

**EVALUATION OF UNDP UKRAINE'S
DEMOCRATIC GOVERNANCE ASSISTANCE
2012-2016 AND RECOMMENDATIONS ON
DIRECTIONS FOR FUTURE ASSISTANCE**

**EVALUATION REPORT May 8th, 2016
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Acronyms

ASCs	Agricultural services cooperatives
ATO	Anti-terrorist Operation
CASPs	Centers for Administrative Services Provision
CBA	Community Based Approach
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CMM	Crimean Field Monitoring Mission
CO	Country Office
COs	Community organizations
CPAP	Country Programme Action Plan
CPD	Country Programme Document
CSO	Civil society organization
ETI	Enhanced Public Sector Transparency and Integrity Project
EU	European Union
GIZ	German Federal Enterprise for International Cooperation
GRRIP	Governance and Recovery Rapid Intervention Project for Ukraine
HRMMU	Human Rights Monitoring Mission in Ukraine
IDPs	Internally displaced persons
IFIs	International financial institutions
LGBT	Lesbian, gay, bisexual, and transgender
MPs	Members of Parliament
MRD	Ministry of Regional Development
NABU	National Anti-Corruption Bureau
NACS	National Agency for Civil Service
NAM	Needs Assessment Mission
NAPA	National Academy for Public Administration
NAPC	National Agency for the Prevention of Corruption
NHRI	National Human Rights Institution
NPM	National Preventive Mechanism
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
ROAR	Results-oriented Annual Reports
SIDA	Swedish International Development Cooperation Agency
TORs	Terms of Reference
UARLC	Ukrainian Association of Regional and Local Councils
UNDAF	UN Development Assistance Framework
UNDP	UN Development Programme
UPR	Universal Periodic Review

Executive Summary

In 2013-2014 Ukraine underwent destabilizing conflict and political, social and economic change which continues to the present, and has important geopolitical implications for the region. These changes prompted UNDP to reassess its programmatic approach in the area of democratic governance programming in mid-2014, and UNDP has since begun formulating the 2018-2022 Country Programme Document (CPD). As part of the evidence base for the CPD, UNDP commissioned an evaluation of the outcomes of its 2012-2016 governance interventions.

The evaluation found that recent and ongoing governance interventions were successful to an extent in contributing to specific progress in the achievement of more effective, accountable and responsive public institutions. Support going forward should build upon these achievements, expanding and deepening UNDP's strategy to take account of the social, cultural and political dimensions of governance, the inter-linkages between institutions within - and influences external to - the governance system, and an understanding of the incentives in place that drive or block development. To position UNDP to contribute to significant positive shifts in governance in an enormously challenging development context, it should employ or continue business practices adapted for the purpose of supporting a focus on outcome-level results.

Drawing on the lessons learned from UNDP's previous governance interventions in 2012 -2016, the evaluation recommends the following processes.

- Working "politically" beyond technical inputs including through proactive engagement by UNDP as an active interlocutor and partner on governance reforms with government leadership.
- Scaling up on past work by undertaking programming within broad strategic areas of focus that link directly with pressing development problems in the country.
- Analysing the political, social and cultural context on democratic governance to take stock of levels of influence and resources, and factor a holistic analysis into interventions.
- Fashioning a unifying Theory of Change in the area of democratic governance that convincingly outlines how change could be brought about to back programming and connect it to the programming of the Country Office as a whole, in view of governance aspects of work in other clusters/areas.
- Based on the Theory of Change above, providing multi-disciplinary, integrated and innovative policy advice and implementation services across clusters/areas of work. This programmatic approach entails entails communication, cross-fertilization and managing collaboration between UNDP efforts and investments to concertedly contribute to larger goals and outcome-level changes.
- Positioning management to capture progress at the outcome level through a results-oriented framework of well-designed indicators, baselines and targets, and credible data collection as an ongoing process of doing, learning, making corrections based on evidence and improving results. This involves senior management setting expectations for outcome-level results in practice and making decisions based on verifiable sources of data.

● Managing knowledge to achieve greater impact on development outcomes as a strategic contribution to programme delivery, to enable UNDP to lead in development dialogues, improve interventions by using the knowledge of what works in development as the *sine qua non* to scale up and drive transformative change.

