



Thematic Evaluation of EU Support for Rule of Law in Neighbourhood Coun- tries and Candidates and Potential Candidates of Enlargement (2010-2017) - Consultation Strategy

April 2018

Evaluation carried out on behalf of the European Commission

List of Acronyms

CoE	Council of Europe
CSO	Civil Society Organisation
DG	Directorate General
DG JUST	Directorate-General for Justice and Consumers
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
EaP	Eastern Partnership
EC	European Commission
EEAS	European External Action Service
ENI	European Neighbourhood Instrument
ENPI	European Neighbourhood and Partnership Instrument
EQ	Evaluation Question
EU	European Union
EUD	Delegation of the European Union
EU MS	European Union Member State
EUR	Euro
EuroMed	Euro-Mediterranean Partnership
HRW	Human Rights Watch
IPA	Instrument for Pre-accession Assistance
MS	Member State
NCU	National Coordination Unit (ENI)
NGOs	Non-Governmental Organisations
NIPAC	National IPA coordinators
OPC	Open Public Consultation
TAIEX	Technical Assistance and Information Exchange instrument
TI	Transparency International
UN	United Nations
USAID	United States Agency for International Development
WB	World Bank

Thematic Evaluation of EU support for Rule of Law in neighbourhood countries and candidates and potential candidates of enlargement (2010-2017) - Consultation strategy

Systematic and timely evaluation of its programmes, activities, instruments, legislation and non-spending activities is a priority of the European Commission in order to demonstrate accountability and to promote lesson learning to improve policy and practice¹.

The Thematic Evaluation of EU support for Rule of Law in neighbourhood countries and candidates and potential candidates of enlargement (2010-2017) (*the Evaluation*) will therefore be used to:

- Provide an independent assessment of EU support for Rule of Law (RoL) funded by the Instrument for Pre-Accession Assistance² (IPA) and the European Neighbourhood Policy Instrument / European Neighbourhood Instrument³ (ENPI/ENI).
- Demonstrate whether on-going or planned IPA and ENPI/ENI interventions in the area of RoL have taken on board lessons learnt;
- Contribute to reflection on the revision of policies and programmes;
- Provide recommendations on improving its support to RoL;
- Contribute to the preparation or adjustment of action programmes;
- Contribute to the development of a monitoring and evaluation framework.

In line with the EC Better Regulation Guidelines, the consultation strategy summarises how the evaluation team will approach consultation of the main stakeholders of this evaluation and contains the following elements:

- A stakeholder mapping approach, which outlines the main institutions or groups that are considered as 'stakeholders'; and
- A stakeholder consultation strategy that the evaluation team will implement to engage with these stakeholders during the evaluation process, along with an indicative timeline for its delivery.

An important component of this consultation process is the open public consultation (OPC) that will be conducted during the Validation and Synthesis Phases of the Evaluation to acquire feedback from all relevant parties on the main evaluation questions.

1 Stakeholder mapping

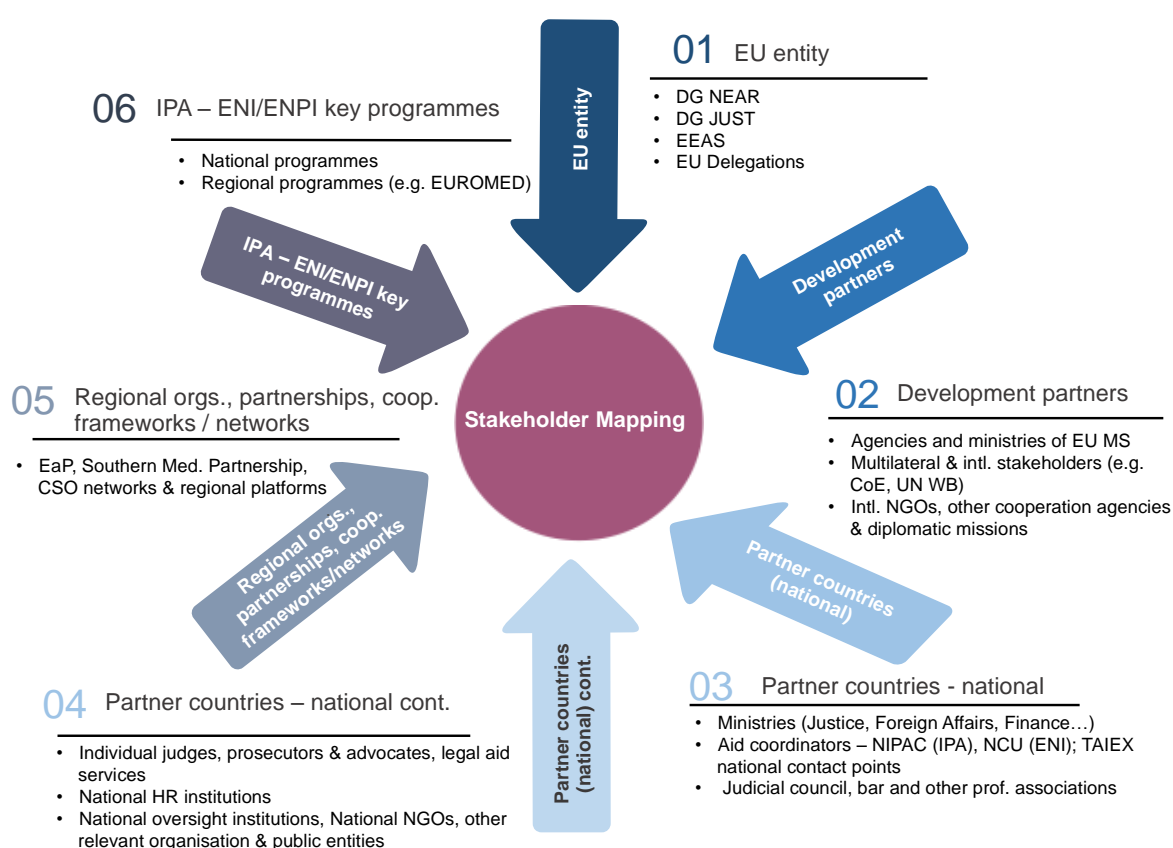
An important element of the consultation strategy is to identify or map the stakeholder groups that should be consulted. These are generally as illustrated in the figure below.

