interior (MoI). Previous policing functions were carried out by the militsiya, a state-protection apparatus integrated within the MoI. The separation still needs to be fully implemented, in particular as far as infrastructure, human resources as well as command/reporting lines is concerned. A key priority for the MoI and the police is the reform of public order policing and implement principles of community policing.

The State Bureau of Investigations (SBI) will be established as of 2017 as a law enforcement agency with the aim of prevention, detection, suppression and solving crimes including corruption-related offences committed by officials holding positions of high responsibility, certain categories of civil servants, judges and law enforcement officers, NABU officials and Special Anti-Corruption Prosecutor's Office (SACPO) prosecutors.

The Security Service of Ukraine (SSU) is a powerful agency which, in addition to intelligence activities, is responsible for investigating threats to the security of the country, terrorism, protection of state secrets and inviolability of state borders, crimes against peace, security of mankind and international legal order as well as trafficking of drugs and human beings.

The State Border Guard Service of Ukraine is a law-enforcement agency coordinated by MoI responsible for border management and the disclosure of border-related crimes.

The Tax authority (Tax Police) has jurisdiction to investigate a limited list of economic and related crimes, in particular tax fraud.

Verhovna Rada (the Parliament) is responsible, i. a., to exercise parliamentary oversight over rule of law reform. The 27 committees of the parliament conduct the main oversight work of the Verhovna Rada. The committees have wide oversight powers which include the role of reviewing the actions of national and local authorities and state agencies, assessing implementation of national programmes, making recommendations for the national budget in the committee’s areas of competence, and interacting with the Accounting Chamber and the Parliamentary Commissioner on Human Rights (Ombudsman’s office). The committees in charge of rule of law reform are the Committee on Legal Policy and Justice as well as the Committee on Legislative Support of Law Enforcement.⁵

Civil Society Organisations pay a key role as one of the main driving forces in the Ukrainian reform process. They are also actively engaged in drafting and advocating modern legislation on Rule of law reform. Representatives of civil society also sit in public oversight councils of relevant rule of law institutions.

1.1.3 Priority areas for support/problem analysis

The problems of the sector can be summarized as follows:

Priority areas	Problem analysis
Improved strategic framework (in law enforcement), policy development and coordination	<ul style="list-style-type: none"> • Strategic framework: While a comprehensive reform strategy with clear outcome-oriented targets is in place in the justice sector – the Justice Sector Reform Strategy and Action Plan 2015-2020, no such vision exists for the law enforcement sector yet. • Reform coordination: Responsibility for reform of the rule of law is dispersed between a multitude of actors. The law enforcement sector has a number of law enforcement agencies in addition to the police, not all of which fall under the remit of the MoI. The justice sector covers, in addition to the MoJ and its services, independent (judiciary, prosecution) and private bodies (lawyers, notaries, private enforcement officers). While certain institutions were designated to coordinate reform,

⁵ <http://gapp.rada.gov.ua/radatransl/Home/Committees/en>

	<p>such as the National Security and Defence Council (NSDC) and the Judicial Reform Council under the President of Ukraine (for justice sector), coordination mechanisms are weak.</p>
<p>Increased capacity and funding to implement reforms in the justice and law enforcement/police sector</p>	<p>Reform implementation capacity in the justice and law enforcement sector needs to be strengthened. Exposure to international best practices, increased funding, equipment and administrative capacity are needed, otherwise urgent reform cannot be implemented. This is particularly relevant for the following areas:</p> <ul style="list-style-type: none"> • <u>Judicial reform</u>: Efforts to "cleanse/renew the judicial corps" have so far only had limited effect. The adoption of the constitutional amendments and new legislation on the judiciary open new possibilities in this respect; the implementation of these changes require significant support in the selection/evaluation process as well as measures to prevent corruption in and political influence on the judiciary. Support is needed to ensure that all vetted judges and prosecutors will benefit from judicial training, including on European standards and deontology. Transparent procedures for merit-based recruitment and performance management need to be introduced. The complexity of the judicial self-governance structures should be streamlined to improve the representation of judges' interests and strengthen their independence. Training capacities in certain areas need to be reinforced, in particular in the area of administrative law (in order to ensure adequate application of the future law on administrative procedures) and in the area of financial crime. • <u>Legal aid</u>: it will need to be ensured that the current system of state legal aid provides adequate access to legal advice in criminal, civil and administrative cases. • <u>Enforcement of judgments</u>: The lack of a properly functioning enforcement system can be characterised as one of the biggest problems in the Ukrainian justice sector on account of the number of violations found by the European Court of Human Rights against the country. The implementation of the recently adopted reform legislation will require substantial support in order to create an effective and accessible enforcement system.. • <u>Registers</u>: The Ministry of Justice is currently running an inefficient system of registers (property, business, civil

	<p>status), which is characterised by an extreme fragmentation in terms of number and ownership, duplication of information and lack of interoperability between different registers. Better-run registers would contribute to improving property-right protection, increasing ability to self-finance register services while providing more accessible and better service to citizens. Quality control mechanisms need to be in place to accompany the process of decentralization of register services to local authorities and outsourcing to private notaries.</p> <ul style="list-style-type: none"> • <u>Law Enforcement institutions/Police reform:</u> Ukraine's law enforcement system, in particular the police, lacks professionalism and effectiveness. The system needs to undergo a radical transformation to cease attempting to control society through oppression and introduce European models of intelligence-led and community policing. Police stations throughout the country need to be reorganised and refurbished to reflect the new service-oriented approach and improve reaction-time. The criminal investigation capacity is weak, mainly due to an inefficient organisational structure and lack of efficient case-management system. Training capacity to implement modern concepts of community policing and public order policing across the country needs to be upgraded. • <u>Execution of sanctions (probation):</u> There is a significant need for understanding probation as the most effective crime prevention tool among justice sector stakeholders. Retribution and imprisonment-oriented sentencing approaches still prevail in the core legal community.
<p>Improved Human Resource Management</p>	<ul style="list-style-type: none"> • The principle of merit-based recruitment was introduced in the police, the prosecution and the judiciary, but implementation of the principle will require capacity building and – for larger recruitment or re-attestation exercises – support with the provision of evaluation services. • HR tools allow to evaluate the candidates' integrity already during at the selection procedure, thereby reducing the risk of illicit enrichment/corruption among sector staff. • Capacities for training, career management, including to improve access of women to management positions, as well as standards for ethics and integrity in the sector need to be further strengthened. • The lack of adequate salaries in parts of the sector makes

	it difficult to attract new talent.
Increased use of modern technologies and IT solutions	<ul style="list-style-type: none"> • Modern IT solutions are underused in the rule of law sector. The introduction of modern IT tools in the judiciary (e-justice) would help streamline and rationalise procedures, saving time and costs. • A wider use of IT tools will help fighting corruption, e.g. electronic registration of cases reduces possibilities to let files "disappear". • Criminal investigations cannot be efficiently carried out without recourse to modern investigation techniques and IT tools. • Cooperation between different law enforcement agencies, the prosecution and the courts will be facilitated by the introduction of an e-case management system for criminal cases.
Reduction of resistance to rule of law reforms from certain sector stakeholders and vested interests	<ul style="list-style-type: none"> • There are strong vested interests at both central and local level who want to maintain the possibility of influencing the judiciary, prosecution and law enforcement agencies in their favour (or to the disadvantage of their political or economic competitors). • Attempts to stall reforms are often subtle, taking the form of technical amendments to reform legislation or the manipulation of a selection process to ensure that an institution has a certain political allegiance.
Improved public communication on reform implementation	<ul style="list-style-type: none"> • There is also no effective mechanism in place to ensure that actual progress on the implementation of reforms can be properly communicated to the general public, thereby reassuring public opinion that things are moving forward. • Ukraine needs support with the design of specific communication campaigns to help the sector stakeholders to report about reform implementation in a more effective and coordinated manner.
Improved use of allotted state and donor funds by the sector institutions	<ul style="list-style-type: none"> • Although the judiciary and the police have received increased funding from the state budget over the last two years, there are still no funds available for significant investments, e.g. in IT. • Ukraine needs to use modern budgeting techniques and achieve better use of resources, with the first step conducting functional reviews of each sector institution

2. RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Political instability, changes within the Government (GoU)	High	Ensure wide consultations with technical level representatives from the UA side and a good broad understanding of the objectives of the strategy which should be universally accepted by the political elites and resist to potential political changes.
Lack of support at political level and the level of judiciary for the implementation of rule of law reform or its specific directions / measures, lack of willingness to pay adequate salaries to officials across the sector	Substantial	At this point in time political will appears to be there in principle. Specific commitment to reform strategy and implementation, in particular on the law enforcement sector, should be sought from the political leadership in parallel with the preparation of the action. The envisaged support measure is expected to act as an incentive for the Ukrainian authorities to engage in related policy discussions with the EU. Synergies are also to be expected from the fact that this action is to be implemented alongside the EU "Support to Comprehensive Public Administration Reform in Ukraine" programme, which aims at supporting Ukraine in implementing a comprehensive Public Administration Reform (PAR).
Management of law enforcement reform process is weak or not institutionalised (e.g. there is not yet a body/institution designated to be in charge of reforms in this area)	High	Support institutionalisation of law enforcement reform coordination and management (like it was done in case of JSPR AP) at the outset of the implementation of this Action. Promote the need for a leading institution in charge of rule of law steering and management. Increase training in project management.
Delays in adoption of key legislation	Medium	Define adoption and enforcement of key legislation as part of the implementation plan of the Strategy and promote consistent monitoring.
The macroeconomic situation leads to significant budget constraints	High	Define measures aimed at budgetary economies and a more efficient use of budget resources related to judiciary and law enforcement
Insufficient coordination of donors in the area	Medium	Strengthen the exchange of information, openness and regular meetings of all relevant donor organisations.
Deterioration of the security situation	Medium	Ensure wide consultations with the Ukrainian authorities to make sure that there is a clear cut-off between military and law enforcement

		agencies and their relevant functions.
Lack of public support for reforms; lack of public trust in reformed institutions	Medium	Ensure that appropriate public communication campaigns are conducted; ensure anti-corruption activities are treated as a cross-cutting issue through the whole Action, promote the oversight of the public and civil society over the reform process

Assumptions
<ul style="list-style-type: none"> • Judiciary and law enforcement reforms remain key reform priorities for the Ukrainian Government
<ul style="list-style-type: none"> • Political leadership of rule of law reforms are in place, judiciary recognises the needs to clean its ranks and increases its transparency and accountability vis-a-vis society, law enforcement agencies and relevant policy-making bodies recognise the importance of transparency, mentality and operational changes within the sector
<ul style="list-style-type: none"> • GoU provides adequate budget to pay adequate salaries to officials in rule of law sector, in particular police and prosecution.

3. LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1. Lessons learnt

a. Need for a long-term EU engagement in the Rule of Law sector

Reform of the rule of law and justice sector is a long-term process that requires continuous policy dialogue and consistent engagement with relevant partners from State and non-State actors. The existing **EU-funded Support to Justice Sector Reform Project** established good relationships with the relevant stakeholders and launched important reform processes, in particular on enforcement, registers and probation but further assistance is necessary to complete the reforms and make them sustainable. It is of key importance to maintain the EU's support offer in the sector.

b. Need for a substantial, comprehensive and flexible support to Rule of Law reform

The **EU Advisory Mission** became operational in December 2014. The subsequent expansion of the Mission's focus to operationally support the strategic advice (capacity building, training, supplies) and its regional presences was received positively by the beneficiary but the Mission's limited financial resources remain insufficient to provide larger-scale support to reform implementation. In order to help the GoU to deliver on its priorities, substantial investments into the sector are indispensable. The new support programme would allow the expertise and experience of the Mission to be complemented with the necessary implementation projects to ensure a country-wide roll-out of the reforms. The programme will need to be able to deliver support in a swift and flexible manner.

c. Need for continued political dialogue to ensure continued progress of reforms

Implementation of the reforms in the rule of law sector, in particular the judiciary, during the last decade contributed to the achievement of certain results on improving the institutional set-up, especially at the central level. However, sustainability of the reforms was limited due to political instability and lack of general consensus on the reforms' scope and pace. **The Visa-**

Liberalisation Process was a major driver of reforms in this area. Since this process is coming to an end, it will be of utmost importance to flank the proposed action by appropriate political pressure to ensure that reforms continue to be moving in the right direction and prevent a possible backslide. It will be important to include appropriate conditionality in possible future Macro-Financial Assistance Package, as it was the case in the State Building Contract. Improved coordination with other IFIs, in particular IMF and World Bank, would increase the political leverage of the EU.

3.2 Complementarity, synergy and donor coordination

This action will closely coordinate with the **EUAM** and other donors on the ground to avoid overlaps and ensure complementarity and synergy. In particular in the field of law enforcement, close cooperation with the EUAM should be sought, possibly further supported by a colocation at EUAM premises. Support to law-enforcement (including the police) reform would be provided in full complementarity and coordination with the leading role already exercised by EUAM, allowing for a mutually reinforcing effect for the benefit of the beneficiaries and the whole reform process.

Furthermore, this action is expected to build and follow up on intended assistance planned under the Instrument contributing to Stability and Peace (**IcSP**) to provide initial support in the fields of community policing and public order in three regions (oblasts) over a period of 18 months starting from Q4 2016.

This action will also be complementary to the EU Anti-Corruption Initiative, the “**Support to Comprehensive Public Administration Reform**” programme, the EU funded projects implemented by the Council of Europe as well as the EUREAST police reform initiative.

In the justice sector, this programme is intended to follow up on the support provided by the **Justice Sector Reform Project**, which was originally due to end in December 2016 but is expected to be prolonged for a year in a reduced format in order to ensure that support will continue to be provided until this measure comes in. Furthermore, judicial experts within the EUAM are expected to closely cooperate with the experts of this initiative.

Donor coordination in the area of Rule of Law is key to avoid overlap with activities of other donors. Donor coordination should ideally be led by the Ukrainian authorities but this is only partly the case at present. For the justice sector, the Ministry of Justice started conducting monthly donor coordination meetings in June 2016 and these are expected to replace the Rule of Law Implementers' meetings conducted by a USAID project. In addition, ad hoc meetings to coordinate support for the judicial reform process are being organised by the High Qualification Commission as well as the EUAM.

In the field of law-enforcement the EUAM conducts regular donor coordination meetings in the absence of comparable initiatives from the Ukrainian side. The new programme is expected to enhance donor coordination by building capacity of the Ukrainian authorities to take on this role also in the law enforcement sector.

In 2015, the EU Delegation conducted a **donor-coordination exercise** asking the major international donor agencies active in the justice sector to specify their ongoing and planned activities and resources to support justice sector reforms in Ukraine. On the basis of the JSRS AP and the Donor Resource Allocation Plan, the EU is going to support the Government-led donor coordination of the sector.

