

**Mid-term evaluation of the
European Union / Council of Europe
Horizontal Facility for the Western Balkans and Turkey
- Phase II**

FINAL REPORT

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Submitted by: Heidrun Ferrari, Britta Schweighöfer, Anja Simic

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Contact:
Heidrun Ferrari
Independent Consultant
Turnerstr 102 – 69126 Heidelberg – Germany
Email: heidrun.ferrari@gmx.de
Mobile: 49-163-4272700

Abbreviations

AML	Anti-Money-Laundering
BSC	Beneficiary Steering Committee
CEC	Central Election Commission
CEPEJ	Council of Europe European Commission for the Efficiency of Justice
CFT	Combating Financing of Terrorism
CoE	Council of Europe
CSO	Civil Society Organisation
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
DHoO	Deputy Head of Office
EC	European Commission
ECM	Expertise Co-ordination Mechanism
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EP	European Parliament
EQUINET	European Network of Equality Bodies
EU	European Union
EUD	EU Delegation
EU DICE	EU Developing Innovation and Creativity in Education
EU TAIEX	EU Technical Assistance and Information Exchange
FATF	Financial Action Task Force
GD	General Directorate for the Prevention of Money Laundering
FCNM	Framework Convention for the Protection of National Minorities
GRECO	Group of States against Corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
HELP	European Programme for Human Rights Education for Legal Professionals
HF	Horizontal Facility
HIDAACI	High Inspectorate of Declaration and Audit of Assets and Conflicts of Interests
HJC	High Judicial Council
HRA	Human Rights Approach
HoO	Head of Office
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
LGBTI	Lesbian-Gay-Bi-Transgender-Intersex
ML/TF	Money Laundering/Terrorist Financing
MOJ	Ministry of Justice
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
MoU	Memorandum of Understanding
NDI	National Democratic Institute
NPO	Non-profit organisation
NRA	National Risk Assessment
ODGP	Office of the Directorate General of Programmes
OECD/DAC	Organisation for Economic Co-operation and Development/Development Assistance Committee
OPCAT	Optional Protocol to the Convention against Torture
OSCE	Organisation for Security and Co-operation in Europe
PMM	Project Management Methodology

RACER	Relevance, Accepted by staff and stakeholders, Credible for non-experts, Easy, Robust
SAC	State Cadastre Agency
SoM	School of Magistrates
SC	Steering Committee
TAPA	Tri-Annual Plan of Action
ToT	Training of trainers
VC	Venice Commission

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Executive Summary

Background

The EU and the CoE have developed the EU/CoE “Horizontal Facility for the Western Balkans and Turkey - Phase II” (HFII) to support Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia and Turkey (hereinafter referred to as Beneficiaries). The first phase of the Horizontal Facility (HFI) focused on three priority areas – ensuring justice; the fight against corruption and economic crime; and anti-discrimination and the protection of the rights of vulnerable groups. HFII also includes a fourth priority area - freedom of expression and freedom of the media. Specific HFII interventions are based on the recommendations of the CoE monitoring and advisory bodies, and prioritised according to the needs identified in the enlargement negotiations of the EU. The HFII provides a two-fold approach to Beneficiaries: technical assistance to support Beneficiary compliance with European standards, and legal/expert advice on priority area reforms, provided through the Expertise Co-ordination Mechanism (ECM) as well as directly under the actions.

Purpose and methodology

The purpose of this mid-term evaluation was to provide an independent assessment of the performance of HFII in achieving the anticipated outputs and outcomes, and to provide recommendations for the follow-up of the programme based on lessons learnt and identified best practices. A total of 16 sample actions were drawn from three Beneficiaries (Albania, Montenegro, Serbia) and the regional actions. The scope of the evaluation focused on the performance of the sample actions within the four HFII thematic areas. The methodology was based on the OECD/DAC evaluation criteria of relevance, coherence, effectiveness, efficiency, and impact and sustainability prospects. The Terms of Reference (ToR) also asked for the CoE added value and cross-cutting issues (gender mainstreaming, human rights approach and visibility and communication) to be included. The evaluators gathered data by means of a document review, 87 stakeholder interviews and an online survey which was responded to by 63 CoE staff and beneficiary representatives. All interviews were conducted remotely due to COVID-19 pandemic related restrictions during the evaluation period.

Conclusions

Relevance: HFII actions are in line with the needs and priorities of the Beneficiaries thanks, in large part, to the consultations conducted with a high number of stakeholders. Beneficiary institutions perceive the HFII priority areas and interventions to be relevant. HFII actions are also in line with relevant sectoral domestic policies, strategies or Action Plans. CoE standard-setting, advisory and monitoring bodies set the way to operationalise priorities and design respective actions, as outlined in the Tri-Annual Plans of Action (TAPAs). All actions involved - albeit to varying degrees - civil society actors *e.g.* in needs-assessments and Steering Committees. The use of different forms of data collection by a large number of actions during the inception phase and/or early implementation phases *e.g.*, full needs-assessments, fact-finding missions and baseline surveys, helps to ensure the relevance of interventions.

Coherence: The design of the HFII is based on the modalities of the EU accession negotiation process and the current EU Strategy for the Western Balkans. The evaluation found that HFII is coherent with and supports the objectives of five out of the six Flagship Initiatives set out by the European Commission as a framework for joint action. HFII is highly coherent with Initiative 1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

(Strengthening the rule of law), and demonstrates some coherence with Flagship Initiatives 2 (Reinforcing engagement on security and on migration), 3 (Enhanced support for socio-economic development), 5 (Launching a Digital Agenda for the Western Balkans) and 6 (Supporting reconciliation and good neighbourly relations). Flagship initiative 4 (Increasing connectivity) is outside the scope of the Facility.

Effectiveness: There is evidence that HFII shows a high degree of effectiveness. Sample actions in all three Beneficiaries demonstrate some or good progress.¹ The evaluation found that numerous, concrete outcomes were achieved in the improvement of legislative and policy frameworks and in the strengthening of beneficiary institutions' capacities to execute their mandates in line with CoE recommendations and EU standards. Enhanced multi-stakeholder dialogue is an important achievement in its own right. The added value and complementarity of regional actions can be confirmed through, for example, their contribution to networking, joint learning and exchange of expertise and good practice. A consultative approach for the design of HFII actions has contributed to their effectiveness.

HFII actions have also responded well to the COVID-19 pandemic related constraints. There is evidence of adjustments - such as technical solutions and programming adaptations - being made in response to the restrictions. However, a number of challenges remain, for example, in evaluating the effectiveness of online processes and reprogramming postponed activities.

The ECM is the second component of the HFII, complementing HFII actions well. It allows HFII to flexibly expand beyond the objectives and thematic areas of the actions and brings in additional expertise on issues with a broader political dimension that cannot be solved through mere technical co-operation. However, the ECM as a mechanism is not well known to beneficiary institutions eligible to request its support.

Efficiency: The mid-term evaluation found the management and co-ordination of HF actions to be generally efficient and responsive to changing context or needs. HFII co-ordination has put in place a number of measures to communicate and streamline the multi-layer management structure, including financial management, and provides continuous guidance and support to the CoE Offices. Nonetheless, some CoE project staff based in the Offices² cited a lack of clarity at times about decision-making and approval responsibilities. Steering committees appear to be efficient instruments for the oversight, management and facilitating co-operation of relevant institutions. The mid-term evaluation considers monitoring and reporting to work well at action and Beneficiary level. At Beneficiary level, the TAPAs are an efficient tool for tracking the relevance of an HFII intervention and progress in implementing CoE monitoring bodies' recommendations. The Facility logframe document, comprising 13 pages currently, is perceived as not user-friendly, and the CoE and DG NEAR have different perceptions regarding its usability and validity.

Added value: There is evidence that the CoE offers added value for both beneficiary institutions and the EU. Partner institutions consider CoE to add value through its technical expertise and familiarity with regional context due to its long-standing presence in and engagement with the Beneficiaries. They perceive the CoE playing an important role as a neutral institution in bringing stakeholders to the table. The CoE is also recognised as a promoter of human rights and an enabler for civil society participation, an area in which the CoE could exercise more leverage. The EU recognises the CoE as a counterpart on standards in the rule of law and human rights fields contributing to the advancement of the accession process, in particular to Chapters 23 and 24, and

¹ Based on the CoE progress rating system. **Some progress** indicates that activities are being implemented as planned and have good prospects of bringing concrete results (outputs achieved, signs of outcomes). **Good progress** indicates that activities continued at a good pace with concrete results (legislative amendments, institution building incl. capacity building) having already been achieved during the period of reference.

² Based on interviews with project staff excluding TAPA co-ordinators.

highlights its technical expertise and role as a trusted interlocutor to local institutions as adding value. Conversely, the added value of the EU is the political leverage it can generate.

Sustainability and impact prospects: The mid-term evaluation considers that a number of outputs and outcomes of HFII interventions are likely to be sustained over time - in particular, legislative frameworks, policies and strategies. Capacity-building measures are likely to be sustained over time when they are integrated into the formal settings of beneficiary institutions *e.g.* through mandatory curricula and internal training schemes. Guidelines and other outputs designed to support beneficiary institutions to execute their mandate contribute to sustainability and do not normally require further input. The evaluation found that the long-term commitment of the CoE, in some cases exceeding the life-cycles of HFI and HFII, contributes to the long-term sustainability of partner institutions, *e.g.* the School of Magistrates in Albania. Both CoE and Beneficiary stakeholders are confident that the HFII will have an impact on reform processes and help to meet the EU accession criteria. The mid-term evaluation found first evidence of a HFII contribution to impact in all three sample Beneficiaries, as documented in EU Reports and CoE monitoring reports.

Transversal issues: Compared to its application under HFI, gender mainstreaming has become an integral part of the HFII action implementation cycle and more systematically implemented *e.g.* through the use of tools, trainings and the introduction of gender focal points in CoE offices. The Human Rights Approach (HRA) is also well integrated into HFII actions, in particular the inclusion of civil society in line with the principle of “participation and inclusion.” “Equality and non-discrimination” is the focus of all actions under the respective HFII thematic area. There is also evidence that equality and non-discrimination is addressed through actions of other thematic areas. Partner satisfaction with CoE communications and with their involvement in decision-making provides evidence of CoE’s “accountability” towards Beneficiaries. However, CoE support to beneficiary institutions with regard to their “accountability” towards citizens lacks the systematic approach required to help build citizen trust in their institutions. A wide range of HFII communications activities support the “Transparency and access to information” principle. Overall, visibility work is strategically well positioned.

Key recommendations

- 1) HFII should continue its standard practice of following a participatory approach in design and implementation to ensure the relevance of the actions, and of the HFII overall.
- 2) The CoE should reassess whether goals/results in the area of anti-discrimination have been set realistically in light of external constraints and available budgetary resources.
- 3) The CoE should assess where regional action exchange can be expanded to generate learning from outside of the region.
- 4) The CoE should integrate citizens’ awareness/involvement as a distinctive component into the HF.
- 5) The CoE and DG NEAR should consider expanding the utilisation of the ECM budget line to support wider dissemination and communication, in particular to CSOs and the broader public.
- 6) The CoE should continue its good practice in the management of its Steering Committees and press for the inclusion of civil society into action Steering Committees.
- 7) The CoE and DG NEAR should reassess the need for a Facility logframe and/or identify the exact purpose a Facility logframe should serve.
- 8) The CoE and DG NEAR should consider introducing a logframe at Beneficiary level.
- 9) CoE should increase efforts on the formulation of outcome indicators and on outcome monitoring and reporting.

- 10) The CoE should leverage its standing with institutions and civil society to promote increased civil society participation and facilitate collaboration of smaller, marginalised groups.
- 11) The CoE should strengthen the extent to which HFII actions include elements of accountability and citizen participation to contribute to the sustainability of actions and to achieve real impact in terms of citizen trust.
- 12) HFII actions that have not yet conducted a gender analysis should do so.
- 13) The CoE should continue the good practice to systematically review gender mainstreaming achievements and lessons learned at the end of HFII.

1. Introduction

1.1 Background and context

The European Union (EU) and the Council of Europe (CoE) are committed to supporting democratic governance, human rights and the rule of law in neighbouring and enlargement regions. To this end, the European Commission (EC) and the CoE have agreed to mobilise resources to co-ordinate the implementation of their policy goals in this area based on their respective strategic frameworks and the Memorandum of Understanding (MoU) between the CoE and the EU of 23 May 2007. The work of the CoE is based on legally binding instruments and convention-based monitoring mechanisms at a pan-European scale. The joint Statement of Intent signed on 1 April 2014 by the Secretary General of the CoE and the EU Commissioner for Enlargement and European Neighbourhood Policy identified the following priority areas to strengthen political and operational co-operation in the enlargement region:

1. Efficient and independent judiciary;
2. Fight against corruption and economic crime;
3. Anti-discrimination and protection of the rights of vulnerable groups (including the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI) and protection of minorities;
4. Freedom of expression and freedom of the media.

To this end, the EC and the CoE have developed the EU/CoE “Horizontal Facility for the Western Balkans and Turkey - Phase II” (HFII) to support Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey (hereinafter referred to as Beneficiaries). The first phase of the Horizontal Facility (HF) focused on three priority areas - efficient and independent judiciary; the fight against corruption and economic crime; and anti-discrimination and the protection of the rights of vulnerable groups. HFII also includes a fourth priority area - freedom of expression and freedom of the media. Specific interventions are based on the recommendations of the CoE monitoring and advisory bodies, and prioritised according to the needs identified in the enlargement negotiations of the EU. The HFII has a two-fold approach: technical assistance to support Beneficiary compliance with European standards, and legal/expert advice on priority area reforms, provided through the CoE Expertise Co-ordination Mechanism (ECM). CoE Offices based in the HF Beneficiaries play an active part in co-ordinating the implementation of HFII actions. ODGP co-ordinates and reports on these co-operation activities to DG NEAR in co-operation with the CoE’s Directorate General of Human Rights and Rule of Law and the Directorate General of Democracy.

1.2 Purpose, objectives and scope of the evaluation

In October 2018 the CoE published a call for tenders for the establishment of a framework contract for Action Plan evaluations (2018/AO/60), by which it sought to establish a pool of a maximum of ten providers to carry out mid-term or ex-post evaluations of CoE Action Plans and EU/CoE joint programmes of the “Facility-type”. In January 2019, the evaluation team was included in the pool of eligible providers and contracted in October 2020 by the ODGP to conduct this mid-term evaluation.

The Terms of Reference (ToR) stipulated two main purposes for this mid-term evaluation with a number of clear objectives:

PURPOSE A: Independently assess the performance of HFII in achieving the anticipated outputs and outcomes. To this end, the evaluation has the following objectives:

1. Assess the HFII outcomes achieved, and its contribution to domestic reform efforts;
2. Assess the HFII performance in light of the COVID-19 pandemic;

3. Assess transversal issues, including mainstreaming of gender, integration of a human rights-based approach and visibility;
4. Assess the added value of the CoE in the HF actions.

PURPOSE B: Provide recommendations for the follow-up of the programme based on lessons learnt and best practices identified in the first two phases of the Horizontal Facility:

5. Assess the extent to which HFI evaluation recommendations have been put into practice;
6. Assess the monitoring and evaluation methodology applied at action-level and overall HF level;
7. Formulate conclusions and recommendations on the monitoring and evaluation methodology, including on baselines and indicators to improve the assessment of the programme impact.

The scope of the evaluation focused on the performance of the sample actions within the four HFII thematic areas. Sample actions were drawn from three out of the seven Beneficiaries (Albania, Montenegro and Serbia) as well as regional initiatives.

1.3 Methodology

The evaluation approach and methodology were based on the principles of transparency, confidentiality, cultural sensitivity and collaboration. The evaluation process was further guided by the CoE and other relevant evaluation guidelines.³ The evaluation was based on a clearly defined evaluation framework which outlines evaluation questions and data gathering means and sources (see evaluation matrix in annex I). The questions were grouped around the evaluation criteria suggested in the ToR, including the OECD/DAC evaluation criteria of relevance, coherence, effectiveness, efficiency, impact and sustainability. The cross-cutting issues highlighted in the ToR were also included in the framework. All the evaluation questions suggested in the ToR were included in the framework though in some cases these were further refined.

The evaluation focussed on a sample of 16 out of the 46 HFII actions, including 4 actions from Albania and Montenegro, 5 actions from Serbia, 2 thematic and 1 specific regional intervention (see annex II for a complete list of sample actions). The proposed sample was identified with reference to four criteria: thematic representation, continuity, Beneficiary focus and regional synergy. With regard to the Expertise Co-ordination Mechanism (ECM) a qualitative analysis was carried out, looking in more detail at two ECM requests.

The evaluation used a variety of data gathering methods: (a) In-depth document review of HFII and sample Beneficiary-specific and relevant external reports, in particular EU reports and reports of CoE's monitoring and expert advisory bodies; (b) A total of 87 key stakeholders were interviewed, including relevant CoE staff in headquarters and in the three sampled Beneficiaries, as well as partners in the Beneficiaries; the European Union Delegations/Office; and DG NEAR in Brussels, beneficiary institutions and civil society stakeholders (see annex III) ; and (c) an online survey on the effectiveness of the HFII which was responded to by a total of 63 CoE staff and beneficiary representatives.

The effectiveness and progress of sample actions was assessed against the CoE progress rating system:

- **Very good progress** indicates that legislative amendments and/or institution building led to changes in the socio-economic situation of end beneficiaries/target populations.
- **Good progress** indicates that activities continued at a good pace with concrete results (legislative amendments,

³ Including the Council of Europe Gender Equality Strategy 2018-2023 and DG NEAR's Guidelines on planning/programming, monitoring and evaluation.

institution building incl. capacity building) having already been achieved during the period of reference.

- **Some progress** indicates that activities are being implemented as planned and have good prospects of bringing concrete results (outputs achieved, signs of outcomes)
- **No progress** indicates that either the project did not progress, and therefore activities were not implemented, or that the activities with an expected result are planned for a later implementation stage.

1.4 Limitations

The evaluation process as such went smoothly. The team did not encounter any specific limitations. COVID-19 related travel restrictions did not affect access to stakeholders. Online interviews were carried out as planned. The HFII Co-ordinator and the CoE Offices provided invaluable support throughout the process.

The consultants would like to point out that the focus of the selection of three sample Beneficiaries from the Western Balkans region can be seen as a sufficient sample coverage to allow conclusions on the HFII. However, there are at times specifics of other Beneficiaries which are not comparable to the sample Beneficiaries, *e.g.* although Turkey has not been a sample Beneficiary of this mid-term evaluation it has been highlighted in various interviews that the implementation of actions in Turkey is somewhat more challenging than in other Beneficiaries.

2. Findings

2.1 Relevance

This section explores to what extent HFII actions are in line with needs and priorities of Beneficiaries, how adequate consultation processes with Beneficiaries have been and whether Beneficiaries perceive the HFII priority areas and interventions to be relevant.

HFII actions are **in line with needs and priorities of Beneficiaries** due to their extensive consultations with a high number of stakeholders. In some cases, tri-partite co-ordination meetings with a beneficiary Ministry, the EU and the CoE provided a means to facilitate the inception phase of a given action. Beneficiary institutions confirmed in interviews that their ideas and suggestions were taken on board. As one interviewee phrased it: *“CoE is very good in recognising actual needs and translating them into the action activities and results”*. In some actions, the consultations resulted in changes to the original work plan and sometimes in the re-formulation of the intermediate objectives, which is reflected in the actions' inception reports. Action approaches and work plans are validated and if necessary, adapted during Steering Committee meetings. HFII actions are also **in line with relevant sectoral domestic policies, strategies or action plans. CoE standard-setting, advisory and monitoring bodies** such as the European Commission against Racism and Intolerance (ECRI), the Venice Commission, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Group of States against Corruption (GRECO) **set the way to operationalise priorities** and design respective actions, as outlined in the Tri-Annual Plans of Action (TAPAs).

All actions involved - albeit to varying degrees - civil society actors, either in the needs assessment or at a later stage through grants, or through full membership in the Steering Committees. Multi-stakeholder consultations on needs proceeded with little friction in most cases as they were already able to draw on co-operation experiences from HFI. No interviewee indicated that they felt that their interests and concerns were not adequately addressed.

Furthermore, a large number of actions integrate as part of the inception phase and/or early implementation phases **different forms of data collection**. These include full needs assessments; *e.g.* HF10 needs assessment on the execution of the judgements of the European Court of Human Rights (ECtHR) in relation to Serbia; specific fact-finding missions as *e.g.* requested by DG NEAR for HF38 in Kosovo; gap reports on specific institutions and/or their capacities, *e.g.* in the frame of HF3 on the situation of prisoners in Montenegro; baseline and endline surveys; or the development of an assessment methodology from scratch as in the case of HF44 for assessing terrorist financing risks. Also, the gender-analysis carried out for a number of actions contribute to the knowledge base as they made action-specific recommendations.

However, **not all inception phases were without problems**: the action on anti-discrimination in Serbia had a somewhat more difficult start than most others, as there were different needs and priorities among the beneficiary institutions. While some would have liked to see the action focused on the issue of minority rights, others also wanted to see the issues of combating hate speech and promoting LGBTI persons' rights integrated. Although the conflict was resolved at the beginning of the action, in that both thematic aspects were covered, the different interests were made clear again during the interviews.

This conflict illustrates that the prioritisation of an action can provide access to resources that are not adequately provided by the Beneficiary. The evaluators assume that there are more conflicts in the planning phases regarding the focus and scope of the actions, which are not significant enough to be reflected in reports and interviews. The decisive factor is whether an appropriate balance is achieved in the end between the interests of the beneficiaries and/or a single institution and the priorities and European values to which the Facility is committed. Overall, the evaluators gained the impression that CoE succeeds very well in mediating such multi-stakeholder processes.

Overall, **beneficiary institutions perceive the HFII priority areas and interventions to be relevant.** For example, one interviewee stressed the relevance of the HF10 action “Strengthening the effective legal remedies to human rights violation in Serbia”, pointing out that Serbia is on the top ten list of applications to the ECtHR⁴ while the execution of judgements is not regulated at all by law in Serbia. In addition, the office of the Government Agent to the ECtHR is small and understaffed, and it is questionable whether it could possibly function without external support. In Montenegro, under HF7 the interviewees stressed the importance of the inter-judicial dialogue. One interviewee pointed out that measures such as a structured dialogue between the Supreme and Constitutional Courts significantly reduce back and forth referral of cases to each other with no discernible added value for citizens. Interviewees highlighted that this has resulted in clear contributions to improved practice and better protection of human rights of the citizens. In Albania, interviewees from the action HF3 “Enhancing the protection of human rights of prisoners” confirmed that the action addresses key issues and challenges concerning human resources in the penitentiary system as a result of which adequate measures have been implemented, including the development of career plans and continuous capacity-building for prison staff.

2.2 Coherence with the EU Strategy for the Western Balkans and its flagships

This section points out to what extent the implementation of HFII has been coherent with the EU Strategy for the Western Balkans. The coherency-related question whether Beneficiary-specific actions and regional interventions within HFII are in line is covered in 2.3.5 (regional actions).

HFII is designed around the modalities of the EU accession negotiation process and the current EU Strategy for the Western Balkans. The 2018 communication from the European Commission sets out the parameters for enlargement and enhanced EU engagement with the Western Balkans by defining a total of six Flagship Initiatives which provide a framework and building blocks for joint actions.⁵

On the whole, HFII is coherent with and supports objectives of five of the six Flagship Initiatives whereby HFII is highly coherent with Initiative 1, and demonstrates some coherence with Flagship Initiatives 2,3, 5 and 6. Flagship initiative 4 is outside the scope of the Facility:

- *Flagship initiative 1- Strengthening the rule of law*

Flagship initiative 1 aims to support initiatives strengthening judicial reforms; the fight against corruption and organised crime; and the strengthening of fundamental rights. HFII is highly coherent with this flagship initiative. As the table in annex V illustrates, coherency of 13 out of the 16 sample actions implemented under all four HFII themes was identified. A large number of actions are closely designed in line with judicial reforms and relevant strategies of the sample Beneficiaries, including the ongoing justice reform in Albania (HF1, HF3), the 2019-2024 Judicial Development Strategy in

⁴ Interview data, also confirmed by the annual report of the European Court of Human Rights 2020
<https://echr.coe.int/Pages/home.aspx?p=court/annualreports&c=>

⁵ European Commission (2018): A credible enlargement perspective for and enhanced EU engagement with the Western Balkans. COM(2018) 65 final. https://ec.europa.eu/info/sites/default/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

Serbia (HF10, HF11) and the 2019-2022 Strategy for Judicial Reform in Montenegro (HF7). HFII actions are also specifically addressing corruption and organised crime or fundamental rights. In this context, objectives formulated for those actions are coherent with Negotiation Chapters 23 and 24 which all sample Beneficiaries work towards respective Actions Plans with clearly defined benchmarks.

- *Flagship initiative 2 - Reinforcing engagement on security and on migration*

This initiative addresses counter-terrorism and radicalisation; co-operation on countering various types of organised crime; and co-operation with the Western Balkans Beneficiaries on migration and border management. In particular, two regional sample actions are in line with this initiative, namely HF38 which addresses radicalisation in prisons in the Western Balkans and HF44 which addresses economic crime in the region including by improved capacities for the management of non-profit organisation (NPO) terrorism financing risks.

- *Flagship initiative 3 - Enhanced support for socio-economic development*

Flagship initiative 3 aims to reinforce the social dimension with a focus on employment and social policies as well as support to the social sector, in particular education and health. The sample action HF24 “Quality Education for All in Montenegro”, in line with the 2019-2025 Inclusive Education Strategy and 2016-2020 Strategy for the development of higher education in Montenegro supports this initiative.

- *Flagship initiative 4 - Increasing connectivity*

This concerns co-operation on transport and infrastructure to foster connectivity between the EU and the Western Balkans which is outside the mandate of the CoE.

- *Flagship initiative 5 - Launching a Digital Agenda for the Western Balkans*

This initiative aims to support the development of a digital agenda, in particular in relation to eGovernment and the development of digital skills. A number of HFII actions contain relevant elements e.g. support to the establishment of an electronic case management system for the judiciary (HF1); strengthening of the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interests (HIDAACI) capacity to implement an electronic asset declaration system (HF15) and the establishment of an online monitoring system to follow-up on the implementation of National Minorities Advisory Body recommendations (HF25).

- *Flagship initiative 6 - Supporting reconciliation and good neighbourly relations*

This initiative aims to support reconciliation including transitional justice and overcoming the legacy of recent conflict through co-operation in the field of education, culture, youth and sport. HF24 falls within the scope of this initiative by supporting a network of 40 schools in developing and implementing initiatives in fostering democratic school culture.

Regional actions directly support the building of good neighbourly relations. Interviews confirm, that all regional sample actions are very appreciated by the beneficiaries as they foster exchange between governmental entities of different Beneficiaries on technical know-how and development of the various sectors regardless of the relationships between them at governmental level.