● Importantly, leveraging UNDP's insights into the rights of persons who are vulnerable due to their socio-economic, legal or other status, by integrating Gender Equality and a Human Rights-Based Approach so that the main concerns of women and vulnerable persons are integral to the design, implementation, monitoring and evaluation of future governance programming and all persons benefit equally from future UNDP governance interventions.

Taking into UNDP's experience in supporting democratic governance to date and its comparative advantage in Ukraine, the evaluation recommends future thematic directions to be pursued using the processes above. Interventions in the areas below are recommended to collectively support high-level strategic outcomes.



A On *Capability for Decentralization and Local Governance, eGovernance*, smart practises and citizen engagement in decision-making and monitoring of quality of public services; anti-corruption, accountability and transparency processes, building on open budgets and open contracting at the local level with cost-sharing from target municipalities; social cohesion and sub-national capacity; citizen and local community awareness on democratic governance and reform with youth and CSOs.



B On *Accountable Democratic Institutions and the Rule of Law*, the prevention of corruption combined with sectoral work; public administration reform coordination to integrate anti-corruption and human rights; access to justice and security including through legal aid services for vulnerable people; scanning and pursuing emerging openings with Procuracy and judiciary; human rights implementation through sectoral interventions; Parliamentary reform including on open decision-making; and constitutional support integrated anti-corruption (integrity plans, risks assessments, human resources etc.), accountability and transparency processes, building on open budgets and open contracting experience at the local level.



C On *Responsive Governance for Inclusive and Sustainable Human Development*, social cohesion, constructive public debate and common ground on economic recovery; new Civil Procedure Code to facilitate development; progressive tax legislation; and transparency and integrity in the governance of the energy sector.

The evaluation recommends the Human Rights-Based Approach to Development Programming and Gender Equality underpin and position governance programming to achieve better and more sustainable development outcomes.

1 Introduction

Since 1993 UNDP has provided development assistance in Ukraine, some of which was aimed strengthening democratic governance in the country mainly at sub-regional and local levels. This was done in partnership with national, regional and local levels of government, civil society, and the private sector, often in conjunction with other donors. At national level, the policy advice including that provided directly to Ministers resulted in very limited change due, in large part, to frequently changing governments.¹

In 2011, UNDP outlined the parameters for 2012-2016 development cooperation in the Country Programme Document (CPD) for Ukraine and the Country Programme Action Plan (CPAP).² It premised its plans in the area of democratic governance on contributing to accountable, responsive and effective public institutions³. However, in 2013-2014 Ukraine underwent conflict and destabilizing political, social and economic change which continues to the present, and has important geopolitical implications for the region. These changes prompted UNDP to reassess its programmatic approach in the area of democratic governance programming beginning in mid-2014, and the CPD was extended until the end of 2017. To have impact, the next CPD will need to strategically address the enormously challenging development context as well as the new opportunities for democratic governance reform in Ukraine. To help identify priority areas and strategies for future action in the area of democratic governance, UNDP commissioned an evaluation of the outcomes of its recent and ongoing governance interventions.⁴ This is the report of the evaluation.

¹ CPD 2012–2016 p. 3 para. 8. Results from the earlier 2008–2012 CPD in the area of democratic governance and more generally were mainly at the sub-regional and local levels. A major example was UNDP's work to build national capacities for inclusive participatory planning at local level by promoting community-based planning for implementation of micro-projects in rural communities.

² The CPAP provided a valid basis for development cooperation although the government at the time did not sign it.

³ CPD p. 7. CPAP RRF p. 17.

⁴ This will be followed by outcome evaluations by UNDP Ukraine in the areas of recovery and environment respectively.

2 Structure of the Report

This report consists of eight sections. The next section of the report, Section 3 sets out the objectives of the outcome evaluation. Section 4 details the scope of the evaluation and methodology used by the international consultant, and outlines methodological challenges and limitations. Section 5 canvasses the context regarding democratic governance that prevailed from 2012 until the present, the period when the interventions being evaluated were designed and implemented. Section 6 analyses the information and data collected and assesses the interventions against the outcome using standard UN evaluation criteria. Examples of UNDP contributions to the achievement of outcome-level results are documented as well as successful programme processes. Based on the analysis above and consultations, Section 7 highlights key findings, lessons learned and conclusions including on programme design and implementation approaches to maximize the potential results of future work. Taking into account the current development context and lessons learned from past cooperation, Section 8 provides forward-looking recommendations of overall directions for UNDP's future work in democratic governance.