Major EU and donor activities

The new measure will capitalise and coordinate activities with the existing EU and other donors projects:

EU Advisory Mission (EUAM) with a prospective strength of 255 staff based in Kyiv, Lviv and Kharkiv was established upon decision of the Council of the EU in summer 2014. It focuses on strategic advice and support to operational activities in the area of civilian security sector reform. Its activities revolve around five priorities: community policing, public order, human resources development, criminal investigation and the delineation of competencies between law enforcement agencies. It is also concerned with the crosscutting aspects of good governance, human rights and gender and anti-corruption efforts.

Support to Justice Sector Reform Project, EUR €8.6 million, (2013-2016). Implemented by a consortium of EU Member States led by Justice Coopération Internationale (France). The project helped to develop the Justice Sector Reform Strategy and Action Plan 2015-2020 and provides expert assistance needed for the plans' timely implementation. One out of six components consists in provision of support to anti-corruption activities. Organizational support is being provided, as well as embedded long term expertise and short term experts for ad hoc needs. The project had an important role in the preparation of the anti-corruption legislation, the setup of the new agencies and the trainings provided to the NABU.

EU-funded Council of Europe Programmatic Cooperation Framework (€30 million, 2015-2017): This programme supports the Eastern Partnership countries which are members of the Council of Europe (with the exception of Belarus) to implement reforms bringing them closer to the standards of the Council of Europe and the European Union in the field of human rights, democracy and the rule of law,. Of relevance for this action are projects promoting human rights standards in judiciary and the police, penitentiary reform as well as the fight against corruption and against cybercrime.

The EaP Police Cooperation Programme (€5 million, 2013 – 2017) is a regional programme fostering cooperation on police issues related to cross-border crime between the Eastern Partnership and EU Member States. The programme facilitates partnerships between the police authorities of EU and Eastern Partnership countries and provides managerial and operational support to police authorities in the partner countries, notably through specialised trainings for units in charge of serious transnational crime.

The State Building Contract was developed immediately after the "Euromaidan" protests and provided a framework for policy dialogue between the EU and the Ukrainian authorities on key reform areas, in particular anti-corruption. It comprised **€355 million** non-reimbursable financial support subject to achievement of specific benchmarks including specific indicators related to the constitutional Reform, legislation on the judiciary and on public prosecution. The implementation period for the Ukrainian authorities to complete the conditionality expires in autumn 2016.

EU Macro Financial assistance, €1.8 billion, disbursable in three tranches, the payment is (among other indicators) conditional on achievement of progress in the rule of law field.

The EU also provides substantial assistance to **civil society organisations**. There is an ongoing programme of EUR 10 Mio, which is partly devoted to CSOs working in the area of good governance.

A new twinning project: "**Strengthening the Institutional Capacity of the Supreme Court of Ukraine in the Field of Human Rights Protection at the National Level**" is being prepared and will start in early 2017. The twinning will focus on judicial trainings and will come in timely to address the Supreme Court reform process started by the Law of Ukraine "On Judicial System and Status of Judges" adopted by the Parliament on 2 June 2016.

A programmed action by the **Instrument contributing to Stability and Peace (IcSP)** support to police reforms will amount to €6 million and will continue 18 months from its start in late 2016. It will assist with the 1) public order/crowd control and 2) community policing reforms.

The EU's €97 million programme to support **decentralisation reform and re-enforcement of local governance in Ukraine** (Ukraine Local Empowerment, Accountability and Development Programme) is jointly funded by the EU (€90m), Germany (€6m) and Poland (€1m) and is set to strengthen governance and accountability at local, regional and central levels to better respond to the needs of the population.

The EU has committed substantial funds to assist Ukraine with its **anti-corruption (AC) efforts**. The EU Anti-corruption initiative will have a budget of EUR 16.3 Mio and is expected to start in early 2017. The initiative aims at strengthening the operational capacities of the newly created anti-corruption institutions as well as the oversight mechanism of the Parliament and the civil society over anti-corruption reform implementation.

Besides, the EU will launch in 2016 the "**Support to Comprehensive Public Administration Reform in Ukraine**" programme of about €100 million, which aims at supporting Ukraine in implementing a comprehensive Public Administration Reform (PAR), which will focus on establishment of the strategic framework of PAR, implementation of the new law "On civil service", including establishment of highly professional "reform staff" at senior and middle level management positions benefiting from market-conform salary arrangements, improvement of the institutional and organisational framework of public administration based on comprehensive functional reviews, operationalisation and improvement of tools and services related to the policy development and coordination, civil service/human resources management, accountability and public service delivery. The main activities will be linked to the achievement of the specific objectives and expected results listed above.

USA: The ongoing FAIR Justice Project (FAIR) is funded by the United States Agency for International Development (USAID) and has been working in Ukraine since October 2011. FAIR supports the development and implementation of key judicial reform legislation, helps to improve judicial policies and procedures that promote a more effective, accountable and independent judiciary. The project is to end in late summer 2016 and will be replaced by a new, similar initiative in September 2016. As regards the support to police reforms, the USA will likely have four priorities in 2016: the completion of the roll-out of the Patrol Police, the expansion of crowd management, support to tactical assault capacity (KORD A/SWAT) and

witness protection (KORD B) focusing on physical protection, as well as support to the re-attestation process.

Canada funds a number of justice-related support projects going on such as: "Quality and Accessible Legal Aid"; "Human Rights Training for Judges"; "Juvenile Justice Reform"; "Judicial Education for Economic Growth"; as well as the OSCE implemented "Safeguarding Human Rights through Courts". As regards the police-related support, Canada has started the roll-out of a 3-year "Canadian Police Arrangement" most likely to focus on the areas of support to community policing and the patrol police. Renewed support will not start before the autumn 2016 and focus on the refurbishment of police training centres and selected trainings for the patrol police.

OSCE anticipates further involvement in non-tactical training for the Patrol Police and district police (domestic violence, human trafficking); community policing (conceptual support in the Working Groups) and possibly further trainings. OSCE also may focus on the 'criminal block' police reform, namely on cyber-crime police units reform, including training curricula development.

The **UNDP** has projects in community policing and security focusing on the Donbass region. Particular emphasis is the work with civil society and local communities at the grass roots level.

Denmark funds a CoE-implemented project "Continued support to the criminal justice reform in Ukraine", which will continue until 2019, and aims at supporting the reform of the Public Prosecution Service in line with European standards and best practices; strengthening the legal aid system as well as public involvement in the reforms.⁶

3.3 Cross-cutting issues

Good governance, rule of law, gender equality, sustainable development and climate change are among the essential cross-cutting elements of the EU-Ukraine Association Agreement and shall be seen as priority horizontal issues for this Action as applicable.

Gender mainstreaming: The action includes specific measures ensuring equal opportunities and gender equality. The UN Security Council resolution 1325 of 2000 on women and peace and security urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts. Equal participation of women, including young women and marginalized groups, in decision making across rule of law stakeholder institutions will also be supported by this programme. This is particularly relevant in the police, as set out in more detail below, but applies more generally throughout the rule of law institutions.