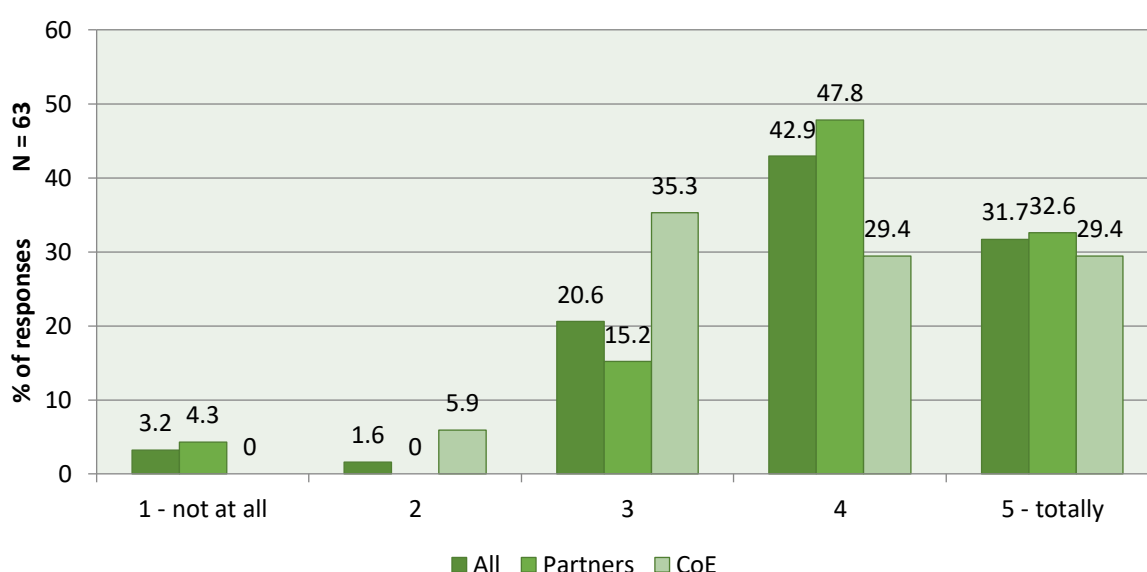
2.3 Effectiveness

This section summarises the main achievements of the sample actions. The section starts with a short summary of the results of the survey showing stakeholders' perceptions on outcomes. The section continues with a Beneficiary-specific summary and a complementary look at the regional actions. Further on it examines the impact of COVID-19 restrictions and how the sample actions have responded to these and on the specifics of the ECM. The section is complemented by three annexes providing more details. Annex VII shows outcomes per sample action by Beneficiary according to expected outcomes of Beneficiary TAPAs and HFII logframe; annex VI describes the individual actions in more detail and reflects on the processes that led to the results of the action as well as the factors that have supported or hindered progress in each case; and annex VIII provides further detail on aspects of COVID-19 related restrictions and mitigation measures.

2.3.1 Survey Data

The survey, in which 17 CoE staff members and 46 representatives of beneficiary institutions participated, asked respondents to rate the extent to which the HF action they are familiar with has in their point of view already achieved its intended outcomes. Respondents could choose a scoring between 1 (not at all) and 5 (totally). Overall, more than 70% of respondents decided to score 4 or 5. However, 80% of beneficiary institutions respondents rated the achievement of outcomes at this level compared to slightly less than 60% of CoE staff.

Chart 1: Rating of the extent to which the HFII actions have already achieved their intended outcomes

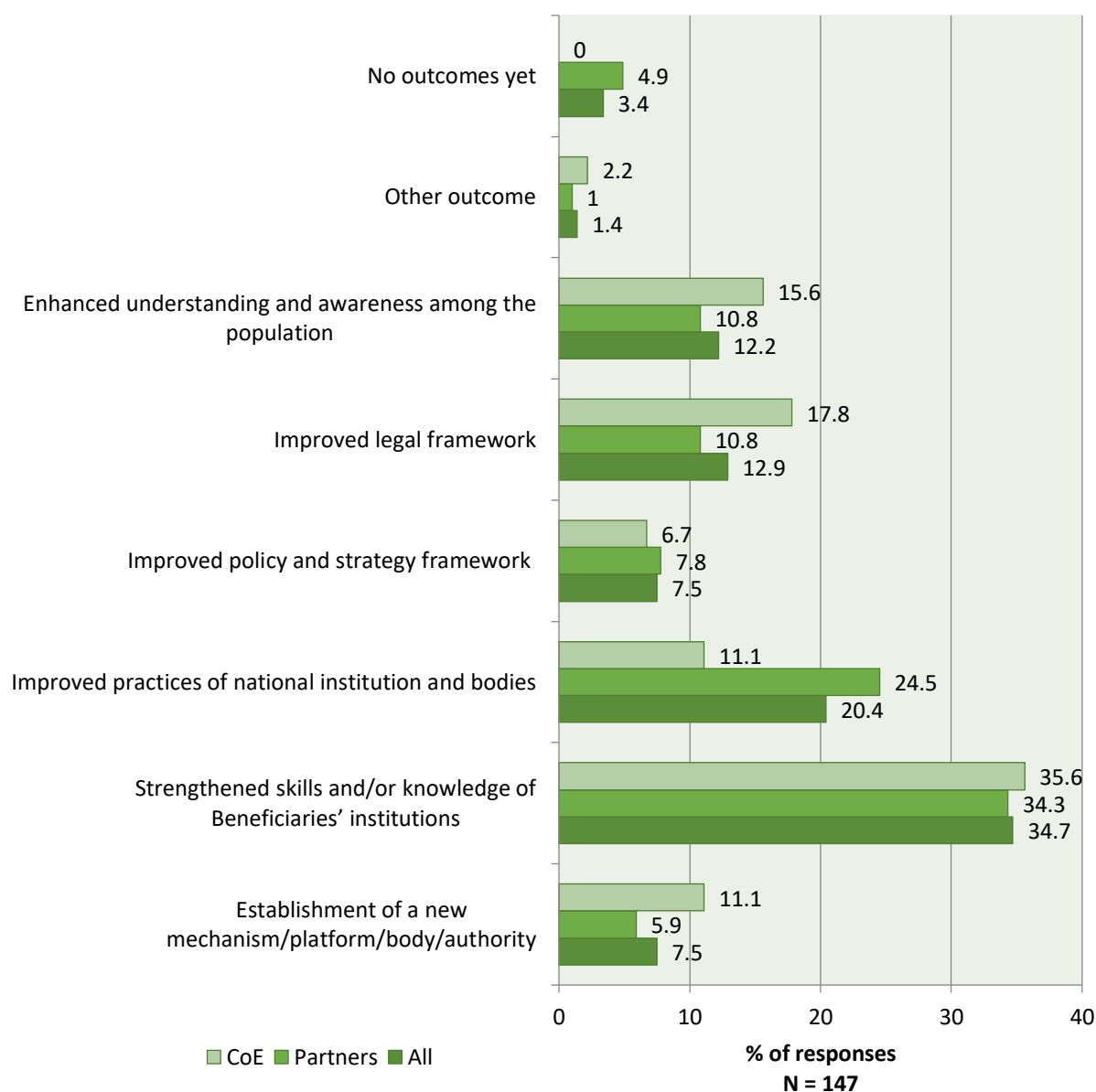


When asked whether outcomes have built on achievements of preceding actions, 46 of 60 respondents said yes, confirming data collected in the interviews.

Furthermore, interviewees were asked to identify up to three most relevant outcomes of the action under the Horizontal Facility they are familiar with.

Institutional capacitystrengthening clearly tops the list (approx. one third of the 147 responses to this question, which allowed multiple answers) and is rated almost equally by CoE staff as well as beneficiaries. CoE staff then chose “improved legal frameworks” and “enhanced understanding and awareness of the population” on position 2 and 3, while partners highlighted “improved practices of central institutions and bodies” as a more prominent outcome. While no CoE staff indicated that there are “no outcomes yet”, almost 5% of partners responses do so. However, the vast number of respondents do believe that some outcomes have already been achieved, which is corroborated by interview data.

Chart 2: Rating of the most relevant outcomes of the HFII actions⁶



⁶ One responded stated as „other outcome“ raised awareness on human trafficking including on labour exploitation.

The ratings are in line with stakeholders' interview findings. First of all, the strengthening of beneficiary institutions is at the heart of most sample actions. All of them have an institutional strengthening component, based on joint programming and needs assessment with targeted institutions at the initial stage of HFII implementation (see also 2.1 relevance). It is therefore not surprising that outcomes rate high in this area. Ratings also reflect that strengthened institutions do not automatically translate into improved practices. This matches theories of organisational change: while skills and know-how are often a necessary pre-condition for change, they are not sufficient on their own. Organisational culture plays a role, so do attitudes of decision makers, (political) peer-groups and inter-personal relations within the organisation and different layers of hierarchy. Beneficiary institutions are not homogenous bodies and training activities (on certain topics for certain departments within an institution) can only be a contribution to change, not its sole or decisive force. The limited influence of actions on Beneficiary citizens' knowledge and awareness reflects the limited attention this aspect gets in programming and in beneficiary institutions' agenda as also pointed out in a number of interviews (explored further in section 2.7.2 human rights/accountability).

2.3.2 Albania

Rating: All four sample actions demonstrate **some to good progress** within the first half of the implementation of the HFII in Albania. On the whole, outcome levels have been achieved according to work plans. In particular, there is evidence that results at the outcome level have been achieved with regard to strengthening relevant institutions and the improvement of the legislative and policy frameworks.

Continuation of the HFI: All sample actions build conceptually on preceding actions under the HFI and results achieved under the HFII have to be seen in light of preceding HFI work.

Key factors: The implementation of the HFII in Albania is viewed to have benefitted from a sound risk assessment being in place already during the inception period. Moreover, the Venice Commission through the ECM supported actions in working towards the Beneficiaries' reform objectives, *e.g.* through the provision of solutions to reform processes, including electoral reform, or the law on property rights which was highly controversial. However, the objectives of some of the actions are considered ambitious in terms of the timeframe of the HFII, the context and related constraints. The latter included the 2019 earthquake and the COVID-19-related restrictions. Respondents considered the CoE to have been relatively fast to adjust to the pandemic due to the fact that similar measures were taken following the aftermath of the earthquake. Pandemic-related restrictions slowed down the pace of implementation to some extent but did not change objectives of the actions. Moreover, the 2019 political turmoil which resulted in the opposition abandoning Parliament created a certain level of instability and slowed down reform processes which the CoE needed to work around. The CoE was also challenged by the far-reaching judicial reform, which was delayed by political disagreements and resulted in about 50% of judges and prosecutors leaving their posts.

Legislative frameworks and policies: Interviews confirm that the HFII actions have so far provided important support to the improvement of policy and legislative frameworks in line with relevant standards *e.g.* in the field of anti-discrimination, the revised Law on Protection from Discrimination which entered into force in November 2020 and the Census Law approved in November 2020. Two draft bylaws on the Law no 96/2017 "On protection of national minorities in the Republic of Albania" have incorporated CoE recommendations. The adoption of remaining by-laws was listed as key in the

Conclusions of the Council of the European Union in March 2020.⁷ In the field of economic crime, around 90% of HFI and HFII recommendations on the Electoral Code and Political Party Financing were incorporated into the amendments to the Electoral Code and the Law on Political Party Financing. The sample actions also supported important strategies and Action Plans. This includes the new LGBT Action Plan 2021-2025 which has been drafted with a corresponding budget and is expected to be approved before mid-2021 as well as the Draft National Strategy for Education and Employment in Prisons.

Institution strengthening: In the justice sector HF actions achieved considerable progress. The School of Magistrates now functions sustainably, allowing the CoE to seek an exit strategy from the institution. CoE support to the drafting of the new Judicial Map will enable the Ministry of Justice (MoJ) to identify gaps related to the vetting processes and mitigate its impact on institutions. The High Judicial Council's (HJC) capacity to systematically monitor court performance was strengthened by the adaptation of CEPEJ methodology for data collection and future new case management system. The capacity of the newly established Training Center for the Prison Administration was built through curricula development followed by the first training of prison administration staff. Three penitentiary facilities were strengthened through piloting of tools for risk assessment, individual sentence planning and development of pre-release plans. In the field of fighting corruption, economic and organised crime, the capacities of the General Directorate for the Prevention of Money Laundering were strengthened through support to the updating of its ML/TF National Risk Assessment. The capacities of the newly reorganised Central Election Commission (CEC) to monitor election finances were enhanced by training of new on-site monitors. The new electronic Asset Declaration System for the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) has been a key concern for the EU and is expected to enhance transparency of the next round of asset declarations after the completion of current installation and training activities. Concerning the field of anti-discrimination, the Commissioner for Protection from Discrimination and People's Advocate capacity to respond to hate speech was strengthened through a study on hate speech and offensive language and development of a mobile app to report incidences of hate speech.

Enabling co-operation: The CoE has been able to bring relevant institutions together to develop a joint understanding and facilitate more systematic co-operation. For example, the interdisciplinary working group under the action 'Strengthening the quality and efficiency of justice in Albania' (HF1), which brings the MoJ, the High Judicial Council (HJC) and different courts to the table, is seen by stakeholders as an important step to ensure further progress in this area.

2.3.3 Montenegro

Rating: The four sample actions implemented under HFII indicate **that some or good progress has been achieved** in light of the targets set for the first half of implementation and the challenges posed externally. Overall, the evaluation findings indicate that HFII actions have been effective in keeping Montenegro on the reform path, promoting human rights, and assisting beneficiary institutions in meeting the EU accession requirements. The added value of the HFII is seen in the promotion of CoE standards, especially in terms of its expertise in support of legal reforms and in the promotion of structured dialogue, partnership and local ownership.

⁷ <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

Continuation of the HFI: The majority of outputs build on the actions of HFI. HFI investments in sustaining the momentum of legislative reform processes and supporting trustful relationships with beneficiary institutions have contributed to achievements at outcome level under HFII. In this way, HFII has benefited from the earlier achievements with regard to legal reforms on academic integrity, civil partnership, education reforms, the promotion of democratic culture and reforms of the media sector. Although no specific regional actions were implemented under HFI, synergies with a number of HFI regional activities have also contributed to some of these results.

External factors: On the whole, the CoE managed to implement actions according to work plans and targets despite the dynamic, complex context in Montenegro during the first half of HFII implementation. This included anti-corruption protests and a wave of protests against the newly adopted and controversial religion law in 2019 which brought political turmoil. The start of the election campaign prior to the August 2020 elections was marked by the high polarisation of the electorate. The outcome of the elections led to the installation of a completely new Government in December 2020. COVID-19 related restrictions constituted an additional challenge to implementation to which, as interviews confirmed, the CoE and beneficiary partners quickly adapted, demonstrating a certain degree of flexibility. Other factors affecting the implementation of a number of actions included the situation of the Supreme Court Presidency and sanctions on the media.

Legislative frameworks and policies: HFII directly contributed to the adoption of the Law on Same-sex Partnership, making Montenegro the only Beneficiary in the region to have this matter regulated. Further achievements included addressing legal reform benchmarks with improvements to procedural rights and the implementation of the Academic Integrity Law. HFII also contributed to the media reform process, in particular with regard to the Law on Audio Visual Media Services (whose adoption is pending) and the Laws on Media and Public Broadcasting Service, which have already been adopted. Interviews highlighted the need to monitor the translation of legislative reforms into practice and to track implementation.

Institution strengthening: A number of beneficiary institutions have been strengthened in the execution of their mandates through the delivery of capacity-building activities to civil servants, members of the judiciary, police, and media representatives, and the production of handbooks and manuals. On the whole, gender and human rights perspectives have been integrated into various measures. Partnership and capacity-strengthening of domestic training institutions contributed to increased ownership and sustainability. Elements of sustainability can also be found in the HFII support to the establishment of the legal clinic and to education on human rights.

Enabling co-operation: Multi-stakeholder dialogue was an important component contributing to achievements in all four sample actions. CoE promotion of local and regional expertise, including the inclusion of and partnership with CSOs representing the needs of citizens and contributing to a human rights perspective, fostered synergies and coalition-building as well as ownership of the HFII actions and their contributions to the reform agenda. For example, this has been a decisive factor to ensure the adoption of the Law on Civil Partnership. The inter-judiciary dialogue with the Supreme and Constitutional Courts contributed to bringing court practice closer to the ECtHR standards.

2.3.4 Serbia

Rating: All sample actions in Serbia made **some to good progress** in terms of concrete results such as legislative amendments and/or institution and capacity-building achieved during the period of reference. Overall, the actions show a degree of implementation that is appropriate in terms of time (mid-term) and all actions show first results at outcome level.

Continuation of HFI: Sample actions build conceptually on preceding actions under the HFI; *e.g.* the adoption of the Mental Health Strategy (HF11), which was **developed under HFI** or the capacity-building of labour inspectors (HF26), based on the development of a methodology and initial training carried out under HFI.

Looking at **external conditions**, the COVID-19 pandemic was the strongest influencing factor, affecting the actions to varying degrees. The interviewees had different views on other influencing factors. Some emphasised that the elections, for example, had no influence at all on HFII implementation, while others described the election campaign period as a politically more tense which required a more cautious approach and led to slower implementation, in particular with regard to the establishment of new action partnerships. Several interviewees described the restriction of media freedoms and the lack of an open political debate as an inhibiting factor, not only for media actions but more broadly regarding democratic practice.

Legislative frameworks and policies: In addition to the Mental Health Strategy mentioned above, actions under HFII contributed to the development of the first draft of the 2021-2027 Prison Strategy. More prominent was the long-awaited adoption of the Law on “missing babies” by the Serbian Parliament; a step towards the execution of the ECtHR judgment “Zorica Jovanovic v. Serbia”. At its March 2020 session, the Committee of Ministers in its human rights format decided to move the supervision of the case from enhanced to standard supervision procedure, thus, reflecting the progress achieved.

Institution strengthening: Actions work with a high number of institutions across all the sectors. This led, for example, to the introduction of a number of (mandatory) trainings in different fields: the Judicial Academy introduced a mandatory Human Rights Education for Legal Professionals (HELP) course on ECtHR and later introduced trainings or integrated training on freedom of expression and protection and safety of journalists into its programme; training on prevention of ill-treatment and torture became mandatory for police officers; and the Ministry of Justice introduced the newly developed treatment programmes as mandatory for prison treatment staff. Furthermore, the capacities of 90% of the labour inspectors were enhanced on basics of identification, prosecution and prevention of trafficking in human beings. Capacity-building was also successful using locally based strategies *e.g.* in the fields of combating trafficking in human beings (local cross-sectorial multi-stakeholders teams qualified and piloted) and anti-discrimination (local action plans in local self-government units). Interviewees describe the local approach as particularly promising with potential to make a difference on the ground.

Enabling co-operation: For Serbia in particular, some interviewees emphasised that political and multi-stakeholder dialogues, especially inter-ministerial, are important outcomes in their own right. Some even stressed that in their point of view this exchange was much more important than results in terms of logframe indicators, as *“the alternative to a political dialogue in the framework of HFII was having no dialogue at all.”* Many interviewees were of the opinion that despite an unfavourable political framework, set by political decision-makers, there are committed counterparts at working/middle management level in all thematic fields.

Different interviewees of beneficiary institutions came to different assessments with regard to a contribution of the sample actions to **changed practices** and the concrete benefits for the population. Some were of the opinion that there had been progress in the judiciary, for example, with regard to the references to human rights principles in the judgements. Others judged these changes to be comparatively technical or cosmetic and do not yet see a real shift towards human

rights-based values. One interviewee summarised the assessment of progress as follows: “We don’t see this project as a separate entity, we see the intention of CoE and the strategic involvement through many different projects. So don’t give up on us and don’t leave us at this point.”

2.3.5 Regional actions

All three regional sample actions made **some or good progress**. Interviews suggest that, on the whole, regional actions (a) add value and are complementary to Beneficiary-specific actions, and (b) provide a platform for networking, joint learning and exchange of expertise and good practice.

The CoE does not systematically assess “softer” outcomes of regional exchange, such as increased networking. Nevertheless, there is anecdotal evidence of increased one-to-one informal contacts between participating beneficiary institutions. Regional approaches do not exclusively focus on exchange and joint learning, but are designed in different ways and contain different key features:

1. In some themes, the regional approach is chosen to complement Beneficiary-specific actions; *e.g.* HF38, which does not serve to pool experiences from the actions on human rights protection for detained and sentenced persons, but deals with the complementary theme of radicalisation.
2. In some topics, the regional action is used as a think-tank which develops content for all Beneficiary-specific actions, which can be subsequently adapted to Beneficiary-specific contexts. *E.g.* the regional action on freedom of expression and freedom of the media (HF46) developed a common Monitoring and evaluation (M&E) methodology which was subsequently adapted by all other Beneficiary-specific actions under Theme 4, including in Serbia (HF36).
3. In another case, the regional level is explicitly used to shift issues that are comparatively politically sensitive from the Beneficiary-specific level to a regional level that is perceived as more politically neutral *e.g.* the rights of LGBTI persons (HF45).
4. All regional actions promote the exchange and accessibility of good practice approaches. Some offer specific tools for comparatively small professional communities on relatively highly specialised topics *e.g.* the web-based collaboration platform on radicalised offenders and radicalisation in prison, which can be used by prison and probation staff and other practitioners (HF38). One interviewee pointed out that in her point of view another highly specialised platform is the collection of judgments of the European Court of Justice in local languages of the region, which according to interviewees greatly facilitates access to such judgments (and the related legal argumentation). Other examples highlight *e.g.* parts of training content from a regional action (under HF45) being directly transferred to the Beneficiary-level trainings.
5. A number of interviewees also mentioned “healthy competition” as an important and relevant factor of regional exchange. Often, participants are not so much motivated by the idea of learning together, but rather by a sense of competition in fulfilling certain benchmarks of Chapters 23 and 24 of the accession process. This factor will hardly be measurable by robust indicators, but may be more powerful for some participants than the emphasis on common challenges and strategies.
6. Beneficiaries are also able to access good practice and compliance to international standards through the pilot interventions of regional actions *e.g.*, HF44 which provided a legal opinion on the compliance of the Draft Public Procurement Law of Albania and a technical paper on compliance of the Rulebook setting up Beneficial Ownership Registry in Montenegro.

Constraining factors: All regional actions were particularly affected by the restrictions due to the COVID-19 pandemic (for details see chapter 2.3.6). From the point of view of networking and mutual support, attention should be paid in individual cases to whether a specific added value is always achieved. For example, it was not entirely clear in the interviews whether the equality bodies, which are all also represented in EQUINET Europe, need another specific exchange platform within the framework of HFII, or what this platform provides over and above the services of EQUINET Europe. At the practical implementation level, various interviewees described the need for translation into many different languages as a challenge for regional activities.

Overall assessment: The regional approaches are consistently appreciated by the interviewed partners and provide specific services that are positively reflected in the Beneficiary-specific implementation.

2.3.6 Adapting working methods and approach to the context of the COVID-19 pandemic

COVID-19 pandemic related restrictions and mitigation

All actions have responded creatively and flexibly to the COVID-19 related restrictions but have not been able to address all of them. Overall, regional actions have been more affected by restrictions than Beneficiary-specific actions, as on-site exchange accounts for a larger share of regional activities. The main strategies/adjustments to pandemic-related restrictions can be summarised as follows:

- **Technical solutions**, such as limiting the number of participants for on-site meetings; moving to an online or hybrid/semi-presential format (HELP being an essential feature); postponing activities; increasing the use of local experts, and providing international expert support remotely.
- **Programming adaptations**, such as an increased focus on the production of analytical documents and guidelines or dedication of funds to CSOs to support vulnerable groups or to partners to address the COVID-19 health crisis.

However, **putting the mitigation strategies into practice faced a number of challenges**, such as:

- Lack of technical equipment and software services, in particular interpretation services.
- Lack of technical skills: some partners lacked the necessary technical skills to take advantage of online activities.
- Reluctance to switch to online activities for reasons of confidentiality: a number of interviewees stressed that sensitive issues cannot be dealt with in a meaningful way online and that confidentiality as well as trust-building play a major role and can be established only through personal contact.
- In some cases, a perceived lack of effectiveness of online activities: there was different acceptance of online formats by the different partner institutions. This included *e.g.* a lack of experience of some trainers to deliver online training and the phenomena of “fake” participation, in which a participant is online, but works on a different task.
- Increased burden on some partners due to increased/new tasks: *e.g.* the Ministry of Health, enforcement staff (due to hygiene measures) or restricted access due to quarantine *e.g.* in mental health facilities.

Interviewees were asked about the **positive and negative aspects of these adaptations** and annex VIII gives a more detailed overview of positive and negative areas and activities identified by them. It can be concluded that while the pandemic triggered or accelerated some innovations in the area of IT-based solutions, and despite the above-mentioned adaption measures the overall feedback by interviewed partners was decidedly negative, as personal contacts of on-site activities cannot be compensated for. Despite the creativity in dealing with the restrictions so far, **challenges remain in the following areas**, which the actions must continue to address:

- The implementation of some postponed and/or reduced activities is still pending (see annex VIII for further details).
- The quality and impact of some online-processes *e.g.* meetings and trainings, still needs to be evaluated and reflected on. While some activities could be converted relatively easily to an online format, there remains a doubt whether the same quality can be maintained. This requires follow-up.

Vulnerable populations

In terms of **impact of the pandemic on the vulnerable populations**, interviewees highlighted the following:

- **Serbia was in a state of emergency for two months** and, in the point of view of one interviewee, this increased the visibility of the overall human rights situation and the weakness of institutions in this regard. According to the interviewee there was *“hardly an institution defending the legal system and questioning the proportionality of measures”*. There was no review concerning the state of emergency and lessons have yet to be systematically learned.
- Partners in Serbia believe that **the pandemic had also an impact on trafficking** and that traffickers used the online environment massively to recruit victims. The pandemic also affected the support in response to victims of trafficking *e.g.* the state-run shelter did not have the funds to function properly and meet, for example, requests for PCR tests. Hence, the centre was not fully operational. Though alternative solutions were found for individual cases, the system was clearly challenged and highly depended on civil society services.
- **Prisoners in Serbia also faced some challenges**. In March 2020 contacts and visits were limited and family contacts had to be realised through phone, Skype or other online services. This was particularly difficult for minors. In May 2020, the system allowed again visits under hygienic measures.
- **In Albania** interviewees pointed out that the pandemic affected **a number of economically and psychologically vulnerable groups**, especially **minorities and LGBTI communities**. For example, in the framework of HF18, a CSO carried out a survey amongst 300 LGBTI community members on COVID-19 impact. This indicated that 50% had lost their jobs, 25% could not cover their basic needs and/or lost housing and thus had to move back to their unaccepting families resulting in psychological and physical violence and deterioration of mental health. One interviewee pointed out that in particular **Roma children’s access to education** was hampered by the lack of access to IT equipment in their homes.
- In **Montenegro**, according to interviews, **low-income households** could not afford IT equipment to attend online school education and subsequently these **childrens’ access to education** was limited. Online education was also very difficult for children with disabilities who particularly depend on personal contacts and non-verbal communication.

Interviewees also pointed out that CoE has not limited itself to developing strategies to implement the planned programme, but has also responded to the particular vulnerability of certain groups with new activities that were not previously planned. Some of these **COVID-19 related additional activities**, include the following:⁸

- The production of material on COVID-19 related safety measures in minority languages;
- Small grants to CSOs including the distribution of hygienic materials;
- The distribution of hygiene kits for schools and prisons;
- A toolkit for legal professionals on response to extraordinary circumstances caused by the COVID-19 pandemic covering the right to liberty and security and to a fair trial; the right to the protection of privacy, including the protection of personal data; and the right to freedom of expression;
- A toolkit for legal practitioners on how to apply human rights standards in criminal proceedings during extraordinary circumstances;
- Guidelines for police and prosecutors on how to protect the victims of gender-based violence during extraordinary circumstances;
- Guidelines for schools addressing the vulnerability of students with disabilities during the COVID-19 pandemic;

⁸ List not comprehensive.

- An awareness-raising campaign on freedom of expression in times of pandemics implemented on social media and through a grant scheme for media;
- Translation into local languages of the CoE toolkit “Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis”.

2.3.7 Expertise Co-ordination Mechanism (ECM)

As part of the HFII, the Expertise Co-ordination Mechanism (ECM) is designed to provide legal expertise and policy advice on specific issues that fall within the HFII thematic areas but which are not covered through ongoing HFII actions. Between May 2019 and March 2021, the ECM received a total of 13 requests: four for Albania, four for Kosovo, two for Bosnia and Herzegovina, one for North Macedonia, one for Montenegro, one for Serbia. Out of these, 12 requests led to the activation of the ECM. Interviews suggest that the common practice of informal discussions between the EUDs/EUO and CoE offices before submitting a formal request has contributed to this high approval rate.