3 Objectives of the Evaluation

Following a request by the Ukraine Country Office (CO), with the support of the Istanbul Regional Hub, an international consultant was selected to carry out an outcome evaluation of UNDP Ukraine's assistance in the area of democratic governance.

Evaluation Terms of Reference

According to the Terms of Reference (TORs), the objective of the evaluation was to assess whether and to what extent the planned outcomes have been achieved as a result of UNDP's work in the areas of democratic governance in 2012-2016. The CPD and the CPAP set the relevant outcome: **"More effective and accountable public institutions respond to needs of all people within the jurisdiction of Ukraine especially the most vulnerable."**

Specifically, the outcome evaluation was intended to assist UNDP Ukraine in gaining a better understanding of the following aspects:

- A. the extent to which the planned outcomes and the related outputs have been or are being achieved;
- B. the mechanisms by which outputs led to the achievement of the specified outcomes;
- C. concrete evidence of the UNDP contributions to outcomes including the use of case studies as a tool to explain results;
- D. if and which programme processes, e.g. strategic partnerships and linkages, were critical in producing the intended outcome;
- E. factors that facilitated and/or hindered progress in achieving outcomes both in terms of the external environment and those internal to the portfolio interventions including design, management, human resource skills, and resources;
- F. lessons learned from the implementation of the interventions, also as evidenced by case studies (point c above);
- G. sustainability: whether there was ownership and capacity to maintain and manage development on the outcome;
- H. mid-term and long-term changes in the implementation of the interventions.

The TORs also provided that, to the extent possible, answers to the above questions should address the implications for women and men, the extent to which UNDP advocated for the principle of equality and inclusive development and contributed to empowering and addressing the needs of the disadvantaged and vulnerable population.

At the core of the TORs were two fundamental questions. The first was: looking backward, the extent to which the outcomes planned by UNDP Ukraine have been achieved through its democratic governance interventions. The second question was: looking ahead, considering the current national development context and having drawn lessons from past experience, the preferred directions for UNDP Ukraine's future interventions in the area of democratic governance.

Discussions with the Country Director and Deputy Country Director, UNDP Ukraine, at the start of the evaluation confirmed that the evaluation was to probe deeply to address questions of the overall effectiveness of the projects and clearly set out their strengths and weaknesses in order

to present key lessons learned, forward looking observations, and recommendations for future interventions in the area of democratic governance. UNDP will develop a new CPD for 2018-2022. The findings of this evaluation are intended to inform current and new programming.

Timetable

The evaluation took place over 30 days between April 4 and May 9, 2016. Annex 1 to this report lists the main timelines. The international consultant began work with a desk review of recent history, the past and current governance situation in the country and UNDP's democratic governance interventions in 2012-2016. She wrote an Inception Report and shared it with the UNDP Ukraine CO and Istanbul Regional Hub.

The primary work of the evaluation was carried out during a mission to Ukraine from April 11 to 22, through interviews with regional, national and international civil society organization, government and the Office of the *Ombudsperson* stakeholders, UNDP staff, international consultants and others. The Programme Specialist, Human Rights, Rule of Law, Justice and Security, Governance and Peacebuilding Cluster at the Istanbul Regional Hub served as a second member of the Evaluation Team during the mission.⁵ Annex 2 contains the list of persons consulted during the evaluation.

At the end of the mission the international consultant presented preliminary findings to management and relevant staff at the UNDP CO and sought their views. As an additional step in the evaluation process, she consulted with relevant regional experts at the Istanbul Regional Hub especially those familiar with Ukraine and CO programming.

4 Scope and Methodology of the Evaluation

Temporal Scope

The temporal scope of the evaluation covered 2012 to 2016, the same period as the CPD which was later extended through 2017 and the CPAP. The end date of the evaluation was April 2016 and the evaluation examined some projects that were ongoing.

Subject Matter

CPD/UNDAF/CPAP outcome

The subject matter of the outcome evaluation was UNDP Ukraine's interventions in the area of democratic governance. The relevant UNDAF/CPD/CPAP⁶ outcome, and associated contribution and CPAP indicator in the area of democratic governance were:

- 1.** More effective and accountable public institutions respond to the needs of all persons within the jurisdiction of Ukraine, especially the most vulnerable.
- 2.** Contribution: Develop capacity for accountability, transparency and inclusion of citizens in decision making.

⁵ His participation was arranged to help ensure that the information gleaned through the evaluation would be incorporated into future regional support to the CO.