The percentage of women in the police force increased significantly with the creation of the new Patrol Police in 2015, where the **number of women police officers** reached 25%. Moreover, the head of the National Police of Ukraine is currently also a woman, the native Georgian Khatia Dekanoidze. Nevertheless, there is still room for improvement: Women in police in Ukraine still do not have the same opportunities for career advancement and there are still many prejudices,

⁶ <http://www.coe.int/en/web/kyiv/support-to-the-criminal-justice-reform-in-ukraine>

which they face at the work place. A big problem is the fact that women in police forces in the country are under-represented in management positions, as well as in operational and uniformed police posts. While women are formally given the possibility to join the police, there is still a division between “male” and “female” jobs. Men generally perform duties that are related to a high level of physical and mental endurance, as well as the application of coercive measures and the work of the special units. On the other hand, women are assigned to administrative, legal, financial and analytical activities. Rule of law sector institutions publically proclaim that the conditions for men and women are the same, but in practice there are differences. Police work is still seen as a male profession, and women find it difficult to come to leadership positions. Men have much greater authority in the police and they are more trusted.

There is also a phenomenon of self-selection of women outside operational and of leadership roles due to low motivation and low expectations of success, and due to a perception of strong negative bias against policewomen.

The action will ensure that the problem of gender equality in the law-enforcement is not viewed in isolation from other problems in the police service, while it is instead an indicator and a key element to discriminate between the old and new type of police.

Support to policewomen has the potential to enact a cultural change within the police system. International studies have shown that women officers adopt a feminine competence which makes little concession to entrenched stereotypes and this may create synergies in a moment when the police system is being reformed, and create additional momentum for change.

This is particularly relevant when the police is being transformed into a new type of "civilian" institution very different from the "Militsia" of the past.

The inclusion of women in operative roles within the police may also have specific importance in relation with the "new" issues, which the police system needs to deal with in Ukraine, also induced by the social deterioration and destabilization of parts of the country, like migration, human trafficking, sexual exploitation of women and children.

A policy of active support for integration and promotion of women in law enforcement institutions, supported by this action, will also benefit the police system via the increased motivation that policewomen may bring, as a result of their newly found self-confidence; this in turn may contribute to reinforce the new sense of dignity which is the biggest result of the recent positive reforms of the police system in Ukraine.

Good governance: this action will envisage specific measures aimed at improving good governance by minimising opportunities for and strengthening sanctions against misuse of power and public funds. Moreover, judicial and public administration reforms (PAR) go hand and hand and are complimentary. The reformed Ukraine's judiciary will serve as safeguard of the PAR irreversibility, while the modernised public administration will showcase high standards of civil service, which will inspire further improvements of all public institutions, including courts of justice.

Human rights and the rule of law: increased awareness and implementation of international and EU standards and best practices will further strengthen transparent and accountable governance processes. Greater engagement with **civil society** and fostering its participation in

policy-making will serve as a guarantee for an effective monitoring of the reforms covered by the action.

This action, alongside the EUAM, will address the needs of vulnerable groups in the context of the ongoing conflict in the East of Ukraine. Besides, there will be a coordinated work on development of specialised modules on gender-based violence, domestic violence and hate crimes for the National Police.

During this programme's inception phase, particular needs for technical assistance to establish or strengthen mechanisms to advance gender equality and women's empowerment in governance processes will be identified. This includes providing support for gender committees and commissions, and women's caucuses and networks.

The increased awareness and implementation of EU standards and best practices will further strengthen transparent and accountable governance processes and contribute to the establishment of the rule of law in Ukraine. Greater engagement with civil society and fostering its participation in policy-making will serve as a guarantee for an effective monitoring of the reforms covered by the action.

4. Description of the action

4.1 Objectives/results

This programme is relevant for the Agenda 2030⁷, since it contributes to the progressive achievement of Sustainable Development Goals (SDG) and, in particular, goals 5 (gender equality), 8 (sustainable economic growth) and 16 (effective, accountable and inclusive institutions).

Overall Objective:

The overall objective is to reform the Rule of Law system in Ukraine and to align its functioning with the best European and international practices.

Specific objectives:

1. Provide the strategic means and technical expertise to Ukrainian stakeholders, in order to contribute to successful implementation of the justice sector reform in line with the Justice Reform Strategy and its Action Plan, and support the work stemming from the last revisions to the Constitution and relevant legislation.
2. Deliver the necessary support to the National Police and other Ukrainian authorities in charge of law-enforcement, in order to contribute to the creation of an efficient law-enforcement system respectful of human rights.

Expected Results:

⁷ <http://www.ua.undp.org/content/ukraine/en/home/post-2015/sdg-overview.html> ,
<https://www.unglobalcompact.org/what-is-gc/our-work/sustainable-development/sdgs/17-global-goals#sdg16>

1.1 Effective implementation of the Justice Sector Reform Strategy and Action Plan, including the Annual Action Plans. An efficient reform coordination mechanism is in place.

1.2. Strengthened independence, competence, efficiency, integrity and accountability of the judiciary in line with the new legislation. Merit-based and transparent recruitment in place. Training provided to vetted judges.

1.3 An effective and accessible system of enforcement of court decisions and of legal aid in place.

1.4 An effective system of decentralized/outsourced registration of civil status, businesses and property rights in place.

1.5 An efficient system of execution of sanctions including probation in place.

1.6 Active involvement of civil society and the Parliament in the reform process in the justice sector; enhanced capacity of Civil Society Organizations active in the area as well as increased interaction between the Parliament, the Government, independent actors and Civil Society.

1.7 Performance based budgeting is piloted in rule of law sector institutions financing, thus ensuring uninterrupted funding of rule of law sector institutions and providing examples of better efficiency of planning and budgeting frameworks.

2.1. A reform strategy of the Law enforcement sector, in particular the National Police, Action Plan and a reform coordination mechanism fully in place and duly implemented. Sectoral budget fully aligned with the priorities foreseen in the strategy.

2.2 An effective human resource management system for the National Police and, as appropriate, other law enforcement institutions, is in place, including recruitment, training, career development, ensuring i.a. greater possibilities for women to compete for senior management and decision making positions and contributing to respect of ethics and discipline, integrity of staff; introduction and operationalization of the concept of "Universal Police Officer".

2.3 Ukraine's police force is a modern and professional organisation which takes a community-oriented policing approach and adequately maintains public order in full observance of human rights protection.

2.4. Increased public safety and improved fight against serious crime, including cybercrime, following enhanced cooperation between the institutions in charge of investigating and prosecuting crime, and the introduction of modern investigative techniques, including IT solutions.

2.5 Active involvement of civil society and the Parliament in the reform process in the law-enforcement area, including presence in public/advisory boards of the sector stakeholders at the central and local level, enhanced capacity of Civil Society Organizations active in the area as well as increased interaction between the Parliament, the Government, independent actors and Civil Society.

2.6. Effective and cost-efficient IT tools are in place, supporting the above expected results.

4.2 Main activities

4.2.1 Activities under Component 1:

1.1.1 Assist stakeholders in developing annual implementation plans, strengthen coordination mechanisms, monitor reforms' implementation under the JSRS and APs, assess relevant regulatory framework and recommend necessary changes.

1.1.2 Provide assistance, as requested or appropriate, to the implementation of reform in other areas covered by the JSRSAP.

1.2.1 Improve recruitment procedures and other aspects of Human Resources Management in the judiciary and public prosecution, introduce best international practices to improve and measure court performance, including "court performance ratings" and user satisfaction surveys.

1.2.2 Assist with judicial and public prosecutors' re-testing and a possible reorganisation of courts.

1.2.3 Provide European best practices and expertise for improving, as appropriate, governance structure of judiciary and public prosecution.

1.2.4 On the basis of a comprehensive needs assessment, provide training and capacity building to the judiciary, including administrative staff. Where relevant, such training shall include general management and project management capacity, enabling relevant officials to successfully run and supervise/monitor projects on their own. As regards the administrative courts, training will also include the application of the law on administrative procedures which is to be adopted (in line with the requirements of the Programme to support Public Administration Reform) by 2018.