For the VC Secretariat the ECM constitutes an additional funding option to the CoE ordinary budget and voluntary contributions. Incoming requests are first checked as to whether the ECM can be applied; if not requests may be funded by the other sources. With the VC issuing around 30 Opinions per year, the ECM would cover around 20% of them. The level of engagement with the VC under the ECM varies amongst Beneficiaries. Interviews indicate that there is good co-operation with Albania and Montenegro. Both Beneficiaries are seen as active members which “routinely follow VC recommendations.” In the case of Albania, due to the absence of the Constitutional Court for over three years, the VC filled a gap and therefore a high number of requests for legal clarifications by the institutions were directed to the VC. There is an expectation that now that the Constitutional Court is functioning, fewer requests to the VC will be made. Kosovo officially became a full member of the VC in 2014 and hence was enabled to directly issue requests for assistance to the VC.

Concerning Serbia, the Minister for Human and Minority Rights and Social Dialogue issued a first request for legal expertise on the draft Law on Gender Equality earlier this year (ECM II/13/DGII/2021) which will be provided as part of an HFII action.

On the whole the ECM can be viewed as an integral part of the HFII which supports Beneficiaries to achieve compliance with European standards. Interviews indicated a number of advantages concerning the inclusion of the ECM as a distinctive element of the HFII:

- The ECM provides some flexibility to the HFII to expand beyond the objectives covered by the actions;
- The ECM brings in expertise on issues with a broader political dimension that cannot be solved through mere technical co-operation on legal matters;
- The ECM and Beneficiary-specific actions can be seen as complementary tools of the HFII to move accession priorities and a reform agenda forward.

There are equally a number of challenges concerning the use of the ECM:

- Beneficiary institutions eligible to request ECM support are not familiar with or have not heard about this mechanism at all.
- The ECM process to approve requests for legal expertise appears to be more time-consuming than going through ordinary budget as it contains an additional layer of approval through DG NEAR. When very urgent requests are received, they will be financed through the ordinary budget.
- The ECM is not utilised for the provision of policy advice. Access to other instruments such as the EU Technical Assistance and Information Exchange (TAIEX) Instrument can respond to

requests for support relatively quickly at operational level since they do not require a request from the official line Ministry or Speaker of Parliament.

- In this context, several interviews highlighted that the right to request ECM support should be extended to non-institutional stakeholders such as CSOs and Ombudspersons.

The mid-term evaluation looked at two VC opinions in more detail and concluded the following:

- *2019 VC Opinion on the draft Law on the finalisation of the transitional processes of the property in Albania (ECM II/1/VC/2019)*

Interviews suggest that the draft Law was well discussed with relevant stakeholders including property owners and civil society. Nevertheless, due to the complexity of the issue and the challenge to balance public interest with those of property owners, a VC opinion was seen as important. Stakeholders saw both the exchange with the VC during their mission and the subsequent establishment of a working group to follow-up on VC recommendations as key. The Law was adopted in 2020 and so far the Parliament received positive feedback on its implementation which enhanced the transparency of property transition processes and ensured reliable standards for citizens. To assist implementation of the Law the action “Supporting enforcement of the judicial decisions and facilitating the execution of ECtHR judgements in Albania” extended its support to the State Cadastre Agency (SAC).

- *2020 VC Opinion on the appointment of judges of the Constitutional Court in Albania (ECM II/6/VC/2020)*

This 2020 VC Opinion can be seen as a good example of how the VC, in particular on politically controversial issues, can provide balanced reasoning and a point of reference for many reform processes, including on the judiciary, the media and elections. The appointment of judges on the Albanian Constitutional Court has been an issue that required political will to compromise between different institutions and VC recommendations concerning the co-operation of institutions on the appointment of judges were taken into account.

The VC systematically follows up within a period of three to six months to establish the utilisation of the recommendations. In the case of Kosovo, it was noted that a mechanism to systematically follow-up on VC recommendations from the side of the beneficiary institutions would be beneficial. Such a mechanism is established in Albania, where the parliamentary working group which consists of a group of experts including members of the Law Committee, representatives from the EUD, the OSCE, the CoE and civil society at times was highlighted as good practice. The working group produces a report with justification on which recommendations were taken on board and which were disregarded. This is seen as essential for transparency towards the public.

Interviews highlight that the VC is widely recognised by beneficiary institutions as a neutral authority. The familiarity of VC rapporteurs with the legal and political context of Beneficiaries is particularly valued. VC opinions also provide guidance and learning for academia and practitioners. Relevant publications regularly reflect on VC opinions. In terms of challenges, interviews indicated that at times media and political parties refer to VC opinions out of context, and thus give way to misinterpretation. In particular, the EU perceives the ECM to be underutilised.

2.4 Efficiency

This chapter explores a number of different issues: it first looks at the steering and management at Facility, Beneficiary and action level and at the adequacy of monitoring and reporting systems, including the question to which extent RACER indicators are used to measure progress. Furthermore the chapter explores to what extent recommendations of the evaluation of HFI have been implemented.

2.4.1 Steering and management

Facility and Beneficiary level

The HFII management and co-ordination structures are set out in the Implementation Guidelines document.⁹ The overall coordination of the Horizontal Facility lies with DG NEAR and ODGP, which co-chair the HF Steering Board. The TAPA Co-ordinator, usually the Deputy Head of CoE Office (DHoO) of Head of Operations (in case of Podgorica and Skopje) oversees HF implementation and compliance with EU and CoE standards at Beneficiary level. In each Beneficiary implementation is monitored by a Beneficiary Steering Committee (BSC), co-chaired between EUDs/EUO and CoE offices. BSC meetings are organized jointly by the CoE Office and the HF Co-ordination team. Co-ordination between HQ and the CoE offices seems to work well. HFII actions in Montenegro were managed by the HF co-ordination team in Strasbourg.¹⁰ For the CoE Offices, support of HQ adds value as programme managers are acknowledged for their expertise in their respective fields and/or have relevant regional experience or come from the region.

Interviews suggest that, on the whole, the joint management and steering structure at Facility and Beneficiary level works well. CoE local staff noted that the differing status of the Beneficiaries vis-à-vis the EU (accession candidate) and the CoE (member states) at times affects the approach to the implementation of the HFII. Whereas the CoE has the understanding to interact within a common framework with Beneficiaries as CoE member states,¹¹ for the EU these Beneficiaries are accession candidates, whom it needs to support to fulfil set benchmarks in order to achieve membership. As the HF is a direct contribution to the EU accession process, at times CoE staff has a perception that the EU pushes for certain issues to be advanced through individual action level. A number of CoE staff, in turn, sometimes feel that they have to ensure not to be constrained in carrying out their CoE mandate.

EU interviewees proposed a number of measures to further develop co-operation. These concern the inclusion of a broader forum of stakeholders to discuss the Facility as highlighted by DG NEAR. EUD feedback underlined increase the focus of BSCs on technical/operational issues such as the exploration of increased linkages and cross-cutting issues affecting actions.

Several interviews point out the complex, multi-layer management structure in comparison to other instruments of similar size such as the EU Developing Innovation and Creativity in Education (DICE), which inhibits its ability to respond urgently when required. At times there is a certain degree of unclarity for CoE offices about the extent to which decisions on actions need to be approved at EUD and CoE office level before seeking the DG NEAR and ODGP approval. Furthermore, as one interviewee pointed out overlapping or shared competencies of two different CoE Directorates might sometimes result in more lengthy processes.

⁹ European Union/Council of Europe Horizontal Facility for the Western Balkans and Turkey II (2019-2022), Implementation Guidelines, July 2020.

¹⁰ With one exception as the action on anti-discrimination was managed by from Belgrade and Strasbourg.

¹¹ With the exception of Kosovo.

Action level

Steering Committees (SC) at action level provide a platform for discussion on implementation and achievements, reflections on lessons learned and future planning. Often SCs are used to work on content and themes relevant to the actions. On the whole, SCs seem to work well and both CoE and beneficiary institutions stressed good co-operation and trustful working relationships. Both CoE offices and EUDs see SCs as an efficient instrument for steering and oversight, ensuring the timely development and adoption of work plans. SC meetings also proved to be essential to circumvent political stalemates which can hinder implementation. SCs continued to function during COVID-19 related restrictions. Mitigating measures such as the collection of written consultations and online meetings proved to work well.

Several interviews highlighted the importance of SCs for bringing together relevant stakeholders working on Chapters 23 and 24 and strengthening inter-ministerial co-operation, leading to personal commitment of participants and their co-operation outside the SC. Interviews suggest that the SCs also contribute to improved civil society/governmental relations although the inclusion of civil society into the SC has been a particular challenge in Serbia where there has been one incident of intimidation by governmental participants and one attempt of censoring a CSO input during a SC meeting. For several actions in Serbia, the large number of beneficiaries included into the SC constituted a challenge. Under HF10 this issue was addressed through the establishment of an advisory board which focusses more on thematic issues and includes external stakeholders. On the other hand, in Montenegro as well as in Albania, the inclusion of the civil society representatives as members of SCs works well: co-operation is constructive; mutually beneficial across the stakeholders' inputs; contributes to the overall transparency; and contributes to the actions' "reality check".

Both CoE offices and EUDs stressed that they co-operate well through regular consultations and through informal communication channels whenever needed. Joint CoE office and EUD efforts are seen of particular importance when managing politically sensitive processes *e.g.* on the judicial map under HF1. In Albania, difficulties of the EUD to find the right balance of involvement at action level seem to have been overcome. A large number of beneficiary institutions and CSOs both stressed good communication and co-operation with CoE staff and highlighted the trustful working relationship which had been built over the years starting with HFI or even earlier. Informal exchange, flexibility and hands-on support are highly appreciated. For the CoE, local staff in CoE offices are invaluable to establish trustful communication with partner beneficiary institutions.

Regional action level

In terms of SCs for regional actions, interviews convey a mixed picture. One interviewee stressed that they provide a good platform to discuss common issues and explore regional dimensions. Several interviews pointed towards unclarity about the participants' responsibilities of regional SCs, as there is direct communication between the ODGP and DG NEAR on all regional actions. As a "specific regional intervention" HF38 has its own steering committee. The HF Co-ordinator underlined that also regional sample actions complementing Beneficiary-specific actions under the HF thematic areas have co-ordination processes in place. However, these still lack sufficient communication flow between HQ operational managers and local staff which is not fully involved in the implementation of the regional actions.

2.4.2 Monitoring

Monitoring of HFII is based on three instruments *i.e.*, action-specific logframes, Tri-Annual Plans of Action and a Facility-level logframe.

Action specific logframes are used to monitor progress at action level. On the whole, the formulation of the immediate and intermediate outcomes in the action logframes correspond to those in the TAPAs. The logframes are used throughout implementation of the actions, mainly for reporting and to a lesser extent for steering. At times the CoE and partners have adjusted logframes during the inception phase *e.g.* by stronger weighting of a specific action component or inclusion of new institutions. CoE staff views it as important to be able to change or adjust logframes to better respond to evolving contexts, opportunities and constraints such as, *e.g.* the COVID-19 pandemic.

At Beneficiary level **Tri-Annual Plans of Action** (TAPAs) are the planning instrument to ensure compliance with and monitoring of recommendations of CoE monitoring bodies. TAPAs subsume HFII actions under the respective four HFII thematic areas formulating for each action an impact goal and specific outcomes with corresponding recommendations of the CoE monitoring bodies assigned to the individual outcomes. CoE TAPA Co-ordinators (usually the Deputy HoO or Head of Operations) are using TAPAs throughout HFII implementation and carry out an annual update.

Upon request of the EU, a **Facility level logframe** was developed. It contains eight outcomes which further specify the four thematic areas. The Facility level logframe was part of the first HFII annual report. However, it is not self-explanatory for the reader how the narrative directly corresponds to the logframe and its indicators, which is annexed.

According to interviews with the DG NEAR and one of the EUDs, Facility level monitoring needs improvement as the current version of the Facility logframe is seen as complex and not being user-friendly. This would include the generation of baseline data other than those extracted from the monitoring bodies' findings.

Inclusion of RACER indicators in the Facility level logframe: CoE aims to follow the principles of RACER indicators as outlined in the DG NEAR Guidelines on linking planning/programming, monitoring and evaluation. On the whole indicators included into the Facility level logframe demonstrate relevance, acceptance by staff and stakeholders and a certain degree of robustness. Weaknesses are evident with regard to credibility for non-experts and "easiness" of monitoring.

Relevance

The indicators of the HFII logframe are linked to recommendations by the respective sector or topic-specific CoE monitoring bodies. As the key objective of the Facility is to support Beneficiaries and EU accession candidates in their compliance with CoE standards and the EU *acquis*, the linkage between indicator and objective is evident. In a number of actions this is further broken down to action level as the design of individual action often picks up monitoring bodies recommendations directly. For the most part indicators as formulated in the logframe are not overambitious as many of them are formulated in a qualitative way (so are the recommendations by the monitoring bodies). The downside are challenges in specificity and measurability.

Accepted by staff and stakeholders

Judging from the interviews, there is clarity on roles and responsibilities for fulfilment of indicators as they mostly directly refer/are linked to specific institutions and specific actions contributing to one of

the indicators of the Facility logframe. However, there is little track record of reporting consistently against the logframe, which would put the roles and responsibilities under a real test. Nevertheless, looking at TAPAs and at action level, the evaluators believe that roles and responsibilities are quite clearly understood by staff and stakeholders.

Credible for non-experts

Indicators on Facility outcome level cannot be labelled as “unambiguous” or “easy to interpret” for non-experts and hence lack credibility for non-experts. As indicators are linked to recommendations of the various CoE monitoring bodies, one needs to have a good understanding of their mandates and, to a certain extent, of the technicalities of a certain sector to be able to assess successful outcomes. However, indicators at the level of Facility impact are much easier to understand by non-experts as these pick up on Beneficiary ratings and the level of trust by citizens in various institutions.

Easy

Monitoring and data collection can be labelled as “easy” with regard to legislative change including its drafting and approval processes, which can be easily followed and documented. Monitoring and data collection is not as straight forward in the areas of capacity building and awareness raising. Outcomes of capacity building measures often lack consistent reporting in terms of scope *e.g.* when police training takes place there is often no data on the ratio of trained/untrained staff or unit numbers, and time horizon (utilisation/full utilisation of trained trainers might only kick-in after completion of the action).

Robust

Data is hardly ever completely robust in the sense of the definition being “reliable, statistically and analytically validated”. However, it is questionable whether the intended outcomes of the Horizontal Facility II are measurable in a robust way. For example, a functional judiciary evolves from the interplay of legislation, a functional institutional setting and citizen’s awareness and trust. The collection, aggregation and analysis of data from these different elements is challenging.

2.4.3 Reporting

At Facility level narrative synopsis reports are produced on a bi-monthly or quarterly basis as outlined in the HFII contract. They outline progress grouped around HFII thematic areas and by Beneficiary in single narrative paragraphs, describing activities and achievements for each action under the given two or three-months’ time frame. The first annual (May 2019-May 2020) report is structured in a similar way. At action level narrative synopsis and annual reports are being produced through the CoE IT-based Project Management Methodology (PMM). Narrative synopsis reports cover those outputs and, if already visible, outcomes on which progress has been made during the specific reporting period. Annual reports aim to report against outputs and outcomes.

Interviews suggest that to a certain extent the CoE is unclear about EU (DG NEAR; EUDs) reporting needs and whether the main interest relates to thematic areas or to Beneficiary-specifics. Narrative synopsis reports are appreciated by the EU, but also create some workload for CoE staff. Some interviewees question their relevance. According to CoE, some EU Delegations/EUO have pointed to need for monthly Beneficiary-specific reports as a complementary source of information, partly due to COVID-19 pandemic and the reduction of direct informal communication with beneficiary institutions. CoE actively facilitates these information needs to the extent possible and beyond contractual obligations. On the other hand, interviews suggest that the EU views reporting against the HFII logframe as weak, as it provides a narrative but no reporting on progress against targets stipulated in the logframe.

Based on the interviews and the analysis of reports evaluators conclude that monitoring, reporting and steering work well at both action and Beneficiary levels. At Facility level actors appear to have different needs. Interviewees express that in their point of view co-ordination and steering at Facility level is working well, despite the fact that the HF logframe (and hence its intervention logic) are not used in practice. According to beneficiary institutions interviewed in Albania, Montenegro and Serbia TAPAs are the most relevant instrument as they reflect the basis of their CoE membership and steps towards EU accession.

2.4.4 Follow-up on HFI evaluation recommendations

A final evaluation of HFI was carried out in September 2019. The evaluation produced 22 recommendations which concerned broadly the following areas: (a) promotion of exchange between and involvement of relevant actors; (b) enhancement of action design and promotion of synergies; (c) communication; (d) measuring of progress and (e) other areas (inc. financial guidance and planning of phase II). The CoE accepted all recommendations albeit not through a formal management response, and produced a document to systematically track the follow-up of recommendations. During the first HFII Steering Board meeting in June 2020, a joint assessment of ODGP and DG NEAR concluded that on the whole follow-up of recommendations was on track.

(a) Promoting exchanges between / involvement of relevant actors

Overall findings confirm that recommendations in this area have been taken on board. Exchange at regional level is ensured through the implementation of regional actions complementary to Beneficiary-specific actions in all four thematic areas of the HFII (see chapter 2.3.5 on regional interventions). Local experts have been increasingly involved in a number of actions, partly due to COVID-19 related restrictions which did not allow international expert travel. CSOs have been involved in a large number of actions (see chapter 2.7.3 on human rights).

(b) Enhancement of action design and promotion of synergies

The CoE considers that the relevant recommendations have been acted upon. This is confirmed by the findings of this evaluation. On the whole, actions under HFII are clearly framed within the relevant thematic areas. The number of actions has increased under HFII as freedom of expression and freedom of the media have been added as a fourth thematic area and actions in Turkey as well as regional actions have been added. Interviews indicate that three-year time frames of sample actions allow for thorough follow-up on issues and thus enable real change. Sample actions reveal a number of examples with synergies between HFII actions and other initiatives, including instruments of the EU and other bilateral donors. A large number of beneficiary institutions highlighted the flexibility of the actions and of CoE staff to utilise windows of opportunity or to respond to emerging needs.

(c) Communication

Interviews suggest that although recommendations concerning communication have been addressed, there is still room for improvement. Concerning improved distribution of monitoring reports, the CoE shares systematically narrative synopsis reports and annual reports with DG NEAR and EUDs. Information notes based on narrative synopsis reports are shared with HF Beneficiary co-ordinators and NIPACs in all the seven Beneficiaries. One EUD suggested sharing of work plans more ahead of time and systematic distribution of technical papers. For improved internal communication a Communication Co-ordination Matrix was developed. Generally, both CoE offices and EUDs/EUO noted a good and trustful co-operation. At the same time several interviews pointed out to lengthy decision-making involving ODGP and DG NEAR and unclarity on decision-making power of the EUDs/EUO, e.g. on budgetary issues. The evaluation considers that the recommendations on visibility and external communication are only partially addressed and this is an ongoing process by the CoE.

(d) Measuring of progress

With regard to how progress is measured, the HFI evaluation provided a set of recommendations on the review of the HF level logframe; the harmonisation of log-frames and assessment reports at action level; the review of indicators at action level; and the improvement of the monitoring system. The findings of this mid-term evaluation acknowledge that these issues have started to be addressed by the CoE but do not consider them as being solved satisfactorily. For DG NEAR monitoring at Facility level could be improved as they view HFI not sufficiently linked to logframe indicators which makes it difficult to track progress at Facility level (see chapter 2.4.2).

2.5 Added value of the Council of Europe

The evaluation findings confirm that the CoE represents added value for both beneficiary institutions and the EU in a number of dimensions within the HF framework and its actions, and beyond.

CoE technical expertise and familiarity with regional context: For institutions in all Beneficiaries, CoE expertise is crucial with regard to adherence to international standards and support to reform processes. Institutions acknowledge the high levels of expertise of CoE staff as well as contracted experts. The facilitation of access to related institutions such as the ECtHR is seen as an important added value. CoE is also acknowledged to be familiar with regional contexts due to its long-standing presence in and engagement with the Beneficiaries.

CoE as a neutral broker is seen as a key strength. Institutions stressed that the CoE is unique in its ability to facilitate discussion and decision processes amongst beneficiary institutions and stakeholders even when politically sensitive issues are concerned. As one interviewee put it, the *“CoE has been in the country for years, but there has not been one single article in the media that pictured CoE as politically driven or bias. That is a very good card to play.”*

CoE as a promoter of human rights and enabler for civil society participation: Beneficiary institutions in Albania, Montenegro and Serbia have highlighted the CoE as one of the most visible actors promoting human rights through its standard setting and monitoring bodies as well as technical support, working with all relevant institutions. For CSOs the CoE is often key to their participation in policy processes and holds a sort of watch dog role. In this context it was also highlighted that the CoE increases the visibility of certain issues among a broader public.

By and large, all stakeholders acknowledge that the goals of EU accession and those of the CoE engagement in the sample Beneficiaries Albania, Serbia and Montenegro are congruent. The CoE is recognised as a counterpart of the EU on rule of law and human rights standards, and contributes to the advancement of the accession process in particular with regard to Chapters 23 and 24. The EU acknowledges CoE expertise including those of respective monitoring bodies on the rule of law and other themes. Interviews indicate that for the EU the CoE is also an interlocutor to local institutions with CoE offices having established sound modes of co-operation with institutions as a trusted international organisation. On the other hand the added value of the EU is the political leverage it can generate.

2.6 Sustainability and impact prospects

2.6.1 Sustainability prospects

This section explores the extent to which achievements of sample actions are likely to be sustainable over time and the factors which determine sustainability prospects. As this is a mid-term evaluation, findings are based to a large extent on the analysis of processes, working modes and usage of tools. On this basis, the evaluation concludes that a large number of outputs and outcomes of **sample actions are likely to be sustained**. For example:

- **Legislative frameworks and policies:** Interviews pointed out that the alignment of legislation and policies with respective EU Directives and CoE standards ensures their sustainability;
- **Strategies and Action Plans:** In Albania the LGBTI Action Plan developed with HFII support has been accompanied by budgetary provisions which ensure the implementation of planned interventions;
- **HFII capacity-building measures** are likely to be sustained either by means of integrating training modules into formal (and mandatory) curricula of beneficiary training institutions or into the internal training schemes of institutions through training of trainers (ToT) components and availability of training material;
- **Execution of institutional mandates** which has been supported by HFII through the development of internal rules and guidelines or tools such as National Risk Assessments have been endorsed by the relevant institutions and will not require further technical or financial input.
- **Sustainability of institutions** - in the sense that no further support from the CoE is required - can be identified also. For example, in Albania the School of Magistrates has been strengthened in a way that ensures sustainable functioning and allows CoE to seek an exit strategy from the institution. However, this has been the result of long-term CoE engagement, prior to HFI and HFII.

A number of **favourable factors** contributing to the sustainability of achievements have been identified:

- **International policy environment:** Interviews emphasised the EU accession process as an incentive for the Beneficiaries in determining the sustainability of achievements. Beneficiaries also aim to achieve positive assessments through the various CoE monitoring bodies or the Financial Action Task Force. Equally, the high visibility of cases before the ECtHR and its high credibility also contributes to sustainable change. On the other hand, interviews also suggest that for certain areas such as the protection of rights of specific groups *e.g.* LGBTI, the CoE will continue to be a crucial factor in the absence of a stable protection system and a lack of solidarity in the population;
- **Ownership** of beneficiary institutions over HFII achievements is seen as a key factor regarding sustainability. The role of Steering Committees and various working groups is a contributory factor in establishing a sense of ownership;
- **Utilisation of local or regional expertise** *e.g.* by contracting local experts or involving local CSOs to introduce local data and a broader civil society perspective;
- **Institutionalised follow-up/response processes** can be seen as an enabling factor for effective implementation of CoE advisory/monitoring body recommendations, as illustrated by Albania's Parliamentary working group on VC opinions, or by ECtHR rulings, as illustrated by Montenegro's Government Agent which oversees implementation of the rulings;
- **Inclusion of piloting** into HFII actions to test the viability of new approaches, concepts or tools before full-scale roll-out is important to ensure that end-users *e.g.* courts or schools fully comprehend and are able to apply these concepts or tools;

- **Standard instruments such as CEPEJ tools, HELP training as well as the inclusion of user satisfaction surveys** contribute to the performance of institutions and thus support sustainability.

Challenges

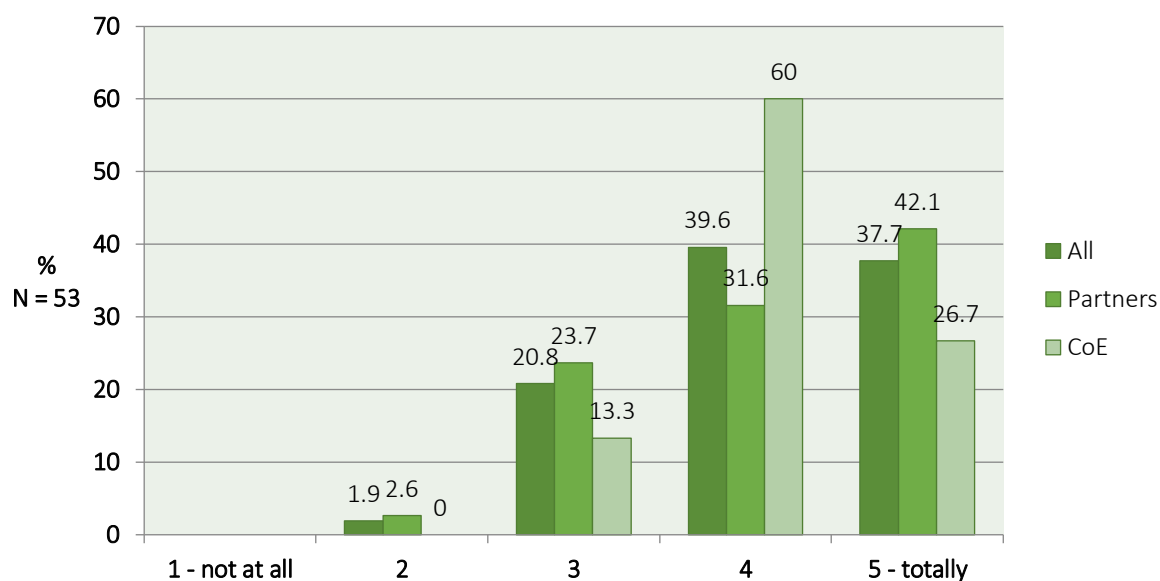
Interviews also suggest a number of challenges to sustainable changes. These include:

- Sensitive issues which touch upon traditional norms and values of the Beneficiary societies, such as the right to same-sex marriages, cannot be enforced through legislative change alone and require **multi-track processes** combining legislative, institutional changes and broad awareness processes;
- **Prioritisation within the EU accession agenda:** Some interviewees do not see the human rights agenda as being on the priority list.
- **Preventive approaches** are seen as undervalued, *e.g.* compared to responding to offences in the field of anti-trafficking.
- **The long-term training needs of beneficiary institutions** due to staff turn-over are addressed only partially.
- **Lack of staff** is a crucial factor, which is usually not to be solved within the framework of an action.
- **Limitation of piloting initiatives** due to lack of available funds for a broad roll-out, which again, is often connected to a lack of staff.
- **Putting knowledge into practice:** Interviews indicated that while knowledge of judicial institutions on international standards has improved through a particular HFII measure, its application in practice, and hence sustainable outcome, does not necessarily follow.