⁶ Results from the earlier 2008–2012 CPD in the area of democratic governance and more generally were mainly at the sub-regional and local levels. A major example was UNDP's work to build national capacities for inclusive participatory planning at local level by promoting community-based planning for implementation of micro-projects in rural communities. UNDP's policy work under the previous CPD reportedly had negligible impact at the national level due, in part, to frequently changing governments.

- a. *CPD Indicator*: Local policy/legal frameworks and processes enacted.
- b. *CPAP Indicator*: Existence of legal framework for more effective, accountable and responsive public institutions.
 - i. *Baseline*: Current legislative framework needs improvement.
 - ii. *Target*: Legal framework to enable more effective, accountable and responsive public institutions in place.

Although the CPD was developed in 2012 and regarded by the CO as outdated, new outcomes to guide programming were not set⁷. Thus the outcome above was the formal framework for UNDP's development assistance to Ukraine in the area of democratic governance for 2012 – 2016. Hence this outcome was used as the overall basis for the evaluation.

Democratic Governance Interventions

After this framework was put in place in 2012 until the present, the CO implemented a number of projects in the area of democratic governance which are as follows:

1. *Smart Practices for Oversight by Non-State Actors on Administrative Service Provision (2013-2015)*
2. *Democratization and Human Rights Programme in Ukraine Project (2013-2016)*
3. *Enhanced Public Sector Transparency and Integrity Project (2015-2018)*
4. *Strengthening Capacities of the Office Ombudsperson (2015-2018)*
5. *Community-based Approach programme which is much broader but has governance components (Third Phase 2014–2017).*

These five projects comprised the CO's democratic governance portfolio and, as such, were the interventions examined by this evaluation.⁸ The CBA project was an exception, as its outcomes were not evaluated since it will be separately evaluated in due course. As per the evaluation TORs, the present evaluation reviewed the approach of the governance components of the CBA.

Notably, following the Euromaidan protests and Russia's annexation of Crimea, in July 2015 UNDP undertook a reassessment of its democratic governance priorities in the new context of reform and recovery. A High Level Governance Needs Assessment Mission recommended ways to better address the substantial challenges presented by the prevailing development context. It designed an internal Governance and Recovery Rapid Intervention Project for Ukraine (GRRIP) as a financial framework to respond to urgent needs although this did not affect the direction of the projects under review.⁹

Also in 2015, one of the projects under review, *Smart Practices for Oversight by Non-State Actors on Administrative Service Provision*, was completed. The other four projects were

⁷ The 2016 CO Strategic Note observed that "The Office struggles with the fact that the UNDAF and CPD are outdated." p. 3

⁸ A gender equality project on women's participation ran in parallel until about 2013 when UN Women established a presence in Ukraine. In October 2012–April 2013, activities were carried out under a project entitled *Leveraging Change through the Universal Periodic Review (UPR): supporting CSOs and journalist communities in human rights advocacy efforts*, funded by the UK. They included sub-regional events with Ukraine, Russia, Turkmenistan and Uzbekistan.

⁹ The Project aimed to refocus CO programming around the two broad priorities: Facilitate governance reform processes in a manner that increases coherence, effectiveness and representativeness of the different political, social and regional aspirations within Ukrainian society and aligns with Ukraine's human rights obligation; and establish a strategic framework and initial presence on the ground to guide and support the multi-dimensional recovery of conflict-affected areas restored to national authority.

ongoing at the time of the evaluation. Two of them, *Enhanced Public Sector Transparency and Integrity Project* and *Strengthening Capacities of the Office Ombudsperson* only recently commenced, in 2015. Financial support for the design of *Enhanced Public Sector Transparency and Integrity Project* was provided by the GRRIP.

Other projects with democratic governance components were not considered within the scope of this evaluation due to the very limited period they had operated prior to the evaluation and their limited connection with the longer-standing democratic governance projects. In fact, one had not commenced at the time of the evaluation. These were (1) the Restoration of Governance and Reconciliation Project, which focuses on governance recovery in the conflict-affected, government-controlled areas of Donetsk and Luhansk Oblasts¹⁰, (2) the GRRIP-funded support to the constitutional reform process and the support of the Needs Assessment Mission of the Verkhovna Rada by the European Parliament, and (3) the new Rule of Law and Community Justice for Conflict-Affected Areas in Ukraine Project. During 2015, in line with the GRRIP, the CO started to develop these new projects in the area of democratic governance.