1.2.5 Determine the potential for and provide assistance in the introduction of appropriate IT tools (and in particular, but not limited to, e-justice tools) for the judiciary and public prosecution.

1.3.1 Assist in the implementation of judgments enforcement reform, monitor the efficiency of the respective solutions and recommend modifications of the legal framework, as appropriate. In particular

- support the establishment of the new profession of private enforcement officers, including, as appropriate, with the relevant legal framework, selection processes, set/up of the professional organisation and training of PEOs;
- assist with the reform of the state enforcement service.

1.3.2 Contribute, as appropriate, to the establishment of a comprehensive system of legal aid in civil and administrative matters.

1.4.1 Support quality control of transfer of property and business registration to local authorities and notaries.

1.4.2 Provide strategic guidance for consolidation of registers.

1.4.3 Provide, as appropriate, necessary IT solutions for register reform.

1.5.1 Revise the regulatory framework for release on parole, capacity building for probation front line staff with a view to reduce re-offending, development of a probation case-management system.

1.6.1 Provide assistance to the GoU and civil society in designing and implementing new methods of civil society involvement into the reform process, notably through public/advisory boards in the relevant stakeholder institutions through expert advice, mentoring, best EU practices sharing. The civil society capacity development to monitor sector reforms in their compliance with the Justice Sector Reform Strategy 2015-20 will be supported, taking into account the relevant GoU and other donor actions.

1.7.1 A set of activities on introduction of the Performance Based Budgeting (PBB) is developed in cooperation with the Ministry of Finance and implemented for the rule of law sector institutions financial planning, thus ensuring that the entire planning and budgeting framework is result oriented.

4.2.2 Activities under Component 2

2.1.1 Support the Government of Ukraine in the development and implementation of the strategic framework for the National Police and the broader Law Enforcement area in consultations with civil society.

2.1.2 Support the reform of the Ministry of Internal Affairs into a modern, demilitarised civilian body with strategic supervision competences over law enforcement agencies.

2.1.3 Provide the GoU with relevant legal and technical expertise, as necessary, to adapt the legal framework and organisational structures in the law enforcement sector.

2.2.1 Support the introduction of modern Human Resources policies and procedures based on merit-based management in selected Law Enforcement Agencies, in particular the National Police, including assistance in the development of recruitment and re-attestation processes, a career and performance measurement system – ensuring greater possibilities for women to compete for senior management and decision making positions, - as well as measures to promote the integrity of staff (codes of ethics/conduct);

2.2.2 Assist with a comprehensive training needs assessment and the establishment of training curricula, capacity building and training of law enforcement officers and administrative staff (equally available for women and men employees), including general management and project management capacity, enabling relevant officials to successfully run and supervise/monitor projects on their own.

2.3.1 Support to the implementation of a community-oriented approach to policing, including through training, equipment and refurbishment of selected police stations as well as through support to the establishment of confidence building measures, such as community-police partnerships, promoting a structured dialogue with the society, local authorities and NGOs on local security challenges.

2.3.2 Support the reform of the NPU pre detention facilities system – to increase human rights protection and ensure appropriate (health, sanitation, treatment) conditions in the Police precincts' holding facilities.

2.3.3 Contribute to establishing public order capacities of the National Police on the basis of democratic policing methods and in line with the internationally and EU recognised standards.

- 2.4.1 Support to the delineation of competences and efficient cooperation between law enforcement agencies, including by developing standard operational procedures.
- 2.4.2 Support the establishment of the State Bureau of Investigation, as well as the support to the reformed public prosecution service.
- 2.4.3 Support the reorganisation of the criminal police into a structure capable of effectively fighting against (organised, financial and cyber-) crime and making effective use of modern investigative techniques, in particular by merging of investigative positions with operative positions (detectives).
- 2.4.4 Support the development of criminal investigating skills and adapting modern technologies including IT tools (databases, criminal analysis tools) including organised crime, financial investigations and cybercrime.
- 2.4.5 Support the full implementation of the Budapest Convention against cybercrime, the development of operational cybercrime units in law enforcement authorities and the designation of contact points for international cooperation on cybercrime and e-evidence.
- 2.4.6. Assist with the introduction of an efficient e-case management system between investigative agencies, prosecutor general office and judges.

- 2.5.1 Provide assistance to the GoU and civil society in designing and implementing new methods of civil society involvement into the reform process, notably through public/advisory boards in the relevant stakeholder institutions thought expert advice, mentoring, best EU practices sharing.
- 2.5.2 Provide trainings, mentoring and capacity building for the Civil society representatives and, as appropriate, the relevant Verhovna Rada committees on their respective roles and possibilities in rule of law reform;
- 2.5.3 Support the population in their place of residence and local civil society organization to create effective mechanisms on communication and cooperation with the police and local authorities on the security situation on the local level. The support could include involvement in local advisory boards, public hearings on security situation, cooperation with the police on threats maps and others.

4.3 Intervention logic

This action aims at contributing to scale up Ukraine's capacities to improve rule of law reform in line with international standards and best European practices. It is divided into two main components:

Component 1 will provide support to implementing the Justice Sector Reform Strategy and Action Plan, focussing on a number of key areas. The action will contribute to consolidating the independence, integrity, professionalism and efficiency of the judiciary, improving access to justice and protection of property rights through an improved system of enforcement and of registers, as well as improving the system of executing criminal sanctions by strengthening probation. In addition, this component would support flagship projects in selected courts to improve court performance and services to citizens as a visible measure to re-build trust into the institutions. The introduction of IT tools and in particular e-justice tools would also be supported. Finally, the component would increase the capacity of judicial officers to run and supervise projects on their own.

Component 2 will support reforms in the law enforcement sector, with a particular focus on police reform. This part of the action will be carried out in close coordination with the EU Advisory Mission with the purpose to put in place a clear strategic framework and reform coordination mechanism, strengthen the capacity of the police to maintain public order and to ensure public safety through, *inter alia*, a community-oriented approach, improve the capacity to fight against serious crime through the implementation of the new concept of 'universal policeman' and a professional human resource development within the National Police of Ukraine. Finally, the component would increase the capacity of law enforcement officers to run and supervise projects on their own.

Support to law-enforcement reform under this Action would be provided in full complementarity with the leading role already exercised by EUAM. The coordination of the activities with EUAM will create a powerful tool and allow reinforcing the existing support provided by the EU to Ukraine in this sector, in line with the comprehensive approach to civil security sector reform aiming to streamline EU support activities in the security sector.

In order to ensure a proper coordination of the activities under the Component 2 of this programme and the EUAM, a Joint Operations Board (JOB) will be established between the implementer of Component 2 and the EUAM and will be vested with day-to-day coordination powers, without any prejudice to the functions of the Steering Committee mentioned in section 5.6 of this document. The JOB will meet regularly.

In addition, this action is expected to build and follow up on intended assistance, currently being planned under the Instrument contributing to Stability and Peace (IcSP), to provide initial support in the fields of community policing and public order in three regions (oblasts) over a period of 18 months starting from Q4 2016.

The proposed action builds on the successful elements of existing EU support in the Rule of Law area in Ukraine and other countries in transition. It foresees the setup of a flexible instrument that is able to respond on short notice to emerging demands of the Ukrainian stakeholders by providing European best practices and expertise but also necessary supplies and services, in particular IT solutions. The programme would aim at providing concrete and tangible support to the implementation of the rule of law reforms. Support to justice sector reforms would follow on from the work carried out by the EU's Justice Support Reform Project.

5. IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is **60 months** from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

5.3.1. Indirect management with Expertise France (a Member State agency) for Component 1 (justice reforms)

Component 1 of this action may be implemented in indirect management with Expertise France (EF) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation entails support to the justice sector stakeholders, which will contribute to increased effectiveness of the sector institutions and improved capabilities of the respective institutions' personnel in line with objectives and activities described in sections 4.1 and 4.2.

This implementation is justified because Expertise France has both capabilities and resources to implement this part of the action, building on the experiences of several French development agencies (FEI, ADETEF, ADECRI, SPSI, ESTHER, INTER). It has a volume of activity worth EUR 120 million, more than 300 projects implemented in 80 countries as well as 63,000 days of expertise delivered in 2015. In the area of rule of law and governance it currently implements 7 projects with a budget of EUR 20 million, including a justice component of EUR 12 million in the context of an EU funded programme of social cohesion in Latin America. EF has a well-established network of rule of law experts within the French administration and has also created strategic partnerships with other institutions and EU MS administrations, which would allow for the mobilisation of experts with different thematic and geographical background and experience.

The entrusted entity would carry out the following budget-implementation tasks: running the public procurement and grant award procedures, concluding and managing the resulting contracts, including making of the related payments.

If negotiations with the above-mentioned entrusted entity fail, part of the Component 1 related to the procurement of supplies, works and management of grants may be implemented in indirect management with UNOPS, and another part related to procurement of expertise and services may be implemented under direct management in accordance with the implementation modalities identified in section 5.3.4.

The implementation by the alternative entrusted entity – the UNOPS - would be justified because of the extensive experience of UNOPS in the Rule of Law/Justice reforms area (see justification under 5.3.2). The alternative entrusted entity would provide support to the justice sector stakeholders which will contribute to increased effectiveness of the sector institutions and improved capabilities of the respective institutions' personnel.

5.3.2. Indirect management with UNOPS for Component 2 (law enforcement reforms)

Component 2 of this action may be implemented in indirect management with UNOPS in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012.

This implementation entails provision of support to the law-enforcement institutions, which will contribute to increased effectiveness of the rule of law sector institutions and improved capabilities to implement the reforms by the respective institutions' personnel.

This implementation through UNOPS is justified because it provides project management, infrastructure and procurement services with a focus on sustainability and national capacity development in more than 80 countries, implementing more than \$1 billion worth of projects for

its partners annually. UNOPS offers in a complementary manner financial and project management, human resources and procurement services.

UNOPS Justice and Security Sector Reform portfolio currently comprises around one hundred projects. In 2010 UNOPS delivered \$310 million worth of JSSR projects on behalf of partners. UNOPS has constructed or refitted police stations and police academies as well as improved the equipment and IT resources of police forces and other investigatory bodies.

The entrusted entity would carry out the following budget-implementation tasks: running the public procurement and grant award procedures, concluding and managing the resulting contracts, including making of the related payments.

5.3.3. Procurement (direct management)

Subject in generic terms	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure
Communication and visibility	Service	1	Q4 2017
Evaluation and audit	Service	3	Q1 2018, Q1 and Q4 2019

5.3.4. Changes from indirect to direct management mode due to exceptional circumstances

Indirect management with Expertise France (a Member State agency) for Component 1 (justice reforms) is the preferred modality, however, bearing in mind the complexity of the reform situation in Ukraine, it may happen that this preferred modality would not be implemented due to circumstances outside of the Commission’s control. In this case, the procurement of expertise and services may be implemented through service contract under direct management:

Subject in generic terms	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure
Provision of expertise	Service	1	Q4 2017

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission’s authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR million)
5.3.1. Indirect management with the Expertise France (Component 1)	15
5.3.2. Indirect management with the UNOPS (Component 2)	36
5.8 - Evaluation; 5.9 - Audit	0.9
5.10 – Communication and visibility	0.6
Totals	52.5

5.6 Organisational set-up and responsibilities

The steering and monitoring over the Justice Sector Reform Strategy, including all aspects of this Action, is expected to be ensured by the National Security and Defence Council as well as the Judicial Reform Council.

In order to ensure co-ordination between the action components and the numerous stakeholders, a Steering Committee (SC) will be established to guide action implementation. The SC will include representatives of the beneficiary institutions, the implementing partners and the European Union including the Support Group for Ukraine, EUAM and EU Delegation to Ukraine. The implementing partners will ensure the proper functioning of the SC, including preparation of the agenda, sending the invitations, preparation and follow up of the minutes. The SC will meet at least quarterly (and more often if specific problems or issues so require). Additional technical working groups that ensure a more frequent coordination may be established.

This initiative is expected to closely coordinate its activities through daily interactions with the EUAM, to whose activities it is expected to be complementary. For this purpose a Joint Operations Board to coordinate the activities envisioned under Component 2 will be established, as specified in section 4.3

Relevant civil society organisations, representatives of the national institutions involved in the reforms and development partners will also be invited to the meetings where needed.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partners' responsibilities. To this aim, the implementing partners shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits at all times and without prior notice both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the importance of the Action, mid-term and final evaluations will be carried out for this Action or its components via independent consultants contracted by the Commission.

It will be carried out for problem solving, management- and learning purposes.

The Commission shall inform the implementing partners at least 30 days in advance of the dates foreseen for the evaluation missions. The implementing partners shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partners and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Indicatively, two contracts for evaluation services shall be concluded in March 2018 and in October 2019 under this decision.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

Indicatively, one contract for audit services shall be concluded in February 2019 under this decision.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

The EU visibility will be increased through this action's coordination with the EUAM, thus reinforcing the “uniform across-agency EU approach” to supporting reforms in Ukraine. This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

SUPPORT TO RULE OF LAW REFORMS IN UKRAINE (PRAVO)

APPENDIX - INDICATIVE LOG-FRAME MATRIX (FOR PROJECT MODALITY)⁸

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall Objective / Impact	To reform the Rule of Law system in Ukraine and to align its functioning with the best European and international practices.	<p>Degree of compliance of Rule of Law reforms with the internationally recognised standards such as Venice Commission's recommendations (of the Council of Europe) on judicial reform</p> <p>Perceived judicial independence</p>	<p>- ECtHR statistics: with 50 judgments against it, Ukraine holds 4th place among the estates with the highest number of judgments finding at least one violation of the Convention in 2015 (source: http://hudoc.echr.coe.int/eng-press?i=003-5284485-6571570)</p> <p>COE Committee of Ministers statistics: total number of judgments of the ECtHR pending execution is over 1000 as of August 2016 (source: http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp)</p> <p>World Economic Forum, Global</p>	<p>- Compliance with relevant EU, GRECO, Venice Commission, OECD recommendations by 2020</p> <p>- Improved law enforcement capacities assessed by EU experts and the EUAM</p> <p>- Decrease in overall (and structural) violations found by ECtHR by 2020;</p> <p>- Improved implementation of general measures in view of any ECtHR judgment</p>	<p>- Annual Reports by Government before Parliament</p> <p>- Annual ECtHR statistics on number of judgments re. Ukraine</p> <p>- COE Committee of Ministers statistics on execution of ECtHR judgments</p> <p>- CEPEJ statistics</p> <p>- World economic forum</p>	<p>- Overall political situation remains relatively stable</p> <p>- Government continues to be committed to reforms in rule of law, including justice and home affairs</p> <p>- Continued support from international donors; continued coordination of support activities in rule of law area</p>