2.6.2 Impact prospects

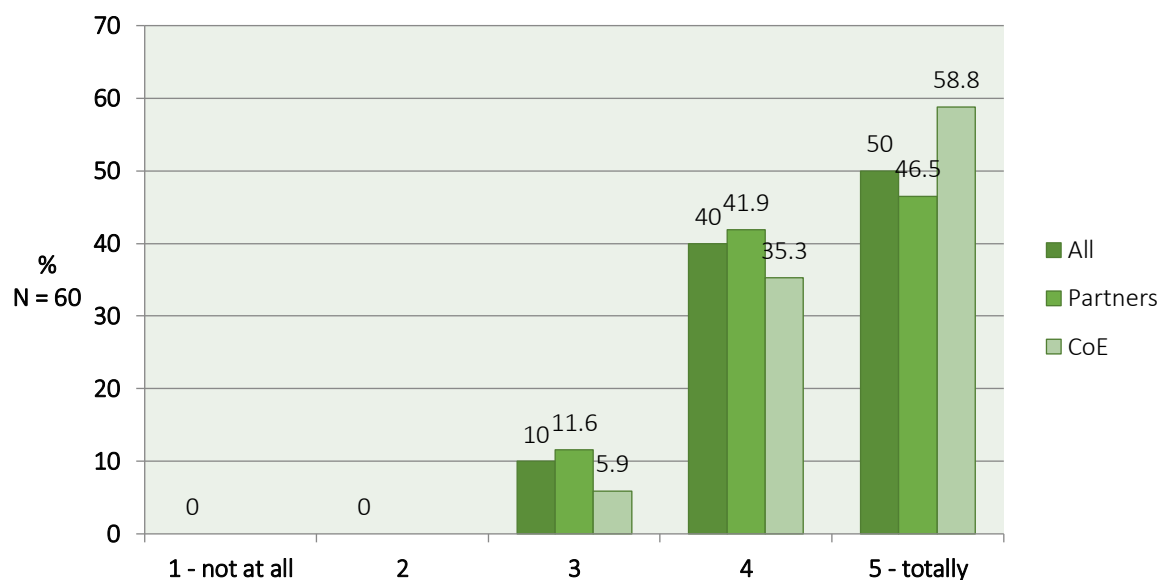
As HFII implementation is still in progress, this mid-term evaluation assesses primarily the likelihood of Facility impact on the reform processes in the Beneficiaries and the EU accession process, and highlights interviewees' perceptions on impact. The survey carried out as part of this mid-term evaluation reveals that both CoE and institutional partners in the Beneficiaries rate the extent to which HFII actions are likely to contribute to domestic reforms as very high. Almost 75% of CoE and partner institutions respondents rated the likelihood 4 or 5 on the scale.

Chart 3: Likelihood of HFII actions to contribute to domestic reforms (in percent; N=53)



Equally both CoE and institutional partners rate the extent to which HFII actions are likely to contribute to Beneficiaries' compliance with CoE standards and the EU acquis as very high, with 90% of CoE and beneficiary institutions respondents rating the likelihood 4 or 5 on the scale.

Chart 4: Likelihood of HFII actions contribution to Beneficiary compliance with CoE standards and the EU acquis (in percent; N=60)



Overall, stakeholders confirm that CoE expertise delivered through HFII as well as through advisory and monitoring bodies is key to Beneficiaries' reform processes, and thus provides steps towards meeting various criteria in relation to the EU accession process, in particular with regard to Chapters 23 and 24. The contribution of HFII in this respect can already be identified in all three sample Beneficiaries.

Albania

Stakeholder interviews confirmed the importance of the HFII contribution to relevant reform processes in Albania and the fulfillment of CoE standards, thus helping to progress towards EU accession. In particular, under the HFII thematic area „Ensuring Justice“ actions have supported the ongoing reform processes outlined under the 2017-2020 Justice Strategy and Action Plan including, for example, support to new judicial governance bodies such as the High Judicial Council.

The 2020 EU Albania Report confirms that “good progress was made in strengthening the fight against corruption”, highlighting amongst other achievements the amendments to the Law on Political Financing and Electoral Code to which HFII support contributed significantly, as stakeholder interviews point out. Progress is also acknowledged by several CoE monitoring bodies.

Albania has successfully implemented two measures from the Action Plan agreed with the Financial Action Task Force in the frame of the International Cooperation Review Group process. The MONEYVAL’s second enhanced follow up report identifies few positive steps taken by the authorities concerning targeted financial sanctions, which prompted the rating for the FATF Recommendation 6 to change from “non-compliant” to “partially compliant”. Other ratings remain unchanged. Moreover, Albania fulfilled nine out of ten GRECO recommendations in the area of corruption, following the 2020 4th round.

HFII contribution to addressing key issues on fundamental rights is also evident according to stakeholders. This includes, for example, the preparation of the new and costed LGBTI Action Plan. This has been an issue of concern highlighted by the European Parliament (EP) in March 2021.¹² The adoption of remaining by-laws for the implementation of the 2017 Law on the Protection of National Minorities has also been underlined by the EP as necessary work in progress. Under HFII, the CoE has so far provided recommendations on two of the five by-laws which were subsequently adopted.

Montenegro

With regard to fundamental rights the EU 2020 Montenegro Report takes note that “the legislative and institutional framework in the area of fundamental rights is now largely in place. In July 2020, the Law on Life Partnership of Same-sex Couples was enacted by Parliament, making Montenegro the first Beneficiary in the region to regulate the status of same-sex couples”. Stakeholders point out that CoE support provided under HFII to the drafting and adoption of this law had been key, building directly on the work of HFI.

Interviews suggest that reforms concerning freedom of expression and freedom of the media are strongly driven by the EU - in particular with regard to the protection of journalists, combatting hate speech, and legislation reform. The 2020 EU Montenegro Report notes that although Montenegro has made no progress on freedom of expression overall, progress on media legislation has been achieved. Stakeholder interviews highlighted that HFII expertise was crucial for the adopted laws on media and on public broadcasting service as well as for the draft Law on Audio-visual Media Services, directly translating the relevant EU Directive into domestic legislation. This is seen by stakeholders as an important step forward in the media reform process.

In the area of education the 2020 EU Montenegro Report notes “a good level of preparation.” The report refers to the development of the new draft Strategy on Higher Education 2020-2025 and implementation of the new Law on Academic Integrity. Stakeholders confirm that support and expertise provided under the HFII has been crucial to achieve progress.

¹² European Parliament resolution of 25 March 2021 on the 2019-2020 Commission Reports on Albania ([2019/2170\(INI\)](#))

Serbia

In the case of Serbia interviews suggest that HFII provided a key contribution to bring the Beneficiary on the course of co-operation with the EU. This is partially due to the fact that HF - through implementation of its first two-phases implementation and the outlook towards a third phase - brought a long-term perspective to build co-operation and work on relevant reforms. HFII support to institutions contributed to the execution of ECtHR case law *e.g.* the adoption of the Law on “missing babies” in response to the 2013 ECtHR judgement on “Zorica Jovanovic v. Serbia”. At its March 2020 session, the Committee of Ministers in its human rights format decided to move the supervision of the case from enhanced to standard supervision procedure, thus, reflecting the progress achieved. On 15 April, the European Court decided to strike out two applications against Serbia concerning the disappearance of the applicants’ newborn children in State-run maternity wards in the 1980’s.¹³ The execution of the ECtHR judgement is further followed-up at case-level with activities laying the ground for a law on the creation of a DNA database (with the Ministry of Interior on board) and structurally through the continued work with the Government Agent before the ECtHR, the Judicial Academy and the University of Belgrade.

Beneficiary institutions understand that the process aims far beyond the individual case; value CoE’s and EU’s engagement; and clearly see it as a continuous process towards reforms. As one interviewee put it “Many individuals are trying to do their best, but the political system and weak institutions are in their way.” The European Parliament in its 2021 resolution on the Commission’s report on Serbia notes that there is an urgent need to engage with Serbian citizens beyond the major cities and calls on the EU to further increase its support for grassroots civil society.¹⁴ This approach to work on the local level and to engage civil society is already realised in a number of HFII actions, namely in anti-trafficking (local multi-stakeholder teams) and in anti-discrimination (local Action Plans) and is envisaged for further activities *e.g.* in local campaigning on anti-discrimination and in the localised strategies for rehabilitation of (extremist) ex-prisoners which involves multiple stakeholders at community level. These localised approaches are still hampered by COVID-19 restrictions but will soon pick-up. It remains to be seen how much momentum can be built up through the continuous work with people, institutions and decision makers alike.

¹³ <https://www.coe.int/en/web/execution/-/missing-babies-in-serbia-european-court-takes-stock-of-progress>

¹⁴ European Parliament resolution of 25 March 2021 on the 2019-2020 Commission reports on Serbia ([2019/2175\(INI\)](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0115_EN.html))
https://www.europarl.europa.eu/doceo/document/TA-9-2021-0115_EN.html

2.7 Transversal issues

2.7.1 Gender mainstreaming

Key findings: Gender mainstreaming was implemented within the framework of HFII through a number of different measures. These include various training sessions for CoE staff; the use of tools such as a gender toolkit and a checklist for gender sensitive communication; gender analyses; and the ongoing support by the Gender Advisor covering the region. In addition, gender focal points were recently introduced in the CoE offices. Gender aspects are included in all planning and reporting formats in order to strengthen continuous reflection on the topic.

Out of 46 actions under HFII, a total of 15 have produced a full gender analysis, each of which provides action-specific recommendations. For all 16 sample actions, interviewed partners were able to elaborate on gender-specific aspects or gender mainstreaming activities. These range from less complex measures such as the consideration of gender specifics in manuals or a gender balance of participants in trainings to the more complex implementation of the recommendations from the gender analyses in the actions' overall intervention logic.

Gender analysis in the mainstreaming approach: Gender analyses were carried out on a voluntary basis by a total of 15 actions, a portfolio of actions which roughly reflects the Beneficiary as well as the thematic coverage of the HFII. The 15 initial analyses were implemented in time to be incorporated into a review of the intervention logic, activities and indicators during the inception phase. For other actions, gender aspects have been taken up in the ongoing implementation. At the thematic level, parts of the gender analyses can also be used for other beneficiaries in the region, as the initial needs analysis, gender stereotypes or unequal access to services within the region are often comparable. The Regional Gender Advisor encourages the remaining actions to start their gender analysis in preparation for HFIII.

Specific challenges in gender mainstreaming exist in different areas: The introduction of gender analysis and mainstreaming in underexplored thematic areas is faced with a lack of know-how. Thematic areas such as economic crime have in the past not been the focus of gender analysis and gender mainstreaming. In that sense CoE touches new ground. This is challenged by the lack of available combined expertise. Certain professional areas show a strong gender imbalance, which results in challenges to integrate gender mainstreaming in a number of actions in thematic areas which are either strongly dominated by women or by men.

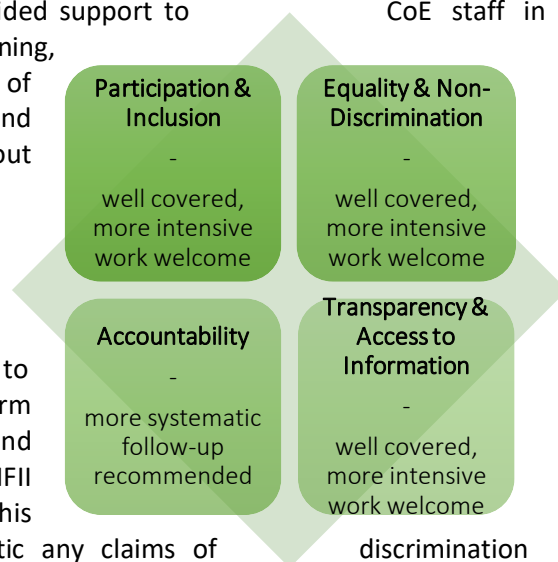
Various interviewees highlighted the following **strengths** of gender mainstreaming at CoE:

- Looking back compared to HFI, gender mainstreaming has become much more systematic in HFII. What was previously taken up *ad hoc* is now implemented in a stable system.
- Both within CoE and at the partner institutions, awareness of gender mainstreaming has increased significantly and has become an integral part of the implementation cycle. It is increasingly perceived less as a technical tool and more as an approach and attitude.
- The benefits and results of gender-sensitive work have become more visible. To this end, some interviewees also pointed to a number of examples where HF actions specifically addressed gender concerns within the COVID-19 emergency situation. One example is the development of the guidelines for police and prosecutors for intervention in cases of all forms of violence against women (in the framework of HF7). The guidelines focus on victims' safety. Attention is given to interventions of law enforcement agencies during self-isolation measures introduced during the COVID-19 outbreak, which exacerbated the risk of violence at home. As one interviewee pointed out, cases of violence against women during the COVID-19 period had increased by 40% in their area of service provision; adding to the relevance of this gender-specific measure.

2.7.2 Human Rights Approach

The Human Rights Approach (HRA) was introduced to the CoE's technical co-operation in 2016. Its core elements are outlined in the Human Rights Approach Practical Guide for Co-operation Projects. A Human Rights Advisor was seconded from Norway and is based in Sarajevo. Her current assignment phases out in June 2021. At the time of writing this report it was not clear whether an extension can be expected. The HR Advisor has provided support to CoE staff in the implementation of the HRA by means of training, facilitation of good practice exchange and development of tools. Reporting on HRA is mandatory in the PMM and respective HRA reporting guidelines are in place. About half of the actions consistently report on HRA.

The CoE HRA stipulates four interconnected principles when implementing actions: (a) Participation and inclusion; (b) Equality and non-discrimination; (c) Accountability; and (d) Transparency and access to information. Interviews and document review confirm that the principles of participation and inclusion, and equality and non-discrimination are well covered by HFII Beneficiary-specific and regional actions. However, this evaluation cannot establish how well and systematic any claims of discrimination are tracked and followed-up as none were identified in reports or interviews. The inclusion of the principle of transparency and access to information is supported by CoE general visibility guidelines and measures that are implemented at HFII and at action levels. The principle of accountability is not very systematically applied.



More detailed findings on principles at action level reveal the following:

Participation and inclusion

A total of 15 out of the 16 sample actions have integrated the principle of participation and inclusion in some form and to some degree, including:

- a) Participation of CSOs in the Steering Committees of the actions (HF3, HF18, HF23, HF25, HF26, HF35);
- b) Inclusion of CSOs into the planning of the action including development of logframe and workplan (e.g. HF18);
- c) Direct financial support mainly through action-specific grant schemes (HF38 and sample actions covering anti-discrimination and the protection of rights of vulnerable groups), occasionally CSOs as a direct beneficiary e.g. HF18: the Academy for Political Studies;
- d) Utilisation of CSO expertise, at times also as consultants, e.g.
 - HF7: participation of a CSO in the development of guidelines for police and prosecutors for intervention in cases of gender-based violence
 - HF11: CSOs delivered post-release programmes for prisoners;
 - HF23: input of 15 CSOs in the anti-discrimination report for Montenegro;
 - HF26: CSOs developed curricula for an online training and workshop on preventing trafficking in human beings;
- e) In turn CSOs also benefitted from capacity-building components of various actions, e.g.
 - HF10: inclusion of CSOs in HELP training programme;
 - HF11: capacity-building of CSO members of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) National Preventive Mechanism in Serbia;
- f) CoE promoting greater CSO involvement towards governmental stakeholders in a number of areas e.g. HF15 concerning political party and election financing;

- g) Finally, actions supporting co-operation between CSOs and institutional stakeholders include:
 - HF18: No Hate Speech Alliance includes relevant stakeholders such as the People's Advocate, Audio-visual Media Authority, Media Council, the Commissioner for Protection from Discrimination and CSOs. The action also supported the creation of a CSO/police working group on hate crime;
 - HF23: Joint police/CSO "Trust Teams" as first responders on LGBTI hate crimes.

Interviews confirm that inclusion of CSOs into Beneficiary-specific actions on the whole works well in Albania and Montenegro. In light of a "shrinking space" for CSOs in Serbia, the CoE feels that it needs to make greater efforts to ensure that civil society is systematically included into Beneficiary-specific actions. Here Steering Committee meetings have their limitations in terms of fostering trustful relationships between civil society and governmental stakeholders. For example, interviews point out that governmental partners are reluctant to criticise their own government in the presence of a high number of CSOs. There is some degree of confidence that, with the new Minister heading the Ministry of Interior, governmental – civil society relations could possibly improve.

The extent of co-operation with civil society also depends on the thematic area concerned. Interviews suggest that in areas such as trafficking, media or anti-discrimination civil society is well integrated into Beneficiary-specific actions, and through the provision of grant schemes. In other areas, such as rule of law and functioning of the judiciary, it is more difficult to identify relevant CSOs as partners who have relevant capacities.

Equality and non-discrimination

Under theme III, Promoting Anti-Discrimination and Protection of the Rights of Vulnerable Groups, HFII implements a total of 15 Beneficiary-specific and regional actions to promote equality and non-discrimination. Inclusive approaches can also be found in sample actions under the other HFII thematic areas:

- Theme I, Ensuring justice:
 - The action HF3, Enhancing the protection of human rights of prisoners in Albania, supported the drafting of the National Strategy on Education and Employment in Prisons which addresses key human rights concerns of prisoners. Component 4 of the action focuses exclusively on vulnerable groups including women and high-risk prisoners;
 - The action HF7, improved procedural safeguards in judicial proceedings in Montenegro, includes victims of violence, in particular women, the LGBTI community and minorities;
 - The action HF10, Strengthening the effective legal remedies to human rights violations in Serbia, aims to establish remedies and timely access to court proceedings for all citizens.
- Theme II, Fighting corruption, economic crime and organised crime:
 - HF15, Action against economic crime in Albania ensures minority inclusion through television spots and information material in minority languages in awareness campaigns of the electoral stakeholders and general public.
- Theme IV, Freedom of expression/media:
 - The action HF35, Freedom of expression and freedom of the media in Montenegro (JUFREX), works towards inclusion of minorities and minority languages into the media sphere.
 - Within HF36, Freedom of expression and freedom of the media in Serbia (JUFREX), access to information for persons with disability is addressed through capacity-building for the Regulatory Authority for Electronic Media.

Accountability

The CoE HR Practical Guide states that “the Council of Europe is accountable to its partners, beneficiaries and the public for its projects” and it points out that actions should “emphasise the information sharing and responsibilities of the duty-bearer towards the rights holder.”

Accountability towards beneficiaries is practically pursued through day-to-day communication with CoE staff as well as through the BSCs and SCs of the actions. Interviews suggest that on the whole partners are satisfied with regard to their involvement via the SCs. No formal mediation or complaint mechanism in case of dispute between CoE and partner institutions is in place. Information notes based on the bi-monthly and quarterly reports are shared with Horizontal Facility Beneficiary Co-ordinators and NIPACs. However, all reporting is done in English and hence limits the number of staff in beneficiary institutions making active use of these reports considerably. Language does create a barrier.

There are a number of actions aiming to strengthen accountability of beneficiary institutions, in particular the judiciary. However, a systematic approach to support the beneficiaries of HF actions in being more accountable to citizens as end beneficiaries and rights-holders was not apparent in interviews. Communication staff pointed to a lack of motivation by many beneficiary institutions to even communicate the results of actions systematically to citizens. While evaluators understand that the continued support of CoE to civil society may contribute to mid-term accountability of beneficiary institutions, efforts should be made to ensure that beneficiary institutions address their accountability responsibilities with regard to citizens.

Transparency and access to information

In terms of transparency and access to information the Practical Guide states “decision-making within the project should strive to be transparent. Information about projects should be made available and accessible.” Concerning the availability and accessibility of information, please see chapter 2.7.3 below.

In one case an interviewee critically pointed to a lack of transparency and in his/her point of view questionable priority setting stating that *“It is not very clear which criteria and objectives are used to distribute CSO grants for COVID emergency. People need humanitarian assistance, not the awareness raising campaigns on hate speech.”* The statement underlines the importance of transparency especially with regard to the allocation of funds.

2.7.3 Visibility & Communication work

The visibility activities within the Horizontal Facility are manifold and cover different areas, such as establishing a visual identity, co-ordination and planning of communication work, provision of training and guidance to programme staff members, website and social media, media relations & public relations and campaigns & awareness raising.

Some of the **key quantitative figures** can be summarised as follows:

- HF website: more than 50.000 visitors in the second phase of the programme, with 463 news items posted;
- Facebook: posts have reached more than 1.5 million Facebook users only on HF II page and has gained 5.778 followers;
- Twitter: posts have gained more than 600.000 impressions and more than 1.000 followers;
- Increased use of online campaigning e.g. on anti-discrimination, anti-trafficking, freedom of expression, free legal aid and on the promotion of specific tools or mechanism;

- Traditional media: 715 articles on the HF activities published in total since the beginning of HFII, covering all Beneficiaries. Most articles noted in Bosnia and Herzegovina (155) and Serbia (153);
- Traditional media: 24 HF events and activities have attracted wide media attention;
- Newsletters: Since the beginning of the HFII the number of subscribers to the HF newsletter has increased (in the period May 2019-December 2020 it has increased for 95% and the latest newsletter was delivered to a distribution list of 1.198 subscribers). An average opening rate of the newsletter is 31%.

Some of the **key challenges** in the field of visibility can be summarised as follows:

In terms of content, interviewees pointed out that communication-specific activities of actions are generally aimed at experts and/or a specialised audience. Successes of an action, such as a draft law or the strengthening of the expertise of an institution, usually have no immediate significance for the individual citizen. The contents must therefore be "translated" into something tangible, which is not always obvious at first glance. Furthermore, in most actions there is no direct interaction with the public, so there is always some intermediary needed. For Albania one interviewee pointed out that, for example, relevant parliamentary debates in the media mention the Venice Commission rather than the Council of Europe.

Many Beneficiary institutions make only limited efforts to communicate results of the various actions. The CoE does offer action briefs in local language, but often feels that beneficiary institutions could make more use of it.

To a certain extent, visibility work depends on external political circumstances. For example, it is always easier to secure good media coverage for events attended by government ministers, while it is more difficult to get mainstream media coverage for issues focusing on European values. Also, during times of election campaigns and/or government formation, these issues demand wide media space, making it more difficult to place other content. Overall, however, the political environment and current events tend to influence the timing of some content.

Some **key responses** to these challenges and success factors that have had a positive impact on the further development of visibility include the following aspects:

- Staffing has been significantly increased and two Communication Officers (based in CoE Offices in Belgrade and in Tirana) are able to establish and support visibility on the ground much more extensively;
- A more intensive planning process as well as closer integration of the work of communications officers with programme officers was realised. In addition to the central communication plan (which is part of the contract), a separate communication plan was developed for each of the 46 actions. This has significantly strengthened the ownership as well as the awareness of the programme officers for communication goals and activities and allows for better planning. The communication officers can therefore better support the processes;
- Based on the good co-operation with the EUDs/EUO and DG NEAR synergies between actions of the Horizontal Facility and other EU funded programs could be realised in some cases;
- The team has consistently focused on spreading the slogan "For your rights: towards European standards" as the central message rather than the more technical title of the Horizontal Facility. All further messages for the public are based on the question "what's in it for me?" and strive to concretise action results to the end benefit for the citizens.
- The communication work is carried out in local languages, as well as in some minority languages. For example, information on anti-discrimination was also published in Romani. Interviews in Albania and Montenegro confirmed that there is a good amount of information available in minority languages combined with a good outreach and awareness raising in

several languages, incl. *e.g.* invitations to trainings etc. However, one interviewee felt this is not done systematically and highly depends on the good will of project officers;

- One response to the lack of direct proximity of the actions to the end users is the increased co-operation with civil society organisations. These reach certain groups of the public directly and better and contribute to the overall visibility of the activities. From the CoE's point of view this strategy to co-operate closer with CSOs has provided for the biggest leap forward when comparing performance of HFI and HFII in terms of communication. Campaign work has increased and this too is often implemented in co-operation with civil society, also through sub-grant components of various actions;
- The COVID-19 pandemic has shown to be a positive factor for visibility. Numbers of followers, website visitors as well as the frequency of interaction on social media have increased due to the increased time spent online. This has, for example, worked in favour of the regional dimension of the no-hate-speech campaign (HF45);
- Furthermore, the CoE reaches out to additional audience through documentaries. Examples include personal testimonies and stories of people who have experienced discrimination or been victims of trafficking. Such documentaries with a human dimension were placed at the Sarajevo Film Festival, for example the 2019 edition with the documentary "When we are fewer". The documentary was also broadcast in schools.
- Also the communication team makes increasingly use of local PR-agencies, has established contacts and in cases entered into framework agreements, which facilitate the use of PR-services. This has strengthened capacities to deliver content on various channels.

Reporting on visibility activities is comprehensive and there is a lot of data available. Media clippings are systematically compiled and reports are made available on a bi-monthly basis. The communications team itself uses the data to keep up to date. One challenge in reporting is the fact that most print media and also many television channels¹⁵ do not collect their own data on user numbers or do not disclose it. It is therefore impossible to deduce the size of the audience from the media clippings and TV reports.

Data on the use of posts on facebook show that, on the one hand, user data is increasing, but on the other hand, there are definitely many "dropouts" among the users who, for example, watch a video for less than 3 or less than 10 seconds. CoE sees this, on the one hand, as feedback that the content must be made even more attractive and creativity is called for. On the other hand, a more selective approach must be taken, as not every content is also suitable for social media.

Overall, visibility work is strategically well positioned, the team actively pursues learning and improvement of processes and systematically documents its work.

¹⁵ Public polls show that the majority of the population receives information by TV and print media, which is related to the age structure of the beneficiaries' population.

3. Concluding Remarks and Recommendations

Relevance and coherence

Conclusions

The mid-term evaluation confirms that the HFII focus and priorities are relevant to the priorities and needs of the Beneficiaries. Actions are in line with current or planned relevant sectoral policies, strategies or Action Plans. CoE standard-setting, advisory and monitoring bodies pave the way to operationalise priorities and design actions, as outlined in the Tri-Annual Plans of Actions (TAPAs). Knowledge gaps are addressed, prior to or during inception phase of an action, through needs assessments and/or expert input. The development and implementation of HFII actions are based on extensive stakeholder consultation and negotiation. Civil society actors are involved to varying degrees. The CoE facilitates consultative and steering processes of HFII actions well, including cases of disagreement between institutions of the Beneficiaries. The mid-term evaluation further established coherence of HFII with five of the six EU Flagship Initiatives that guide the framework of engagement under the EU Strategy for the Western Balkans, in particular Flagship Initiative 1, addressing the rule of law.

Recommendations

- 1) HFII should continue its standard practice of following a participatory approach in design and implementation to ensure the relevance of the actions, and of the HFII overall.

Effectiveness

Conclusions

There is evidence that HFII shows a high degree of effectiveness. Sample actions in all three Beneficiaries demonstrate some or good progress. Concrete outcomes were achieved in the improvement of legislative and policy frameworks and in the strengthening of beneficiary institutions' capacities to execute their mandates in line with CoE recommendations and EU standards. An important achievement in its own right is multi-stakeholder dialogue which was key to the development of the high level of trust characterising its co-operation with beneficiary institutions and the implementation of its actions. The added value and complementarity of regional actions can be confirmed as well as their contribution to networking, joint learning and exchange of expertise and good practice. On the whole actions have been well designed to ensure effectiveness. Actions with smaller financial envelopes such as in the area of anti-discrimination have formulated ambitious objectives and the expected results are covering thematic areas that could be developed into separate actions in order to achieve progress.

Although the Facility logframe formulates "citizen trust" as part of the desired final impact, increasing citizen awareness and involvement is insufficiently prominent and integrated as a specific component in HFII actions, complementing support to legislative reforms and strengthening of institutions. Such a third component could contribute to support broader societal change, thus ensuring the sustainability of action outcomes.

On the whole HFII actions have responded well to the COVID-19 related constraints. Regional actions have been more affected by restrictions than Beneficiary-specific actions. There is evidence that adjustments made in response to pandemic-related restrictions included technical solutions and programming adaptations. Certain challenges remain, including the implementation of some postponed or reduced activities as well as the effectiveness of IT-based/online implementation of activities.