1 SEC (2007) 213 "Responding to Strategic Needs: Reinforcing the use of evaluation"; Better regulation package and SWD(2017) 350 final "Better Regulation Guidelines".

2 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/ipa/2014/231-2014_ipa-2-reg.pdf

3 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0027:0043:EN:PDF>

Figure 1 Stakeholder Mapping



2 Stakeholder consultation strategy

As a next step, the consultation strategy sets out whom the evaluation team plans to consult, on what issue, when and how. Table 1 below presents first the Evaluation Questions (EQs) followed by Table 2 which provides further details as to the expected relevance of specific stakeholders to the answering. The consultation strategy will be further developed and updated during the desk phase and presented in the desk report.

Table 1 EQs and evaluation criteria

EQs	Evaluation criteria
Strategic framework, design and implementation	
EQ1: Overall strategic framework and EU institutional environment To what extent have the EU strategic orientations for the external support to Rule of Law been clear and consistent with the wider goals of the EU's external cooperation?	<ul style="list-style-type: none"> • Relevance • Coherence • Effectiveness
EQ2: Design process To what extent has EU support to Rule of Law responded to the bilateral and regional contexts?	<ul style="list-style-type: none"> • Relevance • Effectiveness • Sustainability
EQ3: Implementation / choice of modality To what extent has the choice of implementation approaches and modalities been appropriate to pursue the intended objectives and enhance EU added value?	<ul style="list-style-type: none"> • Effectiveness • Efficiency • Coherence • Complementarity • EU value added
EQ4: Linkages with EU MS and other international stakeholders To what extent has the EU formed strategic and operational linkages with other international agencies, including MS institutions, active in Rule of Law?	<ul style="list-style-type: none"> • Coordination • Complementarity • EU value added
Effects of the EU support	
EQ5: Effects on the legal and policy framework for Rule of Law To what extent have EU-supported legal reforms and constitutional change brought ENI countries and IPA beneficiaries into closer line with European norms and values in Rule of Law?	<ul style="list-style-type: none"> • Effectiveness • Sustainability

EQ6: Effects on Rule of Law institutions I To what extent has the EU support contributed to enhancing the quality / efficiency of justice systems in partner countries?	<ul style="list-style-type: none"> Effectiveness Impact Sustainability
EQ7: Effects on Rule of Law institutions II To what extent has EU support increased the independence / impartiality / accountability of the judiciary and strengthened other institutions necessary for the Rule of Law?	<ul style="list-style-type: none"> Effectiveness Impact Sustainability
EQ8: Broader effects To what extent has EU support to Rule of Law contributed to sustainable fundamental improvements in the Rule of Law and related aspects of human rights and democracy?	<ul style="list-style-type: none"> Effectiveness Impact Sustainability

Table 2 Consultation strategy: Who, what, when and how?