			<p>Competitiveness Report 2015, judicial independence: Ukraine ranked. 140 out of 144 countries.</p> <p>- 2016 Standing in Transparency International CPI: Ukraine ranked 130 out of 168, (source: http://www.transparency.org/cpi2015)</p> <p>- 2014 OECD Index on : "Judicial system satisfaction": Ukraine occupies the final position as to the degree of confidence in courts (12%) compared to other member states; (source: http://www.oecd.org/governance/public-governance-a-matter-of-trust.htm)</p> <p>2016 Bertelsmann Stiftung Transformation Index (BTI): Ukraine holds 52 place with 6.05 points (source: https://www.bti-project.org/en/reports/country-reports/detail/itc/ukr/)</p> <p>- 2016 HIIL ‘Justice Needs’ Survey: public trust in judiciary 12%, police 15% (source: http://www.hiil.org/publication/ukraine_report)</p> <p>- 2015 Kyiv International Institute of Sociology /US funded study: 65% of citizens</p>	<p>regarding Ukraine by 2020</p> <p>- Improved ranking s (higher score) by 2020 in Transparency International CPI, WEF Global Competitiveness Report, Freedom House Ranking, World Justice Project Rule of Law Index, Bertelsmann Stiftung Transformation Index (BTI), WB Doing Business Index</p> <p>- Increase in public perception / trust in sector institutions indicated by higher score in relevant assessments/indexes</p>	<p>- Monitoring / Compliance reports by GRECO, OECD</p> <p>- Venice Commission opinions</p> <p>- Annual World Justice Project Rule of Law Index</p> <p>- Annual Bertelsmann Stiftung Transformation Index (BTI)</p> <p>- Annual Transparency International CPI</p> <p>- Annual WEF Global Competitiveness Report</p> <p>- Freedom House Ranking</p> <p>- Annual WB Doing Business Index</p> <p>- Annual Reanimation Package of Reforms</p>	
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			<p>experience corruption</p> <ul style="list-style-type: none"> - 2015 World Justice Project Rule of Law Index: out of 102 countries Ukraine was ranked the 70th according to its rule of law requirements implementation (source: http://data.worldjusticeproject.org/) - 2016 Speedometer of Reforms by Centre for Political and Legal Reforms (CPLR):, 53.4% progress in judicial, 45% in prosecutorial and 29% in constitutional reforms as of July 2016 (source: http://eu.pravo.org.ua/en): - 2015 survey by the Center for Political and Legal Reforms (CPLR), Razumkov Centre and the Democratic Initiatives Foundation named after Ilko Kucheriv, the prevalence of corruption among judges (94%), the dependence of judges upon politicians (81%) and oligarchs (80%), frame-up court rulings (77%) and the prevalence of collective responsibility in the judicial system (73%) 		<p>(RPR) reports</p> <ul style="list-style-type: none"> - Speedometer of Reforms by Centre for Political and Legal Reforms (CPLR, http://eu.pravo.org.ua/en) - Expert reports from EU-funded projects, other reports commissioned by EU and its bodies, EUAM reports - EU-Ukraine AA implementation progress reports, JLS Subcommittee operational conclusions - JSRSAP implementation reports, law enforcement reform monitoring (incl. EUAM reporting) - Official statistics of MOJ, MOI and other relevant national bodies 	
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					<ul style="list-style-type: none"> - Opinions on proposed and new legislation and rules by international and local experts - Trial monitoring, user satisfaction, public perception surveys - Media and other (besides mentioned above) CSO reports 	
Specific Objectives	SO1: Provide the strategic means and technical expertise to Ukraine in order to successfully complete the reform of the justice sector in line with the Justice Reform Strategy and its Action Plan, revised Constitution and legislation.	<ul style="list-style-type: none"> - Degree of implementation of JSRSAP and other sector policies and strategies 	<ul style="list-style-type: none"> - JSRSAP and Annual implementation plans (AIPs) 2016 adopted - Insufficient linkage between sector institutions in terms of coherent and systemic sectorial reform policies - Insufficient linkage between institutional reform policies, performance goals and budgets 	<ul style="list-style-type: none"> - Fully operational JSRSAP implementation and M&E mechanism at policy-setting and operational levels - Coherence and complementarity of all sub-sectorial and other national reform policies with JSRSAP - Performance goals are aligned at all levels (sector, institution, individual); results-based budgeting applied by all sector institutions 	<ul style="list-style-type: none"> - JSRSAP and AIPs implementation Review Reports - Reports (review, M&E, peer-to-peer progress) by international organisations and development partners - Statistics on case handling and other trends in institutional performance by sector bodies 	<ul style="list-style-type: none"> Same as for impacts plus - Commitment by sector institutions to share tasks and responsibilities in JSRSAP implementation, greater coordination and M&E mechanism

		<p>Number of people directly benefitting from legal aid programmes supported by the EU</p> <ul style="list-style-type: none"> - number of people who received legal information, advice and assistance, - number of people benefitting from legal representation, number of legal aid practitioners (providers) trained or otherwise supported. 	<ul style="list-style-type: none"> - Weak participation of civil society in measuring institutional performance and reform implementation - Low user satisfaction with justice sector performance (courts, enforcement system, registers, legal aid) 	<ul style="list-style-type: none"> - Increased and formalised partnerships between justice sector institutions and CSOs, universities <p>Increased user satisfaction with justice sector performance</p>	<ul style="list-style-type: none"> - Trial monitoring, user satisfaction, public perception surveys - Media and CSO reports <p>National texts, statistics, systems, EC, NSAs</p>	<ul style="list-style-type: none"> - CSO community plays supportive role in sector reform - CSO community is sufficiently developed and can be harnessed to play supportive role in sector reform
	<p>SO2: Deliver the necessary support to the National Police and other Ukrainian authorities in charge of law-enforcement in order to build up an efficient law-enforcement system respectful of human rights.</p>	<ul style="list-style-type: none"> - System of standalone agencies under Ministry of Internal Affairs is in place, excluding overlapping of responsibilities <p>% of overlapping responsibilities of law enforcement agencies</p>	<ul style="list-style-type: none"> - Lack of comprehensive strategy of police or law enforcement reform; no coordination mechanism linking relevant law enforcement institutions; suboptimal structure of MoI, EaP responsibilities of law enforcement agencies 	<ul style="list-style-type: none"> - Comprehensive strategy for reform of law enforcement sector and effective reform coordination mechanism at policy-setting and operational levels in place; coherence and complementarity of strategic framework, including sub-sectorial strategies 	<ul style="list-style-type: none"> - NPU Reform Plan and Action Plan implementation Review Reports - Reports (review, M&E, peer-to-peer progress) by international organisations and development partners - Statistics on case handling and other 	<p>Same as for impacts plus</p> <ul style="list-style-type: none"> - Commitment by sector institutions to share tasks and responsibilities in Civilian Security Sector Reform implementation, including by creating effective coordination and M&E mechanism

		<p>- Improved performance management system is in place: enhanced capacity to perform strategic analysis on operative data, unified chain of command and training for managers of all levels</p> <p>Number of administrative judges trained on the application of the UN Convention on Human Rights by the law-enforcement and the European Convention on Human Rights (source: EC)</p>	<p>- No performance goals defined, no results-based budgeting applied in sector in 2016</p>	<p>- Performance goals are aligned at all levels (sector, institution, individual); results-based budgeting applied by all sector institutions</p>	<p>trends in institutional performance by sector bodies</p> <p>- Media and CSO reports</p> <p>EC</p>	
		<p>- Most of community policing principles are implemented</p>	<p>- No formalised partnerships between policy and communities</p>	<p>- Increased and formalised partnerships between police sector institutions and local communities and CSOs,</p> <p>- Risk management system is set up to guide and lead all law intelligence operations</p>		<p>- CSO community is sufficiently developed and can be harnessed to play supportive role in sector reform</p>