The ECM can be seen as complementary to HFII actions. It allows HFII to flexibly expand beyond the objectives covered by the actions and brings in additional expertise on issues with a broader political dimension that cannot be solved through mere technical co-operation on legal matters. Interviews confirm that Venice Commission opinions delivered under the ECM were invaluable for reform processes, in particular in the absence of a functioning Constitutional Court in Albania. Beneficiary institutions appear not to be familiar with the ECM but request VC support directly through its Secretariat.

Recommendations

- 2) The CoE should reassess whether action goals and expected results in the thematic area of anti-discrimination have been set realistically in light of external constraints and, based on this, take the available budgetary resources into consideration.
- 3) Concerning regional actions, the CoE should assess where exchange can be expanded to generate learning from good practice from outside of the region *e.g.* on hate crime. Furthermore, CoE should review the added value of regional action exchange where relevant regional or European networks are already in place, in order to avoid duplication of efforts.
- 4) The CoE should integrate citizens' awareness and involvement as distinctive third component into the HF, complementing support to legislative reforms and institution strengthening. At action level this could be operationalised, for example, through the inclusion of linkages with the Education for All actions and/or by means of partnerships with other actors with campaigning expertise.
- 5) The CoE and DG NEAR should consider expanding the utilisation of the ECM budget line to support wider dissemination and communication of VC opinions to relevant stakeholders, in particular CSOs and the broader public; *e.g.* continue with translations of VC opinions into local languages or provide user-friendly digest/summary of the opinions and recommendations. This would increase transparency and avoid misinformation in the media and misuse by political interests.

Efficiency

Conclusions

The evaluation found that management and co-ordination of HF actions is efficient and responsive to changing context or needs. HFII co-ordination has put in place a number of measures to communicate and streamline the multi-layer management structure, including financial management and provides continuous guidance and support to the CoE Offices. Nevertheless, for some CoE Office staff there is at times a lack of clarity about decision-making and approval competences. Steering committees appear to be efficient instruments not only for oversight and management but for bringing the actions forward in terms of content and fostering co-operation of relevant partner institutions, including civil society actors. Monitoring and reporting works well at action and Beneficiary level. At action level, logframes are utilised by CoE staff across all sample Beneficiaries and provide a basis for monitoring progress of the actions. Some redundancies in reporting on activities and outputs are evident. At Beneficiary level, the TAPAs are an efficient tool for tracking the relevance of HFII intervention as well as progress of implementation on CoE monitoring bodies' recommendations. The Facility logframe is work in progress. The thematic grouping of the eight outcomes is understandable but complicates the monitoring of the Facility, in particular since it

concerns a total of seven Beneficiaries. Hence, the logframe document, which comprises currently 13 pages, is perceived as not user-friendly. There is unclarity on the utilisation of the logframe at Facility level.

Recommendations

On steering:

- 6) The CoE should continue its good practice in the management of its Steering Committees and press for the inclusion of civil society into action Steering Committees.

On monitoring:

- 7) The CoE and DG NEAR should reassess the need for a Facility logframe and/or identify the exact purpose a Facility logframe should serve so that its design ensures easy utilisation.
- 8) In lieu of a Facility level logframe, the CoE and DG NEAR should consider introducing a logframe at Beneficiary level, with specific objectives to contribute to Beneficiary reform processes and outcomes on the basis of the thematic HFII areas. This logframe would be prepared in complementarity to TAPAs, to avoid any potential overlaps.
- 9) The CoE should systematically formulate indicators for each outcome along the core areas of intervention: (a) Legislation/policies in place, draft stage; (b) Institutions strengthened; (c) Facilitation of multi-stakeholder processes; (d) Citizen involvement and awareness-raising.
- 10) The CoE should aim to monitor outcomes of capacity-building and training components more systematically, applying a common monitoring approach across HFII. To that end, CoE should consider (a) developing practical guidelines for CoE staff and (b) supporting partner institutions in assessing the mid- to long-term training outcomes as part of their human resource management.

On reporting:

- 11) The CoE should streamline its reporting template through the PMM in order to avoid repetitive description of outputs in annual and bi-monthly reports.
- 12) CoE should increase efforts on outcome reporting. Concerning annual reports this should include accumulative reporting: (a) the status of each expected outcome should be captured from its point of departure and subsequent progress, followed by (b) short indication of contribution of HFII and (c) a short indication of factors influencing the status of each outcome.
- 13) Reporting on outputs of training measures should not be based solely on absolute numbers but on percentages in order to get clarity on the coverage rate of the target groups.
- 14) Beyond the Horizontal Facility, CoE should aim for reporting of mid- to long-term approaches on certain sectors or themes. This concerns for example how institution building/strengthening might build on legislative changes which had been supported before. This would make long-term impact more visible and easier to understand for external stakeholders/donors, even if this is done exemplary or case based.

Added value

Conclusions

The CoE offers added value for both beneficiary institutions and the EU in a number of dimensions within the HF framework, its actions and beyond. The added value of the CoE for partner institutions encompasses CoE technical expertise and familiarity with regional context due to its long-standing presence in and engagement with the Beneficiaries. Equally important is that the CoE is seen as a neutral institution which puts it into the unique position to bring stakeholders to the table. The CoE is seen as a promoter of human rights and enabler for civil society participation, an area in which the CoE could generate further leverage, in light of the need to promote citizen participation and the accountability of beneficiary institutions.

The EU recognises the CoE as a counterpart on standards on the rule of law and human rights, who contributes to the advancement of the accession process in particular with regard to Chapters 23 and 24 with its expertise and as interlocutor to local institutions.

Recommendations

- 15) The CoE should leverage its good standing with beneficiary institutions and civil society to promote increased civil society participation; facilitate the collaboration of smaller, marginalised groups; and initiate a review of the 2010 recommendations of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

Sustainability and impact prospects

Conclusions

A number of outputs and outcomes under HFII are likely to be sustained, in particular new or amended legislative frameworks and policies as well as domestic/sectoral strategies and Action Plans. Sustainability of capacity-building measures is likely in those cases when they are integrated into formal settings of beneficiary institutions, such as e.g. mandatory curricula. Products to support beneficiary institutions to execute their mandate contribute to sustainability and do not normally require further input. All in all sustainability prospects of institutions is the result of long-term commitment of the CoE which exceeds the life-cycles of HFI and HFII. Both CoE and beneficiary stakeholders are confident that the HFII will impact reform processes and help to meet the EU accession criteria. For stakeholders, the HFII is a key instrument to meet EU accession criteria, in particular with regard to Chapters 23 and 24. First evidence of HFII contribution to impact can be identified for all three sample Beneficiaries as documented in EU Reports and CoE monitoring reports.

Recommendations

- 16) The CoE should strengthen the extent to which HFII actions include elements of accountability and citizen participation to contribute to the sustainability of actions and to achieve real impact in terms of citizen trust.

Transversal issues

Conclusions

Gender mainstreaming has been an integral part of the HFII through a set of different measures including 15 gender analyses. Compared to its application under HFI, gender mainstreaming has become a more systematic approach and integral part of the HFII action implementation cycle. Consequently, results have become more visible for partner institutions.

The HRA is integrated as transversal issue along the four principles of participation and inclusion; equality and non-discrimination; accountability; and transparency and access to information. Participation and inclusion are well covered through HFII, in particular through the various forms of CSO involvement. Equality and non-discrimination are not only addressed in actions with a direct focus on anti-discrimination but also through actions of other thematic areas. The inclusion of the principle of transparency and access to information is supported by CoE general visibility guidelines and measures that are implemented at HFII and actions' levels. Accountability, which is primarily understood as beneficiary relations in the context of CoE, can be seen as the principle which is not very systematically applied. Only a few actions pursue concrete measures to address accountability responsibilities of beneficiary institutions towards their citizens. On the whole HFII staff has benefited from the support provided by the Human Rights Advisor and respective capacities to apply a HRA have been strengthened since the start of HFII.

Measures on visibility within the Horizontal Facility are manifold and cover different areas such as establishing a visual identity, co-ordination and planning of communication work, provision of training and guidance to programme staff members, website and social media, media relations and public relations and campaigns and awareness raising. Overall, visibility work is strategically well positioned, the team actively pursues learning and improvement processes and systematically documents its work.

Recommendations

On gender:

- 17) Actions that have not yet conducted a gender analysis should do so, also in view of a forthcoming HFIII which will build on the current actions.
- 18) The CoE should continue the good practice to systematically review gender mainstreaming achievements and lessons learned at the end of HFII as an internal exercise in preparation for HFIII.

On human rights approach:

- 19) The CoE should consider dedicating HFII funds to the continuation of Human Rights Advisor post to support the ongoing actions under HFII and to input into the systematic mainstreaming of human rights into the design of the future HFIII. This would also be of importance in light of recurring staff changes.
- 20) In order to strengthen the accountability component of the HRA the CoE should consider supporting beneficiary institutions to strengthen their accountability towards rights holders which is currently not a very prominent element in the Beneficiary-specific actions; *e.g.* carry out an analysis of levels of citizens access to information of Beneficiary institutions; include a distinctive component on communication with citizens into the planning of actions, or support the development of communication strategies.
- 21) For actions which have included local institutions or local multi-stakeholder mechanisms, the CoE should consider strengthening accountability through citizens' involvement through *e.g.*

the introduction of participatory budgeting approaches, by which citizens contribute to the design of budgets for local Action Plans or monitor budgeting and spending at local level. The participatory budgeting approach could be piloted in some communities where the CoE can build on good experience in the co-operation with CSOs. It is particularly relevant to action at the local level.

On visibility:

- 22) CoE should consider organising visibility reporting in an accumulative way rather than stating bi-monthly figures. Relevant data on visibility - such as user figures, social media visibility, press releases, and newsletters - contributes to visualisation and analysis of processes and progress if presented in an accumulative report. No additional data needs to be collected, but data can be presented accumulative.

Annexes

Annex I Evaluation Matrix

LEAD QUESTIONS	SUB-QUESTIONS	MEASURES/INDICATORS	DATA COLLECTION INSTRUMENT(S)	DATA SOURCES
EVALUATION CRITERIA: RELEVANCE				
1. To what extent are HFII actions in line with needs and priority of Beneficiaries?	1.1 How adequate have the consultation processes with Beneficiaries been to identify their needs and priorities?	• Scope and methodology of context analysis • Nature and extent of stakeholders' input into analysis • Extent to which relevant data was available and incorporated into the analysis	• Document review • Stakeholder interviews	• Action, external policy/sector reports • CoE project staff, Beneficiary partners
	1.2 Do Beneficiaries perceive the HFII priority areas and interventions to be relevant?	• Stakeholders perceive HFII actions to be relevant to sector/Beneficiary priorities	• Stakeholder interviews	• Beneficiary partners
EVALUATION PRIORITY: COHERENCE				
2. To what extent has the implementation of HFII been coherent with the EU Strategy for the Western Balkans and Beneficiary-specific actions coherent with HFII regional interventions?	2.1 To what extent has the implementation of HFII been coherent with EU Strategy for the Western Balkans and its flagships?	• Evidence of alignment of HFII priorities and actions with EU Strategy for the Western Balkans and its flagships.	• Document review • Interviews	• HF II reports at action and overall HF levels • CoE/EU staff, Beneficiary partners
	2.2 To what extent are the Beneficiary-specific actions of HFII coherent with the regional ones?	• Evidence of coherence and synergy of HFII Beneficiary-specific actions with HFII regional interventions.	• Document review • Stakeholder interviews.	• HF II reports at overall HFII framework and action levels; • CoE staff, Beneficiary partners
EVALUATION PRIORITY: EFFICIENCY				

3. Are HFII interventions implemented efficiently?	3.1 Is the management and oversight of HFII sample actions appropriate to their purpose and domestic context? How might this be improved?	Extent to which management and oversight of HFII actions (e.g. Steering Committees) is perceived as responsive and efficient by stakeholders.	- Document review - Stakeholder interviews	- HF II reports at framework and action levels; - CoE, ODGP staff, Beneficiary partners
	3.2 Are monitoring and reporting systems adequate for HFII management and oversight?	- Sound monitoring systems in place and contribute timely, appropriate data to HFII reports. - HF reports contribute to the effective management and oversight at framework and actions levels.	- Document review - Stakeholder interviews	- HF II reports at framework and action level - CoE, ODGP staff, Beneficiary partners
	3.3 To what extent does the monitoring mechanism and logframe of HFII include RACER indicators to measure progress towards objectives?	Extent to which HFII logframe/sample action logframes include RACER indicators	Document review	HFII project management documents at framework and action levels
	3.4 To what extent have the recommendations of the Evaluation of HFI been implemented?	- Management response produced - Follow-up plan for accepted recommendations - Extent to which there is evidence that accepted recommendations of HFI evaluation have been implemented.	- Document review - Stakeholder interviews.	- HF II reports at framework and action levels; - CoE staff, Beneficiary partners.
EVALUATION CRITERIA: EFFECTIVENESS				
4. To what extent has the HFII been implemented effectively?	4.1 To what extent have the sample interventions achieved results with regard to strengthened institutional capacities and practice and/or improved policy/legislative framework?	- Evidence of sample actions having achieved legislative/policy change, institutional strengthening and/or adopting practice - Extent to which results build on achievements of HFI	- Document review - Stakeholder interviews. - Survey	- HFII reports at framework and action level; - CoE staff, Beneficiary partners
	4.2 Does HFII provide effective support to Beneficiaries to respond to CoE monitoring recommendations?	- Extent to which CoE monitoring recommendations are reflected in the action design - Extent to which stakeholders confirm that actions contribute to address CoE monitoring body recommendations.	- Document review - Stakeholder interviews	- CoE/EU project management documentation - Beneficiary partners

	4.3 To what extent has the sample action been able to adapt its working methods and approach to the context of the COVID-19 pandemic related restrictions? What was the impact of the COVID-19 pandemic related restriction measures on the programme's implementation?	- Evidence of effects of COVID-19 related restrictions on the implementation and outcomes of sample actions. - Evidence of adaptation of HFII actions.	- Document review - Stakeholder interviews	- CoE/EU project management documentation - CoE project staff; Beneficiary partners
	4.4 Which other internal and external factors enhanced or hindered the performance and results of HFII actions?	Identification of factors that have influenced the performance and effectiveness of HFII actions.	- Document review - Stakeholder interviews.	- HF II reports at framework and action levels; - CoE staff, Beneficiary partners
	4.5 What are the strengths and weaknesses of the ECM component of HFII?	- Identification of factors influencing the effective deployment and use of ECM legal/expert advice. - Stakeholder recommendations to improve the mechanism.	- Document review; - Stakeholder interviews.	- HF II reports at action level - CoE staff, Beneficiary partners
	4.6 To what extent have regional interventions improved the exchange of learning and best practice in thematic areas?	Evidence of regional interventions contributing to shared learning and good practice.	- Document review - Stakeholder interviews.	- HF II reports at framework and action levels; - CoE staff, Beneficiary partners
EVALUATION CRITERIA: ADDED VALUE				
5. To what extent was the Council of Europe able to demonstrate its added value in providing technical assistance tailored to help Beneficiaries in achieving an increased compliance with European standards?	5.1. How do Beneficiary partners and the EU perceive the added value of co-operation with the CoE in increasing compliance of Beneficiaries with European standards?	Evidence of Beneficiary and EU partners identifying CoE added value.	Beneficiary partner interviews.	Beneficiary and EU partners
EVALUATION CRITERIA: IMPACT AND SUSTAINABILITY PROSPECTS				
6. Are results of the HFII actions likely to be	6.1 To what extent are the achievements of the sample	Stakeholders' appraisal on the extent to which results of the	- Document review - Stakeholder	HF II reports at framework and action levels; EU

sustainable and contribute to reform processes (specific objective) and compliance with CoE standards and the <i>EU acquis</i> ? (Impact)	actions likely to be sustainable over time?	sample actions are likely to be sustainable without further financial or technical support.	interviews	progress reports; CoE monitoring reports. • CoE staff, Beneficiary partners; resource persons.
	5.2 To what extent is the sample actions likely to contribute to reform processes and compliance with CoE standards and the <i>EU acquis</i> ?	Stakeholders' appraisal on the extent to which sample actions is likely to contribute to reform processes and compliance with CoE standards and the <i>EU acquis</i>	- Stakeholder interviews - Survey	- HF II reports at framework and action levels; EU progress reports; CoE monitoring reports. - CoE staff, Beneficiary partners; resource persons.
EVALUATION CRITERIA: TRANSVERSAL ISSUES				
6. Do the sample actions effectively integrate transversal issues?	6.1 Do HF actions effectively integrate civil society perspectives and participation?	- Evidence of consultation with and participation of civil society in the development and implementation of HFII actions. - Civil society perception on their involvement into HFII actions.	- Document review - Stakeholder interviews.	- HF II reports at action level; - CoE staff, Beneficiary partners; civil society
	6.2 Do the design and implementation of HFII actions mainstream gender , and incorporate gender analyses?	- Evidence of gender mainstreaming in HFII actions; - Evidence of gender analyses incorporated in HFII actions. - Evidence of gender disaggregated outcomes in HFII reports.	- Document review - Stakeholder interviews	- HF II reports at framework and action levels; - CoE staff, Beneficiary partners
	6.3 To what extent have the design and implementation of HFII actions incorporated a human rights perspective ?	Evidence of a human rights perspective being incorporated in HFII actions.	- Document review - Stakeholder interviews	- HF II reports at framework and action levels; - CoE staff, Beneficiary partners; civil society
	6.4 To what extent has the implementation of HFII been made visible to relevant stakeholders?	- Communication plans with clear aims, channels and target audiences in place; - Evidence of HFII actions communicating through electronic media, press etc;	- Document review - Stakeholder interviews.	- HF II reports at framework and action levels; - CoE staff, Beneficiary partners; civil society

Annex II List of sample actions

Id	Action	Beneficiary	Regional Dimension
	THEME 1: ENSURING JUSTICE		
HF1	Strengthening the quality and efficiency of justice in Albania (SEJ III)	Albania	HF39
HF3	Enhancing the protection of human rights of prisoners in Albania	Albania	HF38
HF7	Improved procedural safeguards in judicial proceedings in Montenegro	Montenegro	HF42,43
HF10	Strengthening the effective legal remedies to human rights violations in Serbia	Serbia	HF41,42,43
HF11	Enhancing the human rights protection for detained and sentenced persons in Serbia	Serbia	HF38
	THEME 2: FIGHTING CORRUPTION, ECONOMIC & ORGANISED CRIME		
HF15	Action against economic crime in Albania	Albania	HF44
HF44	Action against economic crime in South East Europe – Regional	Western Balkans and Turkey	
	THEME 3: PROMOTING ANTI-DISCRIMINATION & PROTECTION OF RIGHTS OF VULNERABLE GROUPS		
HF18	Promoting diversity and equality in Albania	Albania	HF45
HF23	Promotion of diversity and equality in Montenegro	Montenegro	HF45
HF24	Quality education for all (QUALITY ED - MONTENEGRO)	Montenegro	
HF25	Promotion of diversity and equality in Serbia	Serbia	HF45
HF26	Preventing and combating trafficking in human beings in Serbia	Serbia	
HF45	Promotion of diversity and equality in the Western Balkans	Western Balkans	
	THEME 4: FREEDOM OF EXPRESSION/MEDIA		
HF35	Freedom of expression and freedom of the media in Montenegro (JUFREX)	Montenegro	HF41,46
HF36	Freedom of expression and freedom of the media in Serbia (JUFREX)	Serbia	HF41
	SPECIFIC REGIONAL INTERVENTIONS		
HF 38	Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkans	Western Balkans	

Annex III List of Interviewees

EU

EUD

1. Silvija Panovic Djuric, HF Focal Point EUD Serbia
2. Alessandro Angius, HF Focal Point EUD Albania
3. Lenka Vitkova, Head of Section for Rule of Law and Good Governance, EUD Albania
4. Annelies Vanwymelbeke, Programme Officer, Good Governance and Rule of Law, EUD Albania
5. Artes Butka, Policy Officer, EUD Albania
6. Mladenka Tesic, EUD HFII Co-ordinator (EEAS-PODGORICA), Montenegro

DG NEAR:

7. Kay Binder, Horizontal Facility focal point, DG NEAR (D5), European Commission,
8. Emma Ascitti, former Programme Manager Rule of Law, Migration, DG NEAR (D5), European Commission

CoE Co-ordination & Cross-Cutting Themes

HF Co-ordination:

9. Katerina Markovova, HF Co-ordinator

Gender:

10. Arezo Banafsheh, Gender mainstreaming Advisor

Human Rights:

11. Jennifer Jokstad, Human Rights Advisor

Visibility

12. Besnik Baka, Regional Communication Officer
13. Marija Simic, Regional Communication Officer
14. Pauline Cadeac, Communication Officer

PMM:

15. Izabela Chabrowska, Senior Project Officer

Expertise Co-Ordination Mechanism (ECM):

16. Simona Granata-Menghini, Secretary of the Commission a.i. Secretariat of the Enlarged Agreement on Democracy through law (Venice Commission), Council of Europe
17. Vasilika Hysi, Deputy Speaker of the Parliament of Albania
18. Dr. Mentor Borovci, Director of the Legal Office in the Office of the Prime Minister of Kosovo
19. Krenare Bektashi-Muçolli, Senior Development Assistance Officer, Development Co-operation Office, Office of the Prime Minister, Kosovo

ALBANIA

CoE

20. Jutta Gutzkow, Head of Coe Office in Tirana
21. Olsi Dekovi, TAPA Co-ordinator, Deputy Head of CoE Office in Tirana
22. Roland Gjoni, Project Co-ordinator (HQ)
23. Laura Muca, Senior Project Officer (Tirana)
24. Larisa Bykova, Programme Co-ordinator (HQ)
25. Antuen Skenderi, Senior Project Officer (Tirana)
26. Evgeni Evgeniev, Programme Manager (HQ)
27. Liljana Kaci, Senior Project Officer (Tirana)
28. Angela Longo, Programme Co-ordinator (HQ)
29. Iva Coku, Project Officer (Tirana)

Beneficiary Institutions

HF1

30. Helena Papa, Chief of Staff of High Judicial Council
31. Sokol Berberi, Head of continuous training, School of Magistrates

HF3

32. Edis Ibrahim, Advisor to the Minister of Justice
33. Ermonela Xhafa, Commissioner at People's Advocate

HF15

34. Adea Pirdeni, Deputy Minister of Justice
35. Artan Shiqerukaj, Director of Strategic Analysis at the General Directorate for the Prevention of Money Laundering

HF18

36. Robert Gajda, Commissioner for Protection from Discrimination
37. Merita Xhafaj, General Director of Social Policies, Ministry of Health and Social Protection

Civil Society

38. Xheni Karaj, Aleanca LGBTI, Albania
39. Erion Tase, Academy of Political Studies, Albania

Additional resource persons

40. Viktor Gumi, Expert, Albania

MONTENEGRO

CoE

41. Evgenia Giakoumopoulou, Head of Operations, CoE Podgorica Office
42. Ivona Dragutinovic, Senior Project Officer (Podgorica)
43. Ksenia Gruss, Project Co-ordinator (HQ)
44. Ninoslav Mladenovic, Senior Project Officer (Belgrade)
45. Angela Longo, Programme Manager (HQ)
46. Milos Boskovic, Senior Project Officer (Podgorica)
47. Vesna Atanasova, Programme Manager (HQ)
48. Boris Ristovic, Senior Project Officer (Podgorica)
49. Ardita Abdiu, Head of Division (HQ)

Beneficiary Institutions

HF 7

50. Ksenija Jovicevic, Secretary of the Supreme Court, Supreme Court of Montenegro
51. Valentina Pavlicic, National Agent before the ECtHR, Office of the National Agent before the ECtHR

HF 23

52. Tamara Popovic, Ministry of Interior
53. Nerma Dobracic, Deputy Ombudsperson

HF 24

54. Tamara Milic, Head of Unit for Preschool and Inclusive Education, Ministry of Education
55. Sanja Pekovic, Director of the Centre for Studies and Quality Assurance, University of Montenegro

HF 35

56. Jadranka Vojvodic, Deputy Director / Head of Legal and Finance Department, Agency for Electronic Media
57. Masa Adzic, Head of the In-service Department, Centre for Training in Judiciary and State Prosecution

Civil Society

58. Jelena Colakovic, NGO Juventas
59. Maja Raicevic, NGO Women's Rights Centre

SERBIA

CoE

60. Tobias Flessenkemper, Head of CoE Office in Belgrade
61. Nadia Cuk, TAPA Co-ordinator & Deputy Head of CoE Office in Belgrade
62. Maja Micic Lazovic, Senior Project Officer, (Belgrade)
63. Biljana Sladojevic Milatovic, Project Manager, (HQ)
64. Milica Djordjevic, Senior Project Officer, (Belgrade)
65. Ilias Kalamaras, Project Manager, (HQ)

- 66. Ninoslav Mladenovic, Senior Project Officer, (Belgrade)
- 67. Angela Longo, Programme Manager, (HQ)
- 68. Mirjana Majstorovic, Project Officer, (Belgrade)
- 69. Severina Spassova, Senior Project Officer, (HQ)
- 70. Maja Stojanovic, Senior Project Officer, (Belgrade)
- 71. Radmila Borozan, Senior Project Officer, (Belgrade)
- 72. Donche Boshkovski, Programme Manager, (HQ)

Beneficiary Institutions

HF 10

- 73. Zorana Jadrijevic Mladar, Government Agent of the Republic of Serbia before the European Court of Human Rights
- 74. Ivana Krstic, Professor, Law Faculty, University of Belgrade

HF 11

- 75. Aleksandra Stepanovic, Head of Department for Protection of Human Rights of Persons Deprived of Liberty, Prison Administration, Ministry of Justice
- 76. Milivoj Nedimovic, Ministry of Interior, Head of Department for the Control of Police Work, President of the Commission for the Implementation of the Standard of Police Conduct

HF25

- 77. Ivana Antic, Assistant Minister, Ministry of Human and Minority Rights and Social Dialogue
- 78. Borjana Perunicic, Expert service of the Protector of Citizens of the Republic of Serbia

HF 26

- 79. Mitar Djuraskovic, National Anti-trafficking Co-ordinator, Police Directorate, Ministry of the Interior

HF 36

- 80. Milan Todorovic, Secretary General, Regulatory Authority for Electronic Media
- 81. Majda Kršikapa, Deputy Director, Judicial Academy
- 82. Delibašić, Judge of the Supreme Court of Cassation and an elected member of the High Judicial Council
- 83. Aleksandar Kostic, International co-operation advisor at Judicial Academy

Civil Society

- 84. Aleksandar Ivanovic, Director, NGO "Monitor", HF25
- 85. Jelena Hrnjak NGO Atina, HF26

REGIONAL

Beneficiaries

HF 38

- 86. Aleksandar Plavsic, Service for Combating Terrorism, Criminal Police Directorate, Ministry of Interior

Civil Society

- 87. Amarildo Fecanji, NGO ERA LGBTI Equal Rights Association for the Western Balkans and Turkey, HF45

Annex IV List of documents

Horizontal Facility Programme Documents

- EU: Action Summary. Instrument for pre-accession assistance (IPA II), 2014 – 2020. Mult-country EU/CoE Horizontal facility for Western Balkans and Turkey - Phase II
- Horizontal facility for Western Balkans and Turkey 2019 – 2022. For your rights: towards European standards.
- Description of the Action, incl. Logframe Table of the Horizontal Facility Phase II
- TAPA, Tri-Annual Plans of Action Albania, Bosnia- and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, Turkey 2019 – 2022
- HFII List of actions, incl. total budget per action

Evaluation / Monitoring

- Blomeyer & Sanz: HF I Evaluation Report
- EU/CoE: Evaluation Management Response and Follow-up, update of February 2021
- DG NEAR: ROM report HF II as of April 2021

Guidelines / Transversals

- EU/CoE: Implementation guidelines of the Horizontal Facility Phase II
- EU/CoE: The Expertise co-ordination mechanism – an overview
- EU/CoE: Communication guidelines of the Horizontal Facility Phase II
- EU/CoE: Visibility standard in online activities in the framework of the HF II
- EU/CoE: Guidelines on preparing web news-items about the activities implemented within HF II
- EU/CoE: Internal guidelines on how to produce action related videos within the HF II
- CoE: Project Management methodology, Handbook
- DG NEAR: guidelines on linking planning/programming, monitoring and evaluation.
- CoE: Gender Equality Strategy 2018 - 2023
- CoE: Gender Mainstreaming Toolkit for co-operation projects
- CoE: Gender sensitive communication checklist
- CoE: Human Rights Approach. Practical guide for co-operation projects

Horizontal Facility Level Reports

- HFII First Annual Report (May 2019 – May 2020), incl. respective annexes on visibility etc.
- HFII Narrative Synopsis reports 1 – 5 and corresponding Information notes to Beneficiaries 1- 5

Action Documents

For actions HF1, 3, 7, 10, 11, 15, 18, 23, 24, 25, 26, 35, 36, 38, 44, 45:

- Description of the Action, Logframe and Budget
- Inception Report
- Baseline Data or Initial Assessment as available for the specific action
- Work plan
- Annual Report and bi-monthly and tri-monthly narrative synopsis reports

Other operational documents / thematic or transversal reporting

- List of action related outputs as of July 2020
- ECM: list of officially received requests under the ECM as of January 2021
- Human Rights: compendium of good practices from HF projects
- Gender: sample gender analysis – anti-trafficking action in Serbia (HF26)
- Communication plan template; Communication matrix sample; Communication brief for evaluators

Background

- EU: Enhancing the accession process – a credible EU perspective for the Western Balkans 2020
- EU: 2020 communication on EU enlargement policy
- EU: progress reports for the sample Beneficiaries Albania, Montenegro and Serbia (various)
- CoE Monitoring bodies: various latest reports of the respective monitoring bodies as relevant to the sample actions, its activities and outcome indicators

Annex V Overview HFII sample action coherence with EU Flagship Initiatives

Flagship	Albania	Serbia	Montenegro	Regional
1. Strengthening the rule of law	HF1: Strengthening the Quality and Efficiency of Justice HF3: Enhancing the protection of human rights of prisoners HF15: Action against Economic Crime HF18: Promotion of diversity and equality	HF10: Strengthening the effective legal remedies to human rights violations HF11: Enhancing the human rights protection for detained and sentenced persons HF25: Promotion of diversity and equality HF26: Preventing and combating trafficking in human beings HF36 Freedom of expression and freedom of media	HF7: Improved procedural safeguards in judicial proceedings HF23: Promotion of diversity and equality HF35: Freedom of expression and freedom of the media	HF45: Promotion of diversity and equality in the Western Balkans
2. Reinforcing engagement on security and on migration				HF38: Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkans HF44: Action against Economic Crime in South East Europe
3. Enhanced support for socio-economic development			HF24: Quality education for all	
5. Launching a Digital Agenda for the Western Balkans	HF1, HF15	HF25		
6. Supporting reconciliation and good neighbourly relations			HF24	All regional actions

Annex VI Project briefs

The action briefs provide an action-specific overview on the implementation. Effectiveness and outcomes of each sample action are summarized in Annex VII.