Stakeholder group (who?)	Consultation issue (what?)								Stage (when?)	Method (how?)
	Strategic framework, design and implementation				Effects of the support					
	EQ1	EQ2	EQ3	EQ4	EQ5	EQ6	EQ7	EQ8		
	EU entity									
DG NEAR	■	■	■	■	■	■	■	■	All stages	Interviews
Other: EU - DG JUST, EEAS	■	■	■	■	■	■	■	■	All stages	Interviews
EU Delegations	■	■	■	■	■	■	■	■	Desk, validation	Interviews, EUD survey
	Development partners									
Cooperation agencies of EU MS	■	■	■	■	■	■	■	■	Desk, validation	Interviews and targeted group consultation, OPC
Multilateral & International stakeholders (e.g. CoE, UN, World Bank)	■	■	■	■	■	■	■	■	Desk, validation	Interviews and targeted group consultation
International NGOs (e.g., HRW, TI)		■	■	■	■	■	■	■	Desk, validation	Interviews and potentially targeted group consultation, OPC
Other cooperation agencies and diplomatic missions (USAID, etc.)		■	■	■	■	■	■	■	Validation	Interviews and targeted group consultation, OPC
	Partner countries (national)									
Ministries (Justice, Foreign Affairs, Finance, Development, Gender, etc.)	■	■	■	■	■	■	■	■	Validation	Interviews
Aid coordinators – NIPAC (IPA), NCU (ENI); TAIEX national contact points			■	■					Validation	Interviews
Judicial Council						■	■		Validation	Interviews
Bar and other professional associations						■	■		Validation	Interviews
Individual judges, prosecutors and advocates; legal aid services						■	■		Validation	Interviews
National human rights institutions					■	■	■	■	Validation	Interviews

Stakeholder group (who?)	Consultation issue (what?)								Stage (when?)	Method (how?)
	Strategic framework, design and implementation				Effects of the support					
	EQ1	EQ2	EQ3	EQ4	EQ5	EQ6	EQ7	EQ8		
National oversight institutions (Ombudspersons, electoral commissions, etc.)					■	■	■	■	Validation	Interviews
National NGOs		■	■		■	■	■		Validation	Interviews and potentially targeted group consultation, OPC
Other relevant organisations / public entities	■	■	■	■	■	■	■	■	Validation	Interviews and potentially targeted group consultation, OPC
Regional organisations, partnerships, cooperation frameworks or networks										
EaP, Southern Mediterranean Partnership		■							Desk, validation	Interviews, OPC
CSOs networks and regional platforms		■							Desk, validation	Interviews and potentially targeted group consultation, OPC
IPA - ENI/ENPI key programmes										
National programmes		■	■	■		■			Desk, field, validation	Interviews
Regional programmes (EuroMed and Horizontal Facility projects)		■	■	■		■			Desk, field, validation	Interviews

Interviews will be organised during the desk phase with all relevant units of DG NEAR. Audio and video conferences will be organised for the remaining interviews. Brief interview guidelines will be transmitted at least two days prior to the meeting. A web-service may also be used to facilitate the planning of the interviews over the 2-3 first weeks of the month dedicated to the desk phase. Small group meetings with major stakeholders at Commission/ EEAS and/or the contractor's offices are proposed as a preferred modality; they will be extensively supplemented by audio or video conferences. Correspondence with EU Delegations will provide supplementary information of a more general nature, to allow the evaluation team to assess the broader picture.

Given that this thematic evaluation covers one of the fundamental pillars of EU support to the candidates and potential candidates of enlargement and an important sector for the Neighbourhood countries, an on-line open public consultation⁴ (OPC) in accordance with the Better regulation guidelines⁵ will be organised. The 14-week open public consultation is expected run from May to August 2018.

2.1 Stakeholder Consultation Framework

Desk Phase

The evaluators will prepare the inception report and submit it to the client for approval. At this stage of the evaluation, no further stakeholder consultation will take place. During the actual sub-phase of desk-work, stakeholders as identified above will be closely consulted as appropriate, preferably via phone/ email/ face-to-face/ video-conference discussions, but including also face-to-face discussions in Brussels. By the end of the desk phase, a Desk Report will be prepared.

Validation Phase

In line with the assessment provided in the table above, the evaluation team will consult with those stakeholders identified as having a direct Rule of Law in IPA & ENPI/ENI. The evaluators will contact these stake-

⁴ http://ec.europa.eu/smart-regulation/guidelines/tool_50_en.htm

⁵ http://ec.europa.eu/smart-regulation/index_en.htm

holders with a view to acquiring information for the evaluation via the appropriate evaluation tools e.g. interviews, focus groups, questionnaires etc. Special attention will be given to ensuring consultations are conducted with stakeholders that can contribute information relative to gender issues, minorities, children and young persons living with disabilities, and vulnerable groups. The OPC will also be opened to the public, and will be open for 14 weeks with the responses expected to feed into the synthesis phase.

Synthesis Phase

Towards the end of the synthesis phase, the evaluation team will prepare a set of key preliminary findings and conclusions based on its analysis from the validation phase.

Debriefing and report dissemination

Once the final evaluation report has been submitted, the evaluation team will agree with the EC on dissemination of the final report. This includes a dissemination workshop, where the report findings and recommendations will be discussed with EU stakeholders.

2.2 Indicative Timeframe

In line with the work-plan given in section 6.4, the indicative timeframe for the delivery of the consultation strategy is as follows:

<i>Consultation actions</i>	<i>Indicative Deadline</i>
Desk Phase	14th May 2018
Validation Phase (incl. presentation of preliminary findings)	12th September 2018
Open Public Consultation	May 2018 – August 2018
Synthesis Phase	18th October 2018
Dissemination Workshop	December 2018 / January 2019