Outcomes Outputs	<p>1. Under SO1: 1.1 Effective implementation of Justice Sector Reform Strategy and Action Plan (JSRSAP), including Annual Implementation Plans (AIPs). Efficient reform coordination mechanism in place</p>	<ul style="list-style-type: none"> - Degree of JRC performance at justice sector policy-setting level; % operational coordination mechanism - Number of Binding obligations of each justice sector institution to measure sector reforms, their own institutional performance and set targets - Number of performance indicators set-up, and specific timeframes for their achievement 	<ul style="list-style-type: none"> - Annual Implementation Plans (AIPs) under each of 12 JSRSAP Chapters formalised 	<ul style="list-style-type: none"> - AIPs implementation level assessed in annual Review Reports; new AIPs developed annually - MOJ Institutional Strategic Development Plans (SDP) developed and implemented in line with wider (JSRSAP, AIPs) sector policy frameworks 	<ul style="list-style-type: none"> - Reports by EU and other donors projects - JSRSAP, AIPs, SDP and Review Reports - Reports (review, M&E, peer-to-peer progress) by international organisations and development partners - Statistics on case handling and other trends in institutional performance by 	<p>Same as above</p>
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	<p>1.2. Strengthened independence, competence, efficiency and accountability of judiciary</p>	<ul style="list-style-type: none"> - Degree of comprehensive judiciary merit-based recruitment and performance management system in place, -Length of proceedings - Clearance rate - Number of pending cases -Number of training days per judges/per prosecutors/per court staff - Budget allocated to judicial training of judges/prosecutors/ court staff 	<p>- No performance management or evaluation system at judiciary as system level</p>	<p>- ‘Courts rating’ approach applied; user satisfaction surveys and peer-review approaches institutionalised</p>	<p>sector bodies</p> <ul style="list-style-type: none"> - Trial monitoring, user satisfaction, public perception surveys - Media and CSO reports 	
	<p>1.3 Effective and efficient system of enforcement of court decisions in place</p>	<p>- Degree of ‘Mixed’ enforcement service in place with private and State-run arms</p>	<p>- 10% of total final court judgments on merits in civil cases enforced within legally established timelines in 2015</p>	<p>- 70% of total final court judgments in civil cases enforced within legally established timelines by 2020</p>		

	1.4 Effective and efficient system of registration of property, business, civil status in place	<ul style="list-style-type: none"> - Degree of registers management (property, business, civil status) by MOJ (quality control system, e-archive and mirroring technologies) 	<ul style="list-style-type: none"> - Fragmented property and other registers system; overreliance on use of paper documents - number of data breaches in property registers 	<ul style="list-style-type: none"> - 0% of documents in property, business and civil status registers on paper by 2020 - 20% annual decrease from 2017 in data breaches in property register 		
	1.5 Effective and efficient system of execution of sanctions, including probation, in place	<ul style="list-style-type: none"> - Re-offending rates of all offenders under probation (%) 	<ul style="list-style-type: none"> - state of home arrest, electronic surveillance and other forms of bail (to be verified) - no individual sentence plans - no pre-sentence reports - total reoffending rate (<u>to be verified</u>) 	<ul style="list-style-type: none"> - 5 % annual increase from 2016 in use of home arrest, electronic surveillance and other forms of alternative bail as proportion of cases of detention on remand - Individual sentence plans developed in 40% of cases by 2020 - Pre-sentence reports developed in 40% of cases by 2020 - 5% annual decrease from 2017 in re-offending rates of all offenders under probation 		

	<p>2. Under SO2: 2.1. Reform Strategy of National Police, Action Plan and coordination mechanism fully in place and duly implemented. Sectoral budget fully aligned with priorities foreseen in above policies</p>	<p>- No. of Areas of responsibilities, of National Police</p>	<p>- no Action Plan for implementation of Reform Strategy formalised on annual basis</p>	<p>- Action Plan developed and adopted; implementation level assessed in annual Review Reports; Annual Implementation Plans developed</p>	<p>- Reports by EU and other donors projects, EUAM - Strategy, Action Plan and Annual Implementation Plans Review Reports</p>	
	<p>2.2 Effective human resource management system for National Police and, as appropriate, other law enforcement institutions, in place, including recruitment, training, career development, in particular, ensuring greater possibilities for women to compete for senior management and decision maker positions within the force (anti "glass ceiling"), efficiently-used code of ethics and discipline, integrity of staff; introduction and operationalisation of concept of "Universal Police Officer"</p>	<p>- Selection criteria completion - Degree of Internal Control mechanisms establishment in line with EU best practices</p>	<p>- No performance management or evaluation system at system level - Numbers of beneficiary staff trained by donors (sex disaggregated), number of staff satisfied with trainings provided (sex disaggregated)</p>	<p>- Institutional, departmental, and individual 'rating' approaches applied as part of National Police performance management system</p>	<p>- Reports (review, M&E, peer-to-peer progress) by international organisations and development partners - Police annual statistics - Pre/post training evaluations</p>	
	<p>2.3 Ukraine's main police force is a modern and professional organisation which takes a community-oriented policing approach and adequately maintains public order in full observance of human rights protection</p>	<p>Rate of a service-based mechanism development based on modern principles of community policing</p>	<p>- Official police statistics (crime) from 2015 - Level of user satisfaction with police/law enforcement agencies</p>	<p>- community policing reform Action Plan is developed and adopted; implementation level assessed in annual Review Reports</p>		

	<p>2.4. Increased public safety and improved fight against serious crime following enhanced cooperation between the institutions in charge of investigating and prosecuting crime, introduction of modern investigative techniques including IT solutions;</p> <p>2.5 Active involvement of civil society and the Parliament in the reform process in the law-enforcement area, including presence in public/advisory boards of the sector stakeholders at the central and local level, enhanced capacity of Civil Society Organizations active in the area as well as increased interaction between the Parliament, the Government, independent actors and Civil Society.</p>	<p>% SBI establishment and operations;</p> <p>Degree of electronic case management</p> <p>Number of court staff trained on electronic case management system</p> <p>Degree of criminal investigative capacity and forensic capacity are increased</p> <p>Number of CSO activities supported in the law enforcement sector</p>	<p>- Number of criminal investigation of serious crime</p> <p>- Number of criminal investigations into crimes by law enforcement officials</p> <p>- Number of CSO activities in the law enforcement sector</p>	<p>- introduction of electronic case management system for criminal cases; significant reduction in use of paper files</p> <p>- substantial increase in investigations into serious crime/law enforcement officials crimes</p> <p>- 20% of increase in Joint Investigative Teams (JITs)</p> <p>- increased number of CSO activities in the law enforcement sector performed by 2020</p> <p>- Introduction of new M&E methodology including qualitative assessment of police performance</p>		
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- JSRSAP – Justice Sector Reform Strategy Action Plan 2015-2020
- AIPs – Annual Implementation Plans under JSRSAP
- CSOs – civil society organisations
- JITs - Joint Investigative Teams

- JRC – Judicial Reform Council
- M&E – monitoring and Evaluation
- MoJ – Ministry of Justice
- MoI – Ministry of Interior
- SBI – State Bureau of Investigations