ALBANIA

Action:	HF 1 Strengthening the quality and efficiency of justice in Albania (SEJ III)
Theme:	Ensuring Justice
Beneficiary:	Albania
Duration:	05/2019-05/2022

Short description of the action: The action works towards three distinctive objectives: to enable the judiciary (1) to apply more reliable and specific statistics and (2) to further improve the quality of its services in accordance with CEPEJ standards and tools; and to enable the School of Magistrates (SoM) 3) to provide regular training on efficiency and quality in light of the justice reform and according to CEPEJ standards and tools. The action builds on the achievements of SEJ and SEJII under HFI. It implements priority recommendations of the earlier phases with regard to the reform process. As a newly established institution the High Judicial Council (HJC) is the main focus of the action. Under phase I, the HJC had not been established yet and hence the focus had been more on the pilot courts.

Particularities of the implementation process: All in all, the implementation of the action has been going smoothly. Some activities had to be delayed due to COVID-related restrictions. One of the key challenges affecting the implementing process of the action is related to the ongoing vetting process which created numerous vacancies in almost every level of the judiciary. A total of 6 court presidents from pilot courts who were trained and participated in the action have left their position in the course of the vetting process. Also the work of the SoM has been affected as some of its trainers were disqualified and had to be replaced by new experts. The action addressed this challenge by including court councils into the activities and focussing on the inclusion of new graduates into capacity-building activities.

Achievements: Interviews stipulate that the adaptation of the CEPEJ methodology and indicator sets for judicial data collection and subsequent training addressed the challenge of fragmented data collection and absence of concepts to measure efficiency by courts. It thus contributed to the fulfilment of obligatory harmonised data collection and reporting by courts. The latest 2020 HJC annual report is based on the CEPEJ concept and indicators. The action developed an easy to use excel chart to standardise judicial data collection. Interviews also confirm that the support for establishing the new Judicial Map would contribute to the efficiency of the courts' operationability and mitigate the gaps created by the vetting process. Concerning strengthening the SoM, the training needs assessment is confirmed to be in line with legal acts and the judicial reform as it supports the new role given to the judiciary. Interviews highlighted that the assessment enabled to identify the particular needs of different groups, including prosecutors and chancellors. The SoM now has relevant training modules available as part of the SoM curriculum which are adaptable for online and on-site training. New judges invited to continuous training indicated high interest.

Impact and sustainability prospects: With regard to the SoM the CoE is confident that, in the mid-term, an exit strategy could be sought, as it has now relevant tools, ToT and training modules available and that the SoM has the capacity to take over. Both the SoM and the CoE see that the evaluation of impact of training is an area that would require further attention. Concerning the HJC around 80% to 90% of recommendations generated by the action and its predecessors have been taken on board, e.g. the "Complementary rules for the judges' evaluation scheme" and the "Point-

based scheme and methodology for evaluation of judges” adopted by the HJC in 2019 and the draft regulation by the HJC for the High Court and will stay with the institution. Strengthened capacities of HJC through training of the complete Department of Statistics will ensure adequate oversight of judicial data collection. User Satisfaction Surveys are seen as an important element to ensure continuous improvement of performance and hence contribute to sustainability and impact (trust in the judicial system). The HJC is committed to utilise IT solutions for collecting court users’ satisfaction on the quality and efficiency of justice service by courts at all levels in Albania. Finally, all related regulations and new standards are mandatory. The CEPEJ based methodology on judicial statistics has been introduced through a decision of the Council and hence it is now obligatory for courts to collect CEPEJ based indicators. Furthermore, stipulations in terms of a periodic review of the judicial map have been included in the legal framework.

Action:	HF 3 Enhancing the protection of human rights of prisoners in Albania
Sector:	Ensuring Justice
Beneficiary:	Albania
Duration:	05/2019-05/2022

Short description of the action: The action aims to improve the functioning of prisons and human rights protection for persons deprived of liberty in line with Council of Europe and CPT standards. To that end the action works towards strengthening the organisational capacities of penitentiary system, improved provision of (mental) health care in prisons, improved measures of rehabilitation of prisoners and improved conditions and treatment of vulnerable groups of prisoners. The action builds on the results achieved from the implementation of its predecessor action “Enhancing the protection of human rights of prisoners in Albania” under HFI. Assessment reports, standard-setting documents and relevant tools (*e.g.* on risk/needs assessment, sentence planning) and training curricula which have been developed under the HFI action are now further developed, tested and introduced to the beneficiary institutions.

Particularities of the implementation process: Interviews indicate that the action was confronted with certain challenges including the low salary scheme for prison staff which contributes to over 500 vacancies of around 4000 domestic-wide posts. The CoE has addressed this issue through a respective opinion on the penitentiary legal packages. Finally, interviews suggest that the actions objectives are viewed as highly ambitious with its four distinctive components. As a result, additional requests to the CoE from beneficiaries are difficult to address, *e.g.* the request for supporting the establishment of a forensic institution, in the opinion of the CoE staff, would require a separate action to be addressed.

Achievements: The development of the National Strategy for Education and Employment is seen a key achievement by the State Advocate Office and the MoJ and the first draft has just been launched. Interviews point out that the legal basis needs to be reinforced by the provision of respective by-laws for the new law 81/2020 which regulates procedures for employment of detainees. The three approved draft laws of the penitentiary legal package took 17 out of 20 recommendations of the CoE expert on board and interviews with beneficiary institutions highlighted that CoE expertise, in particular on ECtHR case-law had been invaluable. The work continues now to draft relevant by-laws. Interviews confirm that the support to the newly established Training Center has been very much needed, in particular in view of its limited size with a total of one full-time and two part-time staff. Training on the basis of the new modules was delayed to August 2020 due to COVID-19 pandemic, but feedback of participants has reportedly been very positive. The CoE has received requests by the Training Center for further support to develop additional modules on violent and high-risk prisoners. Finally, interviews also stressed that CoE expertise and resources were vital to develop the booklet on prisoners’ rights, which reportedly exceeds available material in technical quality and level to which the contents respond to concrete needs of prisoners.

Impact and sustainability prospects: Interviews stressed that previous attempts to establish a rehabilitation approach failed due to the lack of an obligatory legal act. There is confidence that the National Strategy for Employment and Education is endorsed by an obligatory legal act, which will further facilitate its implementation. The CoE is confident that relevant outputs produced to support the implementation are to be endorsed at domestic level and will be utilised in years to come. It was also emphasised that piloting of tools for the penitentiary facilities is seen as key to their sustainability as this ensures end-users understanding, testing and utilisation of tools in their daily work routines. With regard to the Training Center, interviews suggest that a participatory approach to the development of training modules including a ToT and accompanying material which was based on a revision of existing material ensures ownership of the Training Center and continuous usage. Finally, both the CoE and beneficiary institutions underlined the importance of the action's Steering Committee and output-related working groups as a contributing factor to generate ownership and hence sustainability.

Action:	HF 15 Action against economic crime in Albania
Sector:	Fighting corruption, economic crime and organized crime
Beneficiary:	Albania
Duration:	5/2019-5/2022

Short description of the action: The action aims to strengthen economic crime prevention and enforcement tools through support in four distinctive areas, including the improvement of relevant legislation and institutional framework; the strengthening of asset recovery and management practices; the strengthening of mechanisms to prevent Money Laundering and Terrorist Financing (ML/TF) and fostering inter-agency co-operation. The action builds on achievements of the HFI and responds directly to the Moneyval and FATF monitoring process.

Achievements: The action achieved considerable outcomes with regard to legislative change and strengthening of institutions. The action's contribution to the Electoral Code amendments pertaining to political party financing addresses a long-standing problem, such as *e.g.* vote buying which should now be investigated by a new special anti-corruption court or the use of campaign material, as highlighted by the OSCE. Support continues with the provision of legal opinions on relevant by-laws, *e.g.* on monitoring on election campaign financing. Interviews indicate that in particular the draft law "On Foreign Jurisdictional Relations" are viewed by both the CoE and the MoJ as one of the main achievements of the HF. CoE has supported the introduction of the new electronic Asset Declaration System since HFI which will enable civil society to check MoP and governmental officials' income and assets. Draft by-laws will introduce mandatory online asset declaration by 2022. Interviews indicate that this is one of the main activities of the action the EU follows very closely and CSO training and an information campaign for the broader public are to follow. The action supported the General Directorate for the Prevention of Money Laundering (GD) with reports including recommendations on assessing money laundering risks in the real estate sector and guidelines for the non-financial sector. Interviews confirm this has been an important contribution to increase the GD's capacities to implement a respective new regulatory framework on money laundering. The action has provided practical support to the GD by translating relevant documents into English to enable the GD to adhere to tight FATF reporting deadlines. Following the reorganisation of the Central Election Commission (CEC) on the basis of the new Electoral Code, the action strengthened the CEC's and CSOs' capacity to monitor election finances through a series of joint training sessions.

Particularities of the implementation process: On the whole, implementation has been going smoothly. Phase II of the action started immediately after the completion of the first phase under HFI and directly linked into HFI to activities. CoE staff remained in place and was able to leverage on sound knowledge of the action context and good working relationships with the institutions. As economic crime is a top priority not only for the EU but also for other donors, including the United States, there is a lot of investment into numerous programmes in this area. Therefore, for the CoE it

was important to monitor the donor landscape, avoid overlap and aim for complementarity. This concerned *e.g.*, the drafting of by-laws following the new Electoral Code for which the CEC received assistance by a number of organisations. Here, the CoE co-ordinated with the National Democratic Institute (NDI) on the drafting of the by-laws as well as on the provision of training. Co-ordination with the GIZ required change of one of the specific objectives concerning the system of beneficial ownership registry. Here the CoE provided complementary capacity-building activities.

Impact and sustainability prospects: The CoE was able to consolidate the outcomes of actions from phase I and II which contributes to sustainability. The action has good sustainability prospects as relevant legislations is adjusted to international standards and steps towards implementation have been taken. Improved processes and tools, such as the National Risk Assessment, is used by the institutions. Interviews suggest an increased ownership and/or engagement of institutions, such as *e.g.* the CEC. The action already generated impact. The adoption of the electoral reform and amendments on political party financing fulfils one of the key conditions by the European Council upon accession negotiations. The action also contributed to the fulfillment of 9 out of 10 GRECO recommendations in the area of corruption prevention issued in the 2020 4th evaluation round. Interviews suggest that institutions would continue to seek CoE support for the fulfillment of a set of recommendations under GRECO's 5th evaluation round by April 2022. Finally, interviews suggest that the action contributed to increased compliance of Moneyval requirement and the implementation of Action Plan measures agreed with the Financial Action Task Force. This has led to a positive evaluation by the International Co-operation Review Group.

Action:	HF 18 Promotion of diversity and equality in Albania
Sector:	Promoting Anti-Discrimination and Protection of the Rights of Vulnerable Groups
Beneficiary:	Albania
Duration:	05/2019-05/2022

Short description of the action: The action aims to strengthen anti-discrimination mechanisms in in three distinctive areas: protection of national minorities; protection of LGBTI rights and combating hate speech. To that end it partners with a number of relevant institutions including the People's Advocate, relevant Ministries, the Commissioner for Protection from Discrimination and the State Committee on Minorities and CSOs. The action is not building upon a first phase as part of the HFI but on a number of previous actions on minority and LGBTI rights, including the FCNM and work on the local minority charter as well as on the promotion of CoE tools on LGBTI rights.

Particularities of the implementation process: Overall, activities have been implemented according to schedule. Initially the action was managed by HQ due to the late recruitment of field staff. As a result of the COVID-19 pandemic the work plan had to be adapted which caused a number of activities to be delayed, anticipated or moved to an online format. Interviews confirm that involved partner institutions and CSOs fully engage with the action and have taken ownership on its intended outcomes. The CoE noted that the budget of the three-year action with three complex thematic areas is comparatively moderate at 400,000 euros and hence does not allow for a lot of leeway to capitalise on the good co-operation with institutions and respond to additional requests.

Achievements: The action achieved considerable results when it comes to legislative change, in particular with regard to the revised Law on Protection from Discrimination. Partners, both institutional and CSO, confirm that CoE expert opinion on the drafts and support in communication to Parliament has been essential. CoE support to the new LGBTI Action Plan 2021-2025 managed to bring governmental stakeholders on board. The review of the previous Action Plan ensured to learning, *e.g.* drafting of a corresponding budget. The action also strengthened relevant institutions. Interviews suggest that the study on hate speech enables the Commissioner for Protection from Discrimination and People's Advocate (Ombudsperson - OM) and other institutions. The OM expects

it will guide and support the OM decisions on allegations of hate speech and processing of cases. CSOs expect the study to support their respective advocacy efforts. The establishment of a police CSO working group contributes to the enhanced communication and establishment of trust between the LGBTI community and the police. The action also assisted with the establishment of the No Hate Speech Alliance which brought together key stakeholders including the People's Advocate, the Audio-visual Media Authority, the Media Council and the Commissioner for Protection from Discrimination. Interviewees highlighted that this Alliance is an essential step forward to coordinate and streamline efforts to address hate speech. The Alliance is expected to have an important role in hate speech monitoring in the run up of the forthcoming elections. Finally, the action resulted in a number of public awareness initiatives including the 2020 Anti-Discrimination Week. Partners highlighted that the coverage of various cities has been key, as discriminatory actions and views are more prevalent outside the capital. The three OM regional offices noted a high coverage of local TV and positive feedback of citizens and local institutions that were part of activities.

Impact and sustainability prospects: Both partners and CoE underline that the action provides an important contribution to Albania's fulfillment of Chapter 23, as amendments to the legislative framework comply with the *acquis communautaire*, and relevant institutions including the equality bodies have been strengthened. Partners also highlighted good sustainability prospects of the various outputs of the action. *E.g.* produced manuals and studies are expected to be utilised not only by immediate partners of the actions but also by other institutions including the judiciary and public administration and CSOs. The No Hate Speech Alliance is expected to stay on board as it has been formalised through the signing of an MoU by participating institutions.

MONTENEGRO

Action:	HF7 Improved procedural safeguards in judicial proceedings in Montenegro
Sector:	Ensuring Justice
Beneficiary:	Montenegro
Duration:	04/2019 – 04/2022

Short description of the action: The action aims to support institutions in the protection of the rights of persons involved in judicial proceedings, including the enhancement of access to free legal aid to ensure equal rights for disadvantaged and marginalised groups. In close co-operation with the law faculties the action aims at reinforcing human rights education through human rights clinical legal training. The action builds on the achievements of HFI by incorporating education on human rights issues into the regular curricula of legal professionals in Montenegro.

Particularities of the implementation process: Reform processes have been affected by Parliamentary elections held in August 2020. The election resulted in a victory of the opposition and a replacement of the ruling party after 30 years in office. This prompted the installation of the new Government and new ministries, which entailed a large-scale change in the ministerial administration. The re-election of the President of the Supreme Court of Montenegro for the third term in office led to a dispute with the civil society and the opposition, which considered it unconstitutional. Currently, one third of all judges are awaiting retirement and replacements with sufficient expertise cannot be identified, which may further slow down the judicial reform process.

Achievements: The analyses and the work plan prepared for the procedural rights of victims and accused; as well as the analyses of the free legal aid system, directly add to the Beneficiaries implementation of the judiciary reform thus strengthening progress towards Chapter 23. Interviews highlight that strengthening judicial dialogue is seen a key achievement of this action leading to harmonised court practice. Interviews also confirm that support of the action provided to the

Supreme Court and Constitutional Court directly strengthens the protection of human rights of citizens in Montenegro.

Impact and sustainability prospects: Steps towards impact can be evidenced through the actual change in court practice, as stakeholder interviews point out. Further impact resulted from the Constitutional Court of Montenegro revoking for the first time an extradition order which demonstrates a clear understanding of international standards on the prohibition of torture and directly applies ECtHR case law at domestic level. Interviews confirm that investments in the legal clinic on human rights education, co-operation with universities and student support, are all important steps towards long-term sustainability of the achievements of this action in strengthening human rights protection. Facilitating structured dialogue with the civil society sector and inclusion of local CSOs are also seen as important contributions to sustainability as civil society representatives effectively participate in devising legal solutions as well as in providing expertise.

Action:	HF 23 Promotion of diversity and equality in Montenegro
Sector:	Anti-discrimination and protection of rights of vulnerable groups
Beneficiary:	Montenegro
Duration:	05/2019-05/2022

Short description of the action: The action aims at strengthening the capacity of stakeholders in combatting discrimination, hate speech and hate crime. It encompasses support at the policy and legislative level as well as through capacity building and awareness raising, including in the field of LGBTI rights. The action is complemented by HF45, the regional action on anti-discrimination.

Particularities of the implementation process: The action is covered via the CoE HQ and Belgrade staff with the support of the Head of Operations in Montenegro as no staff based in Podgorica is assigned to the action. This may pose a particular challenge in a long run but until now the action has made good progress and is well managed given the challenging context. Besides the to ongoing COVID-19 restrictions and disruptions related to the change of Government, the commitment to co-operate and bring forward activities by domestic partners did not change. The action however, faces an overall dismissive and adverse environment against the LGBTI community by the general public, especially in the (social) media and this constituted a key challenge. The increase in ethnic and religious hate motivated attacks in the context of the August 2020 elections confirmed the need to continue addressing hatred-based violence in Montenegro.

Achievements: Good co-operation and dialogue established with partners and stakeholders and earlier joint programmes with the EU continued throughout implementation of this action. This was seen as an essential basis for support to the adoption of the Law on Civil Partnership. Interviews confirm that dialogue and partnership established with the CSO community had been a key contribution to the achievements under this action. Debates organised in co-operation with the Ministries and the Ombudsman advanced the LGBTI agenda in the Beneficiary. Moreover, interviews highlighted achievements in strengthening capacities of the police forces, the judiciary and public administration to address discrimination in their respective professional areas.

Impact and sustainability prospects: In order to achieve a change of attitudes interviews pointed out the need for a broader awareness raising targeting the general population, in particular in rural areas. Public campaigns and continued capacity building of institutions are key to the long-term sustainability. Inclusion of the ToT into the formal curriculum for police training is seen as essential, and was formally endorsed on 17 May 2021 with the final award ceremony and certification of trainers, in the presence of the Minister of Interior and Police management. This commitment should be also integrated into the new 2021-2025 Police Development Strategy and its Work Plan to monitor progress.

Action:	HF 24 QUALITY EDUCATION FOR ALL (QUALITY ED - MONTENEGRO)
Sector:	Anti-discrimination and protection of rights of vulnerable groups
Beneficiary:	Montenegro
Duration:	05/2019-05/2022

Short description of the action: The action aims to foster quality education by supporting schools, communities and education institutions to fight discrimination in education and to accommodate vulnerable children through the promotion and implementation of the CoE Reference Framework of Competences for Democratic Culture. It builds upon results from previous actions (HF 26 “Fostering a democratic school culture”; HF20 “Strengthen Integrity and Combat Corruption in the Higher Education”). The action builds directly on the HFI intervention which supported the drafting and adoption of the Law on Academic Integrity. The action will now support the Law’s implementation.

Particularities of the implementation process: Implementation has been going smoothly. The Steering Committee serves as a platform for co-ordination and is functioning well. Stakeholder representatives have a trusting working relationship with the CoE based on long-established co-operation. Support by the CoE beyond the immediate implementation of activities under the action, such as *e.g.* to reporting requirements of the Ministry of Education, is well appreciated. Implementation of the action has been equally affected by COVID-19 related restrictions as well as by changes at governmental level. Mitigation measures in response to the pandemic led to the development of new concepts such as the Digital Democratic Classroom. Moreover, members of the Ethics Committee responsible for the protection and promotion of academic integrity and prevention of plagiarism (appointed in line with the 2019 Law on academic integrity) were replaced following the change of government.

Achievements: The action has already made considerable progress in terms of strengthening institutions. The University of Montenegro’s lifelong learning centre’s foundation act included part on academic integrity as a key element in fostering democratic culture in education system. A network of 40 pilot schools has been established to promote democratic school culture and inclusive education and teachers’ competencies for democratic culture strengthened through online training. Interviews confirm that the inclusion of CSOs as well as communities has been essential to widely promote democratic cultures and culturally diverse societies. The action has also contributed to an improved legislative framework, namely development of the new draft Strategy for Development of Higher Education 2020-2025 through provision of expertise. The strategy remains to be adopted, almost one year on. Also DGs NEAR, EAC, EMPL and RTD reviewed and/or commented on this draft strategy in June/July 2020. Interviews emphasised the importance of the action to the implementation of the Law on Academic Integrity by supporting the incorporation of the integrity concept into the University of Montenegro establishing acts, the development of an ethic charter and the design of audit standards which all led to certification of the University. Finally, the action contributed to changed practice as around 2000 students completed the certified online course on academic integrity. Completion of the course is mandatory for enrolment at the University of Montenegro.

Impact and sustainability prospects: The action’s utilisation of established partnerships and co-operation with stakeholders which had been built under HFI can be seen as a key contributing factor for sustainability and impact. Also, investment in teacher training, community engagement and CSO co-operation are all effective measures in promoting long term sustainability of results. The development of a democratic school baseline framework to assess results and change in pilot schools will provide an important basis for roll-out and further impact. In light of the ongoing COVID-19 related restrictions which continuously affect the education sector, the action could benefit from further developing the online education forum and investing into online training modules.

Action:	HF35 Freedom of expression and freedom of the media in Montenegro
Sector:	Freedom of Expression and Media
Beneficiary:	Montenegro
Duration:	05/2019-05/2022

Short description of the action: The action aims to promote freedom of expression and freedom of the media in line with European standards. It consists of three components targeting different groups of beneficiaries: legal professionals and law enforcement; the Media Regulatory Authority and governmental bodies in charge of the media legislation and journalism related issues; and media actors. The current action builds upon the previous regional EU/CoE JUFREX programme by following up on the implementation of Media Sector Inquiry recommendations.

Particularities of the implementation process: On the whole implementation of the action has been going smoothly. The Steering Committee has been utilised beyond supervision and co-ordination to advance work on content and relevant issues, establishing further stakeholder priorities such as the focus on legislative reform. Implementation of the action has been affected by external factors. The media affairs sector has been moved to the newly established Ministry of Public Administration, Digital Society and Media. In 2020 there were also arrests and legal proceedings against editors of on-line portals and citizens for content they posted or shared on-line, curtailing freedom of the media and freedom of expression.

Achievements: The action has progressed well in the strengthening of relevant institutions, including the police, the judiciary and the media. Interviews have particularly highlighted the importance of enhancing police force capacities to protect journalists in particular the risk assessment guidelines, as key. The ability of the police force to monitor risks for journalists, to establish regular communication with editors, and to use IT softwares to register cases is seen as an important preventive mechanism by stakeholders. The action also contributed to an improved legislative framework, namely through expert input into the drafting and adoption of the Law on Media and Law on Public Broadcasting Service RTCG and the drafting of the Law on Audio Visual Media Services which is the final piece of legislation to be adopted within the media legal framework in Montenegro.

Impact and sustainability prospects: Legislative changes and development of the three most important media laws are a central contribution to sustainable implementation of the media reform. Strengthening the capacities of training institutions in Montenegro is also viewed as sustainable as training modules are planned to be integrated into regular curricula frameworks, such as *e.g.* the Faculty of Political Science and the Police Academy. Training material, including manuals and handbooks developed under the action will remain with the training institutions and will be utilised beyond the action's timeframe.

SERBIA

Action:	HF 10 Strengthening the effective legal remedies to human rights violations in Serbia
Sector:	Ensuring Justice
Beneficiary:	Serbia
Duration:	05/2019-05/2022

Short description of the action: The action is the follow up (Phase II) of the action "Supporting Effective Remedies and Mutual Legal Assistance" which was implemented in Serbia, from 2016 to 2019 under HFI. The action focuses on improving the harmonisation of judicial practice, supporting authorities to create measures to effectively remedy human rights violations, strengthening capacities of legal professionals to apply the ECHR and ECtHR case law and strengthening mechanism for execution of the ECtHR judgements in relation to Serbia. For this phase the execution of judgements is the focus.

Implementation process and achievements: The CoE team seems to have established a very good and stable co-operation with key partners such as the Judicial Academy as well as with the Law Faculty of the University of Belgrade. The exchange with the Government Agent of Serbia before the European Court of Human Rights is also positive, and the MoI could be won over for the development of a law on DNA database, which is a necessity to enable effective follow-up on the cases in the context of missing babies (see Annex VII for further context).

Furthermore, there are a number of outputs that have a very good potential to initiate relevant changes in the system. These include, for example, the baseline study on human rights education in law faculties, which shows where to start systemically in initial training, needs assessment of the process of the execution of the ECtHR judgments in Serbia, which provides recommendations on how to enhance the process and strengthen the role of relevant domestic institutions, and the exchange formats between jurisdictions at different levels and between Serbia and the ECtHR.

Impact and sustainability prospects: As a cautious assessment from the interviews, it can be summarised that in the implementation of ECtHR judgements, cases which require monetary compensation work more or less satisfactory, while cases that require legal changes in the system go very slow. On the “Zorica Jovanovic v. Serbia” case it took 7 years from ECtHR judgement to a legal change in the system. In the point of view of a number of interviewees many individuals are trying to do their best in their respective professions, but the political system and weak institutions limit the effectiveness of their effort.

Action:	HF 11 Enhancing the human rights protection for detained and sentenced persons in Serbia
Sector:	Ensuring Justice
Beneficiary:	Serbia
Duration:	05/2019-05/2022

Short description of the action: The action aims to better protect the human rights of detainees, prisoners, persons in psychiatric and social care institutions. In particular the action focuses on strengthening safeguards against ill-treatment of arrested and detained persons through better compliance with the CoE standards and CPT recommendations, protection of the human rights of prisoners and the protection of human rights of persons with mental disabilities detained in psychiatric (general and forensic) or social care institutions,

Implementation process and achievements: The action has made good progress in both the legislative and capacity building areas, although the implementation has suffered from the limitations of the pandemic. It particularly affected the trainings for the police and the co-operation with the Ministry of Health, which was overloaded with pandemic-related duties when the feasibility study on mental health started. On the one hand interviewed partners described the co-operation with civil society as important; at the same time, the action reports and the interviews provide little information on whether/how *e.g.* the trainings for members of the OPCAT National Preventive Mechanism in Serbia contribute to a change in practice.

Several interviewees emphasised that the improvement of inter-ministerial co-operation is a positive effect of the action.

With regard to the regional action HF38 (“Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkans”), the regional action HF38 is complementary to HF11. There are identical project partners, but no thematic overlaps.

Impact and sustainability prospects: Relevant trainings have been integrated as mandatory into the regular initial trainings at the respective training institutions for police and prison staff, which works in favour of sustainability. A comparable mechanism is not yet established in the field of mental health. Interviewees also mentioned that they believe the management level in the penitentiary system and the police to be genuinely committed and motivated regardless of the overall political

environment. However, a stronger watch-dog role by civil society would surely contribute to the sustainability of efforts made in this sensitive sector. Progress in the field of mental health may be affected by COVID-19, as its control ties up considerable human and financial resources in the health sector.

Action:	HF 25 Promotion of diversity and equality in Serbia
Sector:	Promoting Anti-Discrimination and Protection of Rights of Vulnerable Groups
Beneficiary:	Serbia
Duration:	05/2019-05/2022

Short description of the action: The action aims to strengthen the capacity of stakeholders to address national minority protection and promotion, protection of LGBTI rights and combating hate speech. The action on promotion of diversity and equality in Serbia builds upon the work of one action implemented in the first phase of the Horizontal Facility. The action aims for a three-fold approach including the policy and legislative level, the capacity building level and the awareness raising level.

Implementation process and achievements: The action experienced a somewhat difficult start-up phase, as there were different ideas among the members of the Steering Committee about the distribution of roles, tasks, thematic focus and the associated resources, as well as about the participation of civil society in the action and in the Steering Board. In addition, there was a comparatively high number of actors and thus a fragmentation of activities and resources, which made the action very complex when measured against the available budget. In the action design, a clear focus was then placed on the work on LGBTI rights and hate-speech and the co-operation with civil society was clearly strengthened. The work on minority rights has thus decreased in comparison to HFI and according to interviewees this clear thematic weighting is still controversial, while CoE indicated that the issue has been overcome. Some interviewees noted that a separation of the different thematic areas, possibly in the form of different actions, could be a sensible solution.

In the area of minority rights, most of the measurable results of the action were realised within HFI. Nevertheless, there is still a continuous dialogue on the topic. The fourth periodic report on the implementation of the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) in Serbia was analysed, an online monitoring system was initiated and the work is on track. Co-operation (sub-granting) with civil society actors is described as positive, especially in the context of the COVID-19 pandemic, which created new challenges. For example, hate-speech, e.g. against suspected infected people increased. Within the LGBTI community, the CoE estimates that the bundle of measures reached approximately 30,000 people through various counselling formats (legal, psychological) and public relations work. The effects of awareness-raising in mainstream society are yet to be measured.

Impact and sustainability prospects: As regards to anti-discrimination work on LGBTI a certain degree of sustainable anchoring is found at the local level in the local Action Plans, although it remains to be seen whether these are also consistently reflected in the allocation of funds at the local level. At the central level, the new draft laws on anti-discrimination, same sex partnerships and gender identity send a positive signal. As regards to national minorities CoE expects a high degree of sustainability through the direct work with National Councils of National Minorities. Another interviewee expressed that in her point of view the work on national minorities needs more attention and sustainability prospects are at stake. The new structure of the ministry is also a positive sign. Whether these will prove to be politically sustainable is yet to be assessed.

In the area of minority rights, the interviewees had different views on the issue of sustainability. One interviewee saw sustainability as endangered by the shift in focus: the legislative successes achieved under HFI could now not be popularised and implementation pursued. Others saw a rather growing interest of donors for this topic area, so a continuation seems likely. Thematically, all interviewees

agreed that societal reservations about LGBTI are deeply rooted among some people and require medium- to long-term societal processes.

Action:	HF 26 Preventing and combating trafficking in human beings in Serbia
Sector:	Promoting Anti-Discrimination and Protection of Rights of Vulnerable Groups
Beneficiary:	Serbia
Duration:	05/2019-05/2022

Short description of the action: The action aims to assist Serbia in the effective implementation of the Council of Europe Convention on Action against Trafficking in Human Beings and is designed to follow-up on GRETA recommendations. HFI put a focus on labour exploitation as a niche unexplored by other agencies. As the second GRETA Report underlined the need for measures for child protection and assistance as urgent priorities, the action under HFII added child trafficking to its focus on labour exploitation (as children constitute more than 60% of the identified victims).

Implementation process and achievements: Interviewed partners in Serbia highlighted, among other things, the need for multi-stakeholder approaches, especially to be able to take preventive action. This approach has already been implemented in the local teams and there are examples of good co-operation between the Red Cross, police, prosecutors, civil society and other actors. The model of local teams is positively highlighted, but is still limited in its geographical scope. Co-operation with civil society has developed positively. CSOs are full members of the steering committee and various interview partners referred to other stakeholder's interventions. Through sub-grants two civil society partners also raised awareness on trafficking in human beings through online campaigns reaching out to the public (website, facebook, leaflets, etc.). However, there is no quantifiable result in terms of raised awareness. Capacity building activities, in particular training of labour inspectors has reached relevant numbers (for details on these concrete outputs and outcomes, please refer to Annex VII).

Impact and sustainability prospects: Training sessions for labour inspectors have achieved a relevant broad impact in the institution, but unfortunately there is no separate training institution where the training can be anchored in the long term. A ToT approach should cushion this, but a stronger institutionalised approach is still missing. On the other hand, the training for legal professionals has already been anchored in the Judicial Academy and will continue to be available in the future. However, interviewed partners also emphasised that there is often a lack of policy coherence in state action both within Serbia and internationally. Reference was made to the multiple root causes of trafficking incl. economic factors, the educational system, national and international migration routes, the role of recipient countries and places, to name just a few. Interviewees pointed to the need to harmonize various policies. In order to prevent human trafficking, the education sector should be much more involved and, for example, compulsory training should be anchored there. Centralised measures were also considered to be much too slow and bureaucratic, while local actors on the ground can make a difference.

Action:	HF 36 Freedom of expression and freedom of the media in Serbia
Sector:	Freedom of Expression / Media
Beneficiary:	Serbia
Duration:	05/2019-05/2022

Short description of the action: The action aims to promote freedom of expression and freedom of the media in Serbia in line with Council of Europe standards. It targets three different groups of beneficiaries: legal professionals (judges, prosecutors, police officers, lawyers); the Media Regulatory Authority and the Faculty of Political Sciences (students). The current action (so called JUFREX 2 by

beneficiaries) is implemented under HF II and builds upon the previous regional European Union/Council of Europe joint action JUFREX 1. The action is interconnected with the JUFREX regional action (HF46).

Implementation process and achievements: In order to avoid overlaps with other initiatives journalists were excluded as direct target group for this action. Instead, the CoE focused its activities on a limited number of stakeholders. The co-operation with the Judicial Academy seems to go smoothly and the Academy staff values the co-operation with CoE in the framework of this action as part of a wider co-operation with CoE established through various activities. Results of the co-operation, *e.g.* relevant HELP courses, which have been integrated in the annual training programme at the Judicial Academy are summarized in Annex VII. A Memorandum of Understanding (MoU) was signed with the Faculty of Political Sciences only recently, therefore no achievement can be reported so far with this partner. The co-operation with the Regulatory Authority for Electronic Media focused on less controversial themes, *e.g.* accessibility of information to persons with a disability as well as on media literacy products for pre-school children. Other aspects, like protecting freedom of expression in times of crisis and the protection of journalists were addressed through various knowledge products like guidelines and standards, etc. Work with the aim to improve capacities of the Regulatory Authority for Electronic Media to align its practices with CoE and EU standards such as the EUs Audiovisual Media Services Directive is underway. At the time of writing this report, CoE did not specify outputs for this line of work and interviewees did not highlight it. Hence the evaluators cannot draw any conclusions for this particular line of work. The same applies for the recently started co-operation with the Faculty of Political Sciences.

Impact and sustainability prospects: The action provides a clear contribution in terms of the accession process in the field of Accessibility of Media Content for People with Disabilities in Light of the Revised European Union Audiovisual Media Services Directive (AVMSD) and Council of Europe Standards, which will presumably have a positive effect. The contribution to freedom of the media and protection of journalists must be seen as very long-term. A number of interviewees, also from other project contexts, have repeatedly pointed out the extremely poor situation in the area of media freedom (and also referred to EU reports). Interviewees perception on the impact of training so far varies greatly: as described in Annex VII some interviewees expressed that there is evidence of change in the judgements (and hence training impact) as judges see an increasing need to revert to the Human Rights Convention. (Most common reference to article 6,8, 10 and 14; right to a fair trial, respect of private and family life, freedom of expression, prohibition of discrimination). In one interviewees point of view judges do not only refer to human rights in a technical sense, but really reflect their content. Another interviewee concluded that the knowledge of judges and prosecutors had improved, but not their attitude. According to this interviewee they are still not committed to the values of freedom of expression and freedom of media. The action is operating in a very difficult environment and short-term success is not to be expected. At the same time, it was not clear from the interviews conducted as part of this evaluation how the comparatively highly specialised work with individual institutions fits into a broader strategy likely to further sustainable change in terms of freedom of expression and freedom of the media.

Regional

Action:	HF 38 Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkans
Sector:	Ensuring Justice
Beneficiary:	Western Balkans
Duration:	05/2019-05/2022

Short description of the action: The action provides for a discussion forum among the prison and probation practitioners in the Western Balkans, allowing them to identify good practices, learn from shortcomings and set the minimum standards in countering radicalisation in prisons and enhancing efforts for rehabilitation of violent extremist prisoners. The action aims to support the Beneficiary specific endeavours in two areas: a) prevention - the prison environment as a potential ground for radicalisation of prisoners and b) rehabilitation and reintegration - the potential utilisation of assessment tools, rehabilitation efforts and intervention programs when applied to violent extremist prisoners (VEPs).

Implementation process and achievements: The content of this regional action is complementary to Beneficiary-specific approaches; in some cases it fills gaps in the content of the respective thematic areas in individual Beneficiaries (Serbia), in others it was set up as a division of labour with the interventions of other donors (Albania/OSCE). The action fulfilled all deliverables, but two aspects (regional dimension and the grant scheme) have suffered from the limitations imposed by the COVID-19 pandemic. Like all regional projects, the multi-stakeholder exchange takes up a crucial space in the project design and can be compensated for less easily than in other projects. In addition, radicalisation (in prisons) and (terrorist) violence are sensitive topics anyway, which have a comparatively high inhibition threshold when dealt with in online formats. The affinity for online activities varies among beneficiaries. While Kosovo opted for the hybrid-format implementation of a training of trainers, there were reservations in Serbia and a postponement of the measure was preferred here. In addition to the "harder" achievements such as VEP tools and programmes, interview partners also emphasised their interest in improved inter-institutional communication within a Beneficiary, which for some institutions is a central interest in the action.

Impact and sustainability prospects: The wider context of the action in the region initially sets unfavourable conditions for impact and sustainability as in the area of rehabilitation and post-penal assistance in particular, the overall system is weak and human resources are scarce. The action tries to meet this challenge by openly naming the problems and addressing them in various working groups and by designing various Beneficiary-specific tools and approaches. It aims to establish inter-agency cooperation and sustainable rehabilitation and reintegration processes to overcome the identified gaps in the system. The individualised rehabilitation of ex-prisoners with an extremist or violent background poses an extra challenge, however specific tailor-made tools and programmes were designed and are currently being piloted in selected prisons to test their applicability in practice. At present, piloting - an important instrument for generating a positive experience - is made more difficult by COVID-19. However, the action manages to proceed. Quick successes are not to be expected and activities must be thought of in the long term.

Action:	HF 44 Action against Economic Crime in South East Europe and Turkey
Sector	Fighting Corruption, Economic Crime and Organized Crime
Beneficiary:	Western Balkans
Duration:	05/2019-05/2022

Short description of the action: The regional action builds on and consolidates the results achieved under HFI through Beneficiary-specific and regional interventions. The action aims to provide overarching support for common concerns and transversal issues as well as complement the jurisdiction-specific actions in these areas with specifically tailored support. To that end the action works towards outcomes in three distinctive areas: enhanced public procurement frameworks in the Beneficiaries; exchange of good practices on transparency of beneficial ownership and improved capacities for the management of NPO terrorism financing risks. The regional action is complementary to Beneficiary specific actions in Albania (HF15), Montenegro (HF16) and North Macedonia (HF17).

Achievements: Despite COVID-19 related restrictions and its effects on regional exchange, regional events of the action contributed to increased cross-regional networking between beneficiary institutions of all participating jurisdictions. Also, domestic networking between NPOs and authorities via contact points for data collection on the NPO risk assessment was strengthened. In the area of legislation and policy, the action provided Beneficiaries with access to good practices for compliance with international standards through two pilot interventions: the delivery of a legal opinion on the compliance of the Draft Public Procurement Law of Albania to better align with 2014 EU Directive on Public Procurement which was adopted and in force and the production of a technical paper on compliance of the Rulebook setting up Beneficial Ownership Registry in Montenegro with the 5th EU AML Directive and FATF recommendations. The regional risk assessment related to terrorist financing through the NPO sector is under way. The methodology has been developed and provides for data collection and analysis in two phases. Data is currently collected by means of survey and interviews with CSOs and the authorities which so far produced high response rates from most jurisdictions. External expertise such as of the European Centre for Non-Profit Law, had been utilised to develop the methodology. Interviews highlight that despite the sensitive nature of the issue the action achieved to bring relevant institutions and CSOs to the table. In light of “shrinking CSO space” in some of the Beneficiaries, for the CoE it is also important that the risk assessment provides a “proportionate response” targeting specific areas without curtailing the CSO sector as such. In addition, an assessment of the corruption risks related to public procurement at regional level is under way.

Particularities of the implementation process: The implementation of this regional action was much affected by the impact of the COVID-19 related restrictions, *e.g.* regional elements such as capacity building activities as well as two regional workshops had to be postponed. The switch to online formats with English as the language of communication limited the open exchange. CoE thus focussed on advancing desk-based activities. On the other hand, participating beneficiary institutions co-operate well and engage with the action. The action was able to bring relevant stakeholders on board, also on more sensitive issues, such as NPO terrorist financing risks. Through regular meetings the action was able to establish a sound working relationship with the GIZ, who implements a pilot action on NPO terrorist financing in North Macedonia, and thus avoiding overlap and creating synergies.

Impact and sustainability prospects: The CoE expects the action to provide a contribution to the 2018 EU Strategy for the Western Balkans, in particular in the areas of public procurement and transparency of legal ownership, which have amongst others been flagged as areas of concern to tackle corruption and organised crime in the region. Input into the draft Public Procurement Law in Albania can be seen as a sustainable measure at Beneficiary level. Sustainability prospects of the action concerning increased beneficiary institutions’ capacities to implement international standards through the provision and sharing of good practice remains to be seen. Equally, an assessment of the sustainability levels of regional co-operation should be assessed towards the end of the action.

Action:	HF 45 Promotion of diversity and equality in the Western Balkans
Sector:	Promoting Anti-Discrimination and Protection of Rights of Vulnerable Groups
Beneficiary:	Western Balkans
Duration:	05/2019-05/2022

Short description of the action: The action aims to strengthen regional co-operation and hence the effectiveness of equality bodies and Ombudsman institutions in the promotion of tolerance and combating hate speech. It also provides an occasion of strengthening co-operation between Police administrations to address hate crimes against the LGBTI population, and raise awareness of the general public and the CSOs in the region on this issue. The regional action complements the Beneficiary-specific actions on promotion of diversity and equality and provides discussion fora for

the representatives of the equality bodies and Ombudsman institutions, Police and CSOs. The action is part of a package of 7 anti-discrimination actions in Albania, Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia plus the regional component.

Implementation process and achievements: There were parallel inception processes at Beneficiary and regional level to identify specifics for regional level intervention. The theme of combating hate speech through work of equality bodies was driven by the equality bodies, which expressed a wish for support in the face of right-wing populism and a forum to experience a sense of solidarity and mutual support. Setting a further focus on combating hate crime against LGBTI was based on the initiative of CoE and some of the beneficiaries and CSOs in the region (notably LGBTI regional and Beneficiary-based CSOs) as a specific issue more difficult to address at domestic level without international support and in the attempt to have a clear focus of the action in light of budgetary limitations.

CoE does follow-up on the effectiveness of tools and trainings applied within the action. “Soft” benefits of the regional exchange are also evident as CoE does receive some feedback that equality bodies exchange information beyond the context of the action. Sometimes they request contact data of other equality bodies from the CoE, sometimes beneficiaries directly take content from a regional training to the local level. In interviews beneficiaries stated that the regional level interaction is productive content-wise (e.g. regional study on hate crime) and supports networking and learning about trends and issues of neighbouring countries. One interviewee pointed out that the regional training of trainers directly contributed to the Beneficiary-level activities. However, as one interviewee pointed out at least for the equality bodies the added value (in terms of contacts) of an extra platform for regional exchange might be limited as they are anyway members of the European Network of Equality Bodies, where they can realise a similar exchange if they take the initiative.

As direct exchange and network strengthening is a central feature of all regional activities, these were particularly challenged by the COVID-19 pandemic and the action has not yet been able to develop its full potential.

Impact and sustainability prospects: The equality bodies as such are supported through the human rights system and are usually enshrined in the Constitutions or primary law of the respective Beneficiary. Hence a certain level of institutional stability is likely. At the same time this does not guarantee the independence and sustainability of their work. Support by international actors clearly contributes to the institutional sustainability prospects.

Topic-wise the field of hate speech is by now more or less established, though the equality bodies do face public attacks. Stakeholders believe that the campaigning part of the action had a good start as the COVID-19 pandemic and the resulting lack of personal interaction brought more people online and consequently led to an increased online reach of the campaign. However, interviewees also expressed that the campaign will get even more effective once it reaches the local community level. On this level the COVID-19 pandemic might hamper the implementation, as live debates are the preferable format. A mitigation strategy consist of e.g. the continuation of online activities, use of social media, TV/radio presence, etc.

Annex VII Confirmed sample action outcomes

By Beneficiary and according to Beneficiary TAPA and HFII Facility logframe

ALBANIA

SECTOR ENSURING JUSTICE

SAMPLE ACTION: HF1 Strengthening the quality and efficiency of justice in Albania (SEJ III)

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

In the context of its on-going reform, the judiciary in Albania improves its efficiency and quality in its daily functioning in accordance with European standards.

HF II Outcome (according to logframe)

Strengthened independence, accountability, efficiency, professionalism and the overall quality of justice in accordance with European standards

Facilitating Multi-Stakeholder Dialogue

- A joint understanding of relevant stakeholders on key issues of the judicial reform addressed by the project has been gained through the interdisciplinary working group including the MoJ, the HJC and different courts.

Strengthening of institutions

- **School of Magistrates has been strengthened in a way that ensures sustainable functioning** and allows CoE to seek an exit strategy from the institution
 - SoM is enabled to effectively identify training needs of judges and prosecutors through CEPEJ based training needs assessment. This resulted in the design of the 2020/2021 SoM training calendar.
 - SoM curriculum of initial and continuous built (performance evaluation, statistics, time management); training modules adaptable for online and on-site training; first trainings already delivered.
- **High Judicial Council enabled to systematically monitor court performance** through the adaptation of CEPEJ methodology for data collection and the future new case management system (ICMIS).
- **Standing Committee on Ethical and Professional Evaluation of Judges started to carry out transparent performance evaluation** of judges based on the new performance evaluation tools developed through the action.
- **Institutions enabled to identify gaps related to the vetting processes** and thus enabled to mitigate its impact through the new Judicial Map.

SAMPLE ACTION: HF3 Enhancing the protection of human rights of prisoners in Albania

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

Further support to prison reform in Albania and human rights protection for prisoners in line with Council of Europe and CPT standards

HF II Outcome (according to logframe)

Improved functioning of prisons and human rights protection for persons deprived of liberty in line with Council of Europe and CPT standards

Strengthening of institutions

- **Newly established Training Center for the Prison Administration strengthened** through curricula development including 32 training modules
 - A total of 200 prison administration staff (out of around 4000) have been trained on the basis of new modules
- **Penitentiary facilities strengthened** through piloting of tools for risk assessment, individual sentence planning and development of pre-release plans in Ali Demi, Fier and Peqin prisons.

Legislation and Policies

- **Sound penitentiary reform package in place** through the approval of 3 laws: "On Prison Police", "On the Probation Service" and "On the Rights and Treatment of Sentenced and Pre-Trial Prisoners".
- **Draft National Strategy for Education and Employment in Prisons**
 - Will cover 5410 prisoners in 24 penitentiary institutions Beneficiary-wide
 - Resulted in MoJ signed MoU with businesses, including business associations and manufacturers which is expected to cover a total of 500 detainees by the end of the year

Increased public awareness/changed attitude

- **Raised awareness of prisoners and their families** about available services, prisoners' rights and obligations and complaint mechanisms through the dissemination of a booklet to inmates and families.

SECTOR FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME

SAMPLE ACTION: HF15 Action against economic crime in Albania

Identified Expected Results (impact) related to monitoring/evaluation

Recommendation[s] (according to Tri Annual Plan of Action)

Improved legal and institutional framework to prevent corruption

HF II Outcome (according to logframe)

Increased guarantees are enacted against corruption and money laundering/terrorist financing

Strengthening of institutions

- Capacities of the newly reorganized Central Election Commission to monitor election finances were strengthened including around 40 CEC on-site monitors and 5 CEC trainers
- The General Directorate for the Prevention of Money Laundering has been strengthened through recommendations on the revision and updating of its Money Laundering and the Financing of Terrorism ML/TF National Risk Assessment (NRA).
- The High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) expected to be strengthened through the establishment of a new electronic Asset Declaration System following current installation and training of responsible institutions.

Legislation and Policies

- In July 2020 the Parliament adopted amendments to the Electoral Code and in December 2020 a law on Political Party Financing which included around 90% of HFI and HFII recommendations on the Electoral Code and Political Party Financing
- A number of draft laws including "On the prevention of conflicts of interest in the exercise of public functions" to the High Inspectorate for the Declaration and Audit of Assets (HIDAACI) expected to be approved by Parliament within 2021, on "The Notary Services in the Republic of Albania" (final version to be sent to Council of Ministers) and on the draft law amending Law no 10193/2009 "On Foreign Jurisdictional Relations"(with Parliament for approval).

SECTOR PROMOTING ANTI-DISCRIMINATION AND PROTECTION OF RIGHTS OF VULNERABLE GROUPS

SAMPLE ACTION: HF18 Promotion of diversity and equality in Albania

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

Improved functioning of anti-discrimination mechanisms and their accessibility by vulnerable groups, in line with the European standards and best practices.

HF II Outcome (according to logframe)

Improved functioning of anti-discrimination mechanisms and their accessibility by vulnerable groups, in line with the European standards and best practices

Facilitating Multi-Stakeholder Dialogue

- No Hate Speech Alliance established in December 2019 streamlines and co-ordinates actions by relevant stakeholders incl. the People's Advocate, Audio-visual Media Authority, Media Council, the Commissioner for Protection from Discrimination and CSO and formalized through an MoU.

Strengthening of institutions

- The **Commissioner for Protection from Discrimination and People's Advocate (Ombudsperson)** capacity to respond to hate speech has been strengthened through a study on hate speech and offensive language and development of a mobile app to report incidences of hate speech.
- Capacity of **police force** to respond to hate speech and hate crime has been strengthened through an updated manual on police response to hate crime and the establishment of a CSO-police working group on hate crime disseminated to all main police stations and Academy of Police. The police have embraced the issue by appointing a new focal point for diversity and discrimination.

Legislation and Policies

- Revised Law on Protection from Discrimination entered into force in November 2020 and is in line with ECHR and ECRI.
- Census law which approved in November 2020 includes CoE recommendations.
- New LGBT Action Plan 2021-2025 drafted incl. corresponding budget, expected to be approved before mid-2021.
- Two draft bylaws out of the five pending on the Law no 96/2017 "On protection of national minorities in the Republic of Albania" have adopted CoE recommendations.

Increased public awareness/changed attitude

- Anti-discrimination week campaign in February 2020 covering multiple cities and involving hundreds of participants inc. local government, CSOs, vulnerable groups, Parliament, received broad media coverage and good feedback of citizens and local institutions that were part of activities.

MONTENEGRO

SECTOR ENSURING JUSTICE

SAMPLE ACTION: HF7 Improved procedural safeguards in judicial proceedings in Montenegro

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

- **Support to alignment of Montenegrin legal framework on procedural rights with the EU acquis and ECtHR case law**
- **Support to coherent application of the standards set by ECtHR in criminal**

HF II Outcome (according to logframe)

Strengthened coherence in application of the standards set by the ECtHR

proceedings

Facilitating Multi-Stakeholder Dialogue

- **Reinforcement of judicial dialogue** between the Constitutional and the Supreme Court of Montenegro or central courts and the Strasbourg Court contributed to increased harmonisation of court practice in Montenegro.
- The action contributed to establishment of a structured dialogue between civil society and public authorities at the central level. The civil society representatives effectively contributed to defining challenges and proposing solutions regarding the public authorities' work and reforms of national legislation.

Strengthening of institutions

- **Law students gained knowledge on human rights through Legal Clinic** in co-operation with the European Law Students' Association.
- **Judges and legal practitioners have access to knowledge on ECtHR case law** in relation to the right to property through production of handbook.
- **Police force and prosecution enabled to adhere to respective ECtHR standards** through the production of a manual on effective investigations of cases of ill-treatment.
- **Police force and prosecutors gained access to knowledge on processing cases of violence against women** through the production of intervention guidelines (draft).
- **Institutions of the judiciary have access to training measures** through the translation and adaption of the HELP online course on procedural safeguards in criminal proceedings and victims' rights.

Legislation and Policies

- Steps have been taken towards the **alignment of the national legal framework on procedural rights with the EU acquis and ECtHR case law** through the production of relevant baselines and recommendations, including
 - Baseline assessments on existing legislative framework and practices in relation to the rights of suspects and accused persons (1) and victims (2) in the criminal proceedings, followed by the development of draft work plan for harmonisation of national legislation with EU Directives and ECtHR standards in the area of victims' rights, and rights of suspects and accused persons;
 - Baseline Assessment and recommendations on legislative framework and practices on Free Legal Aid
 - Baseline assessment and recommendations on the application of the European Convention on Human Rights' standards concerning the right to a reasoned decision and the rights of persons deprived of liberty;
 - Recommendations on harmonisation of the legal framework on prohibition of torture with ECtHR standards.

(Contribution to) changed practice

- **Change of the case law at the national level:** In December 2019, the Constitutional Court of Montenegro for the first time revoked an extradition order demonstrating an understanding of international standard in the area of prohibition of torture and directly applied the ECtHR case law at national level.
- **Change of court practice:** In the area domestic violence slight but noticeable progress is made in terms of criminal sanctioning by the courts for established offences. The number of fines and number of protective measures imposed by the misdemeanour courts had increased in 2019.

SECTOR PROMOTING ANTI-DISCRIMINATION AND PROTECTION OF RIGHTS OF VULNERABLE GROUPS

SAMPLE ACTION: HF23 Promotion of diversity and equality in Montenegro

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

Improved functioning of anti-discrimination mechanisms and their accessibility by

HF II Outcome (according to logframe)

Improved functioning of anti-discrimination mechanisms and their accessibility by

vulnerable groups, in line with the European standards and best practices.

Facilitating Multi-Stakeholder Dialogue

- Good co-ordination among stakeholders (Ministry, Ombudsman etc) in bringing forward the LGBTI agenda and their co-operation with the LGBTI partners (5 NGOs actively participating in the dialogue) had been key for the work on the Law on life partnership of same-sex couples.
- A consultative session of the CoE and the EUD in partnership with the Parliamentary Committee on Human Rights and Freedoms strengthened the case for adoption of the Law on Civil Partnership.

Strengthening of institutions

- **Police force capacity building on hate crime supported** through the review of a ToT curriculum and manual in light of the new anti-discrimination framework and updated ECtHR case law related to LGBTI persons. First ToT sessions carried out.
- **Civil servants' knowledge on anti-discrimination enhanced** through the production of a manual followed by delivery of trainings on the main principles of anti-discrimination and related international and European standards and mechanisms including ECRI.
- **Institutions of the judiciary have access to training measures on anti-discrimination** through adaption of the_HELP online course to the Montenegrin context.
- Assessment on the response to hate speech for the **equality body** (Ombudsperson Office) provided a solid basis to develop counter narrative tools and initiate awareness raising activities.

Legislation and Policies

- In July 2020, the Law on life partnership of same-sex couples was enacted by Parliament, making Montenegro the first Beneficiary in the region to regulate the status of same-sex couples.

Increased public awareness/changed attitude

- Public awareness raising on discrimination and hate speech was supported through a number of measures:
 - Presentation and debate in online/public fora on discrimination patterns based on findings of a baseline survey;
 - Production of a promotional video to support the approval of the law on civil partnerships for LGBTI couples;
 - Award of three CSO grants to raise awareness on hate speech via an online campaign; support to LGBTI persons in the aftermath of COVID-19 pandemic; and measures against stigmatisation of the Roma community.

(Contribution to) changed practice

- Montenegro recently recorded quite a good score in the yearly ILGA rainbow map, whilst public support by high level institutions continued to contribute to an overall safe environment for the community, especially in the capital.

vulnerable groups, in line with the European standards and best practices

SAMPLE ACTION: HF24 Quality education for all (QUALITY ED - MONTENEGRO)

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

To foster quality education for all in pre-university and higher education based on CoE standards and practices

HF II Outcome (according to logframe)

Improved quality of education by fostering a democratic culture in the education system through applying anti-discriminatory approaches based on CoE standards and practices

Strengthening of institutions

- University of Montenegro's lifelong learning centre's foundation act included part on academic integrity as a key element in fostering democratic culture in education

system.

- Fostered capacity of the Ethical Committee to develop the Charter of Ethics following through the implementation of the Law on Academic Integrity.
- A network of 40 pilot schools established to promote democratic school culture and inclusive education; pilot schools teachers' competencies for democratic culture strengthened through online training.

Legislation and Policies

- The development of the new draft Strategy for Development of Higher Education 2020-2025 with a view to improving quality education, in particular using holistic approach to academic integrity has been supported through CoE expertise.
- Implementation of the Law on Academic Integrity has been supported through provision of analysis of the quality assurance system in higher education, evaluation standards and self-evaluation criteria for higher education institutions (establishing of audit standards)

(Contribution to) changed practice

- Around 2000 students completed the online course on academic integrity and received certificates as the University of Montenegro made it condition for the registration and university enrolment.

SECTOR FREEDOM OF EXPRESSION / MEDIA

SAMPLE ACTION: HF35 Freedom of expression and freedom of the media in Montenegro (JUFREX)

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

Strengthened freedom of expression and freedom of the media, in line with European standards.

HF II Outcome (according to logframe)

Improved enabling environment for freedom of expression and media

Strengthening of institutions

- Judicial institutions access to knowledge on freedom of expression and the media supported through
 - Comprehensive judicial training programme under the grant agreement with the Centre for Training in Judiciary and State Prosecution
 - Trainings on the Freedom of Expression for representatives from judicial sector
 - Montenegrin version of the HELP course on the Protection of Journalists and on Freedom of Expression made available online
- Police force capacities to protect journalists enhanced through a number of measures including:
 - Guidelines on risk assessment for the police on protecting journalists which is expected to be adopted by the MoI;
 - Training for the Police Task Force on the Safety of Journalists and Freedom of Expression
- The judiciary, lawyers and police officer's knowledge on freedom of expression and the media supported through the Handbook on freedom of expression for trainers as translated and adapted to the Beneficiary-specific context (updated version)
- Contribution to journalist's knowledge building on the freedom of expression and freedom of media through training by the Association of Professional Journalists (APJ) and Media Trade union (MTU).

Legislation and Policies

- Adoption of Law on Media and Law on Public Broadcasting Service RTCG included CoE expert input.
- Law on Audio Visual Media Services drafted as the final piece of legislation to be adopted within the Montenegrin media legal framework with support of CoE expert.

SERBIA

SECTOR ENSURING JUSTICE

SAMPLE ACTION: HF10 Strengthening the effective legal remedies to human rights violations in Serbia

Identified Expected Results (impact) related to monitoring/evaluation Recommendation[s] (according to Tri Annual Plan of Action)
Individual human rights are secured through improved legal remedies against human rights violations

HF II Outcome (according to logframe)

Strengthened coherence in application of the standards set by the ECtHR

Strengthening of institutions

- Trainings reached approximately 110 current and future legal professionals and enhanced their knowledge and skills on the protection system established by the Convention (ECHR standards, functioning of the ECtHR and relevant case-law)
- HELP course on ECtHR included as **mandatory in the training of judicial academy**
- Stable co-operation with faculty of law at the university of Belgrade, which actively promotes human rights education in various formats amongst its students

Legislation and Policies

- **Adoption of the Law** on “missing babies” by the Serbian Parliament (as a step towards the execution of the ECtHR judgment Zorica Jovanovic v. Serbia.). (Related indicator: Zorica Jovanovic v. Serbia: At its March 2020 session, the Committee of Ministers in its human rights format decided to move supervision of the case from enhanced to standard supervision.)

(Contribution to) changed practice

- Judges make use of the platform on cases (which are available in local language and also contain judgements from other countries in the region). Some interviewees indicate that there is progress in the application of standards.

SAMPLE ACTION: HF11 Enhancing the human rights protection for detained and sentenced persons in Serbia (phase II)

Identified Expected Results (impact) related to monitoring/evaluation Recommendation[s] (according to Tri Annual Plan of Action)

To enhance human rights protection of detained and sentenced persons in Serbia in line with CoE and CPT standards

HF II Outcome (according to logframe)

Improved functioning of prisons and human rights protection for persons deprived of liberty in line with Council of Europe and CPT standards

Facilitating Multi-Stakeholder Dialogue

- Interviewees highlight an enhanced inter-Ministerial co-operation as a distinct outcome and side-benefit of the Steering Committee.

Strengthening of institutions

- Cascade training for police officers dedicated to prevention of ill-treatment and torture realized. From October 2019 this training is part of **mandatory annual trainings**.
- The Ministry of Justice introduced training on (newly developed) treatment programs as **mandatory for prison treatment staff**. 13 future trainers gained necessary methodological knowledge for designing and conceptualizing as well as conducting training.

Legislation and Policies

- The **Mental Health Strategy** and accompanying Action Plan, developed in HF I were adopted by the Serbian government in November 2019.
- Prison Strategy: First draft of the new strategic document covering 6-year period (2021-2027).

SECTOR PROMOTING ANTI-DISCRIMINATION AND PROTECTION OF RIGHTS OF VULNERABLE GROUPS

SAMPLE ACTION: HF25 Promotion of diversity and equality in Serbia

Identified Expected Results (impact) related to monitoring/evaluation Recommendation[s] (according to Tri Annual Plan of Action)

Improved functioning of anti-discrimination mechanisms and their accessibility by vulnerable groups, in line with the European standards and best practices

HF II Outcome (according to logframe)

Improved functioning of anti-discrimination mechanisms and their accessibility by vulnerable groups, in line with the European standards and best practices

Facilitating Multi-Stakeholder Dialogue

- Agenda setting: used frame of HFII strategically to develop a dialogue with the Beneficiary on issues, which are not prioritized and which are controversial (LGBTQI rights)
- On-going dialogue with the Office of Human and Minority Rights (OHMR) on the State Report, 4th Opinion on Serbia (FCNM)
- Intensified co-operation with civil society considerably. Civil society actors identify unplanned benefits/side-effects; *e.g.* advertised the organisation locally, established new contacts/partners locally, gained visibility at central level due to co-operation with CoE, clearly identified internal lessons learned.

Strengthening of institutions

- **Assessment of local Action Plans in 67 local self-government units** to strengthen the capacities of local authorities for mainstreaming LGBTI rights in local policy documents and bylaws; covers approx. 40% of all local self-government units.
- So far 16 local units covered with training and mentoring (15 are to come in 2021); coverage so far below 15% of all local self-government units, hence still in a “piloting” scope.

Legislation and Policies

- **Draft laws on anti-discrimination, same sex partnerships and gender identity** are underway. As this revision had been pending for a long time even a first draft might be a cautious sign of some movement on the policy level.

SAMPLE ACTION: HF26 Preventing and combating trafficking in human beings in Serbia

Identified Expected Results (impact) related to monitoring/evaluation Recommendation[s] (according to Tri Annual Plan of Action)

Prevention and combating of trafficking in human beings are improved

HF II Outcome (according to logframe)

Improved capacity to detect and identify victims of trafficking

Facilitating Multi-Stakeholder Dialogue

- Increasing integration of civil society organisations through membership in the Steering Committee and sub-granting
- The training of the labour inspectors and the setting up of the local teams (see below) were designed on a multi-sectorial basis, which is particularly positively highlighted by the beneficiaries.

Strengthening of institutions

- More than 90% of labour inspectors trained on basics of identification, prosecution and prevention of trafficking in human beings. (Total of approx. 140 labour inspectors, with 11 of them trained before HFII started). A ToT component furthering sustainability currently on hold due to COVID-19.
- HELP training for legal professional was adopted for Serbia and is **institutionalized with the Judicial Academy**. So far 31 judges and prosecutors and 37 law students completed the course.
- 17 local anti-trafficking teams piloted and qualified with a cross-sectorial multi-stakeholder approach (group mix of red cross, police, prosecutors, NGOs and other stakeholders). 5 of them considered particularly active and stable with potential to make a difference on the ground.

SECTOR FREEDOM OF EXPRESSION / MEDIA

SAMPLE ACTION: HF36 Freedom of expression and freedom of the media in Serbia (JUFREX)

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

Strengthened freedom of expression and freedom of the media, in line with European standards.

HF II Outcome (according to logframe)

Improved enabling environment for freedom of expression and media

Strengthening of institutions

- Expanded pool of certified trained trainers and content-wise included freedom of media
- 2 relevant HELP courses available and **integrated in the annual training programme at the Judicial Academy** (a) freedom of expression, b) protection and safety of journalists).
- Training events for staff of the Regulatory Authority for Electronic Media and for the public broadcaster took place (e.g. on rights of persons with disabilities). However, there are no concrete statements on whether the trainings have already reached a significant number of employees and are reflected institutionally and/or through changed practices; neither in reports nor in interviews.

(Contribution to) changed practice

- Judgements: Interview partners had different opinions on the question whether there is already evidence of a changed practice. Some believe that there is evidence of change in the judgements as judges see an increasing need to revert to the Human Rights Convention. (Most common reference to article 6,8, 10 and 14; right to a fair trial, respect of private and family life, freedom of expression, prohibition of discrimination). In one interviewees point of view judges do not only refer to human rights in a technical sense, but really reflect their content. Another interviewee concluded that the knowledge of judges and prosecutors had improved, but not their attitude. According to this interviewee they are still not committed to the values of freedom of expression and freedom of media.

REGIONAL

SECTOR ENSURING JUSTICE

SAMPLE ACTION: HF38 Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkans

Impact according to project logframe and description:

Regional security enhanced by addressing radicalisation in prisons and disengaging radicalised offenders from violence

HF II Outcome (according to logframe)

Improved functioning of prisons and human rights protection for persons deprived of liberty in line with Council of Europe and CPT standards

Facilitating Multi-Stakeholder Dialogue

- Regional exchange in meetings and working groups with positive feedback in after-meeting evaluation forms.
- Supported or introduced **multi-stakeholder approach in the rehabilitation system**: *e.g.* local co-ordination forums including civil society, religious groups, etc. to prevent recidivism

Strengthening of institutions

- Developed **methodologies for risk and needs assessment** as a screening tool for violent extremist prisoners and individualized rehabilitation strategy for prisoners for various beneficiaries (complementary to existing tools).
- Website and restricted **platform for professionals in the fields of probation and prison** realized. So far (in the initial stage after launching the platform) about 120 practitioners granted access and gave feedback.
- **HELP course launched** in four beneficiaries with currently 150 participants undertaking the course (initial stage)

SECTOR FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME

SAMPLE ACTION: HF44 Action against Economic Crime in South East Europe and Turkey

Identified Expected Results (impact) related to monitoring/evaluation
Recommendation[s] (according to Tri Annual Plan of Action)

Improved legal and institutional framework to prevent corruption

HF II Outcome (according to logframe)

Increased guarantees are enacted against corruption and money laundering/terrorist financing

Facilitating Multi-Stakeholder Dialogue

- Regional events contributed to increased cross-regional networking between Beneficiary institutions in particular between Albania and Kosovo and to domestic networking between NPOs and authorities via contact points for data collection on the NPO risk assessment

Strengthening of institutions

- Risk assessment report provides Beneficiary institutions with typologies of corruption risks, best practice measures and recommendations for further reforms.
- Risk assessment related to terrorist financing through the NPO sector under way: report on legislative framework assessment completed; draft methodology produced; data collection ongoing.

Legislation and Policies

- Beneficiary countries able to access good practice and compliance to international standards through two pilot interventions:
 - Legal opinion on the compliance of the Draft Public Procurement Law of Albania to better align with 2014 EU Directive on Public Procurement (awaiting approval by Parliament);
 - Technical paper analysing the compliance of the Rulebook setting up Beneficial Ownership Registry in Montenegro with the 5th EU AML Directive and FATF recommendations.

SECTOR PROMOTING ANTI-DISCRIMINATION AND PROTECTION OF RIGHTS OF VULNERABLE GROUPS

SAMPLE ACTION: HF45 Promotion of diversity and equality in the Western Balkans

Impact according to project logframe and description

HF II Outcome (according to logframe)

Improved functioning of anti-discrimination mechanisms and their accessibility by vulnerable groups, in line with the European standards and best practices.

Improved functioning of anti-discrimination mechanisms and their accessibility by vulnerable groups, in line with the European standards and best practices

Facilitating Multi-Stakeholder Dialogue

- **Facilitated multi-stakeholder dialogue between civil society and governmental institutions** on regional level in the frame of regional training (LGBTI).

Strengthening of institutions

- Final draft of the **Comparative Study on Strengthening Equality Bodies in the Western Balkan Region** in the Field of Hate Speech in the final editing phase. Presentation on hold due to COVID-19.
- **Two modules for online resources** on ECRI General Policy Recommendations No. 2 and No. 15 to be used as training resources for Equality Bodies/Ombudspersons, civil servants and civil society organisations finalised (but not yet launched at the time of conducting interviews).
- Small grants and in particular the “emergency grants” for civil society organisations appreciated by LGBTI organisations as **stabilising the community**.

(Contribution to) increased public awareness/changed attitude

- **Campaign** “Block the hatred. Share the love” with an approx. outreach of 100.000 views of posts so far and a good level of interaction. Feeds into central level campaigning.

Annex VIII COVID-19 related challenges and mitigation

Positive effects	Negative effects
Meetings and trainings – Reached more diverse people from different places in training (HF25) – Easier to secure input by experts on specific issues; <i>e.g.</i> on DNA data basis by expert from Latin America (HF10) – Costs decreased (HF10, HF7) – For the team focusing more on content and less on logistics became possible (HF10) – Schedules more flexible (HF10) Innovation – Opportunity to introduce online training modules (HF1) – Triggered idea to establish a digital classroom for democracy (HF24) – Highly motivated to make extra efforts to prove that online trainings can be interactive and lively and the ice can be broken, challenging, but with positive result (HF36) – Interest for innovation of considerable scale: remote training seen as efficient to reach the 4000 prison services staff; request from Directorate General of Prison Administration for training assistance in online format which had not previously done before; however, there are some unresolved hurdles, <i>e.g.</i> participants lack IT to follow training online; in penitentiary institutions prison staff are not allowed to bring mobile phones (HF3) Survey – Good response rate because people spend so much time online (HF25) Campaigning on regional level – There was not much else going on, so more people noticed, re-posted, etc. (HF45)	No alternatives for certain activities, <i>e.g.</i>: - Inspections of detention facilities (HF 3) - Piloting of innovative practice as developed in the actions: no satisfying mitigation strategy available, needs to be done on-site (HF 1; HF 38) - Provision of expertise: Utilisation of local consultants had its limitations; <i>e.g.</i> piloting of tools in specific prison facilities under the rehabilitation component; CoE policy did not allow local consultant to enter facilities (HF3) Trust-building & communication - considerably harder to start co-operating with new institutions when trust needs to be built first (HF36) - Face-to-face communication is better, also in light of discussing sensitive issues (HF10, HF11, HF15, HF38, HF7) - local forums on rehabilitation of ex-prisoners see issue as too sensitive for online-work (HF38) Partner resources: - Some partners overloaded with duties resulting in limited availability: <i>e.g.</i> Ministry of Health (HF 11), prison staff due to extra burden to establish preventive hygienic measures (HF 38) - Relevant institutions closed/under quarantine (<i>e.g.</i> social care institutions relevant for mental health issues / shelter for victims of trafficking) (HF11, HF26) Meetings and trainings - limitations based on technical facilities, <i>e.g.</i> no camera available, poor internet connection, lack of adequate interpretation facilities (HF3, HF26, HF11, HF38, HF23) - lack of know-how or affinity to digital solutions limits participation of key-staff (HF7) - officials get interrupted when working

online from their own offices (*e.g.* for signatures), less focus on the meeting (HF11)

- missing social interaction (HF26, HF45)
- fatigue of online discussion and meeting visible (HF25, HF10, HF11, HF38, HF45)
- online trainings, particularly ToT, less effective than live; problem of “fake” participation (=being online, camera off, working on something else) (HF25, HF11, HF7, HF35)
- Good interpretation services costly (HF7)

Regional activities

- Regional exchange hit hard as many activities had to be postponed in particular on sensitive issues, *e.g.* on combating hate crime (HF44, HF45).
- No satisfying mitigation strategy available. (HF45, HF38)
- Participants/Beneficiaries busy with their domestic duties; affected commitment to regional action (HF44)
- Provision of interpretation in local languages for online events technically hampered; resumed to English as sole working language (HF44)

Awareness raising activities

- often postponed (HF25)
- less effective (HF25, HFI with focus on legislation, HFII meant to popularise these)
- much harder to popularise publications on media literacy (HF36)

Annex IX Action specific recommendations by interviewees

Please note that this Annex is an unedited synopsis of recommendations by interviewees, reflecting their point of views.

Albania

HF1: Strengthening the quality and efficiency of justice in Albania (SEJ III)

- In light of COVID-related restrictions, we need to ensure to be able to manage a project also in times of crisis. Hence, we need to be better prepared with up-to-date communication and IT tools.
- In order to better follow long-term processes, we need to work in a flexible way.
- It is important that the action is flexible to shift funds to emerging needs.
- As a capacity building institution, we need to be proactive to review activities and ensure they are in line with capacity building needs and according to context.

HF3: Enhancing the protection of human rights of prisoners in Albania

- The action needs to be flexible to be able to modify and adjust to a changing environment or request.
- Project staff needs to be sensitive to the beneficiaries and to what works and does not work (taking into account the local context).
- Some of the COVID-adjusted work modes should be kept; *e.g.*, the increased utilisation of local consultants; remote meetings can be efficient, *e.g.*, is CoE able to follow more activities in video format.

HF15: Action against economic crime in Albania

- Support at the highest political level needed, in particular (but not only) with regard to the issue of asset recovery through a positive and strong involvement of the National Anticorruption Co-ordinator.

HF18: Promotion of diversity and equality in Albania

- Co-operation with other actions such as JUFREX in support the No Hate Alliance is a good practice. This should be discussed from the outset as it needs investment.
- CSO involvement in a watch dog role and monitoring function important for this type of intervention.

Montenegro

HF7 Improved procedural safeguards in judicial proceedings in Montenegro

- Contracting expertise directly from CSOs instead of contracting individual experts (employed by CSOs) would contribute to building CSO capacities, their reputation and recognition by the governmental agencies and ministries. Such effects could be also reached if the action establishes formal partnership with CSOs, not only action level co-operation.
- Trainings to focus on building practical knowledge, promoting real case experiences and court practices, overall, preferably containing less theory and reduced lengthy textual analyses. Accompanying handbooks and manuals to include much more practical examples and real case scenarios.
- Detailed assessment of training effects is needed to establish extent to which knowledge is actually applied.

HF 23 - Promotion of diversity and equality in Montenegro

- CSO grants should be more flexible.
- A centralised data base to collect data related to discrimination is important.
- All relevant stakeholders need to be brought on board, *e.g.*, the police alone cannot work on fighting hate crime/speech, prosecutors and courts must be trained as well to ensure a more comprehensive response. All stakeholders need to follow an integrated approach working towards the same standards.
- Study visits are very important to advance the LGBTI issue, especially for the police officers to learn from other good practice in other countries, *e.g.* the UK and other European countries.

- More investment is needed into the inclusion of rural areas across the Beneficiary outside the capital.
- Psychosocial support training should complement capacity building of the police to improve response and victim's protection.
- The action has the smallest budget of HFII actions in Montenegro. More funds are urgently needed to introduce new activities but also to be able to hire field staff in Montenegro as the action is presently covered by the Belgrade Office.
- CoE should leverage on its good standing with the MoI to advance adoption of the the ToT curriculum.

HF 24 Quality Education for All (QUALITY ED – MONTENEGRO)

- The multi-level approach involving communities, schools, and the University proved to be successful in the promotion of school democracy.
- A future HFIII should include persons with disabilities as a distinctive target group.

HF 35 Freedom of expression and freedom of the media in Montenegro (JUFREX)

- Mixed teams of EU and regional experts should be introduced as good practice. Trainings need more local/regional judges who have experience with international standards and domestic legislation and can offer comparative and combined analyses.
- Inclusion of trainers from the region should be followed as good practice as participants are more comfortable with trainings in local languages.
- Media Literacy Strategy (recommended last year for development) to replace initially proposed development of e-tool that is not economical, it is very expensive solution, and was initially taken as an idea from Hungarian example. Instead, the Agency for Electronic Media recommends development of the Strategy and follow-up ToT.
- Co-operation with the Agency for Anti-corruption should be strengthened.
- Issues related to media pluralism are important and should be advanced through a follow-up action.

Serbia

HF 10 Strengthening the effective legal remedies to human rights violations in Serbia

- Have more law faculties involved and focus on young legal professionals as a source of sustainable change.

HF 11 Enhancing the human rights protection for detained and sentenced persons in Serbia

- There could be more frequent online meetings complementary to the steering committee. More exchange of opinions, *e.g.* once in 2 months, so we all see each other at least online. On site meetings are better for communication, but more exchange is appreciated.
- It is always good to hear experience from different countries. Do facilitate more of these opportunities to learn from different countries in specialised areas, *e.g.* heads of committees of prevention of torture to compare legislation and mechanisms. Also an interesting topic would be how police powers are seen in different countries in light of pandemic related restrictions. In some countries police dispersing a crowd was seen as legitimate in others as restricting liberty rights. This debate is interesting.

HF 25 Promotion of diversity and equality in Serbia

- There is some competing interest between institutions with a focus on national minorities (project focus in HFI) and other discriminated groups (focus HF II on LGBTI): best would be to have separate tracks on these topics with adequate funding for each of them. Would be better for the harmony of stakeholders in anti-discrimination.
- Continue supporting independent bodies such as the Protector of Citizens of Serbia, as these are short of resources (*e.g.* people and premises).
- Provide expert support on the topic of persons living with disabilities.
- Focus more on the work with young people. We might not be able to change systems or mindsets of decision makers in Belgrade, so we have to change mindsets of young people in the country. Work much more on education.
- Be more creative in reaching people. Overall people do not read, so there is limited usage of handbooks, manuals, etc. Seek more co-operation with online companies, etc.

HF 26 Preventing and combating trafficking in human beings in Serbia

- We should collect all the experience in one place and make it more accessible. Create one information spot and raise the visibility.
- Make more use of experience in the regional context: a) Use whatever good experience we made in Serbia to facilitate the regional extension; b) We should support an internal evaluation, like a mini-GRETA by the Ombudsman. We need to raise own capacities for this approach. There is already such a team in Macedonia. So we really need such a team to guarantee that we put GRETA recommendation in practice and close the full logical circle.
- Also court proceedings are a completely different topic, not yet covered. Important to not re-traumatise victims.
- We need to continue the training for labour inspectors and raise the training opportunities for teachers to strengthen prevention.
- Also think about involving the Ministry of Finance to assign greater funds for the purpose.
- More involvement of education system and other civil sectors, long term education programmes, include trafficking in curriculum.
- Online violations/online world needs to be addressed.
- Do continue to work in long-term processes.

HF 36 Freedom of expression and freedom of the media in Serbia (JUFREX)

- We are particularly pleased with the regional component of the work, please do continue.

Regional

HF 38 Regional: Enhancing penitentiary capacities in addressing radicalisation in prisons in the Western Balkans.

- Return to on-site meetings as soon as possible!

HF44: Action against Economic Crime in South East Europe – Regional

- COVID-related mitigation measures had their limitations; online interaction and cannot substitute on-site meetings. There are also limitations with regard to interpretation.
- It is important to actively involve stakeholders from the beginning. The action benefitted from a good working relation and buy in which helped during the COVID related restrictions.

HF 45 Promotion of diversity and equality in the Western Balkans

- It would be easier to manage the activities within ONE unified budget for regional and Beneficiary specific activities.
- Integrate activities to increase solidarity between the different communities (women, Roma, LGBTI, minorities); not just in the sense of a meeting and a coffee, but opportunities for substantial connectivity.
- Increase support to civil society.
- For CoE to be a force of co-ordination and create opportunities for co-ordination as there are many splits within the LGBTI community and between different marginalised groups. CoE has a power to unite communities.
- Continue the good practice to consult closely and always involve the community in any measures.
- Support fundraising efforts of civil society by using the convening force and connect civil society with other actors and donors.
- CoE should initiative a review of the 2010 recommendations of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. So much has happened in the past 10 years, we had Trump, we have recent developments in Turkey. It would be great to review and update the focus of these recommendations.