The recovery efforts in the Donbas region largely involve governance issues. The new project on parliamentary strengthening, *Rada Reforms: Capacity building in support of the Verkhovna Rada of Ukraine (2016–2018)*, is expected to commence later in 2016. The Rule of Law and Community Justice Project which aims to increase access to justice including through legal aid services and access to justice began in April 2016.¹¹

Similarly, the evaluation did not cover the democratic governance related aspects of projects hitherto included in the Poverty and MDGs portfolio, or the Energy and Environment portfolio, as these portfolios will be the subject of separate outcome evaluations and would have required lengthy analyses of the numerous projects carried out in these areas.

The focus in this evaluation on projects was driven by the CO business model for the period 2012–2016. The model was that CO development cooperation was offered through specific thematically-focused projects. In other words, the projects comprised the development assistance of UNDP Ukraine in the area of democratic governance at the time period specified.

Figure 1. Thematic Scope of the Evaluation

¹⁰ To date this project was funded by Sweden and Switzerland, and it is expected to be expanded by a significant EU contribution.

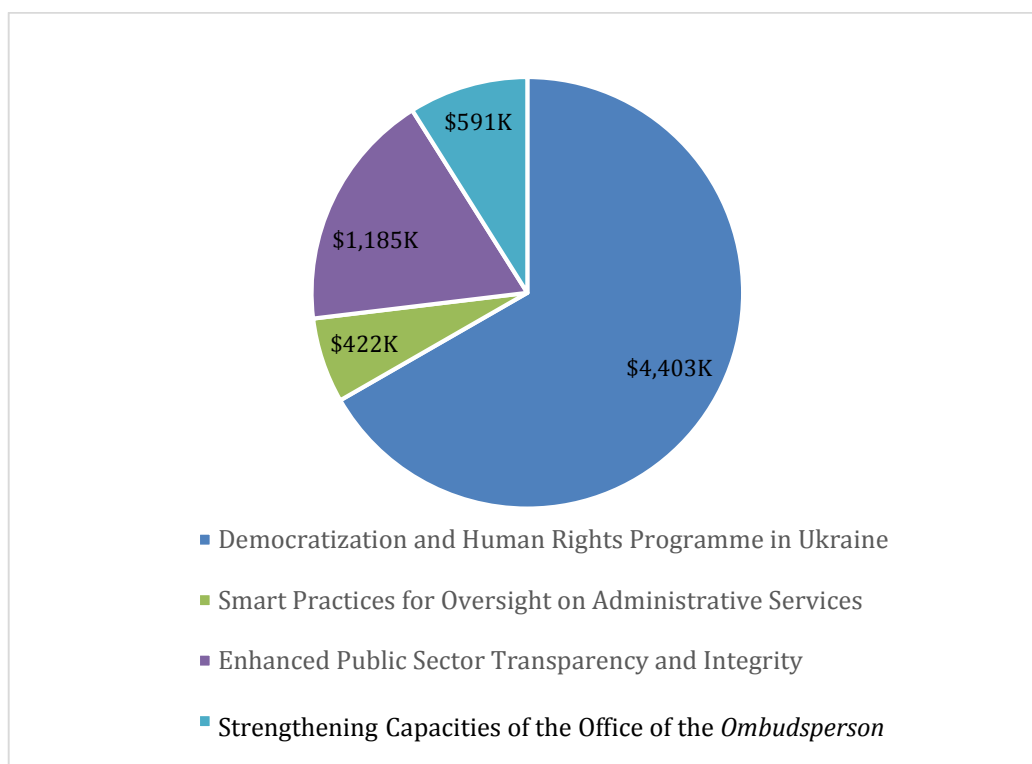
¹¹ It was originally designed as one of four components of a draft Rule of Law for Stabilisation in Ukraine: Addressing the Causes and Consequences of the Conflict Programme Document that was taken forward by the CO in April 2016. Other components dealt with increased capacity for justice service delivery and strengthened civilian oversight.

Smart Practices for Oversight by Non-State Actors on Administrative Service Provision
Democratization and Human Rights Programme in Ukraine Project
Enhanced Public Sector Transparency and Integrity Project
Strengthening Capacities of the Office of the <i>Ombudsperson</i>
Community-Based Approach to Local Development Project
Restoration of Governance and Reconciliation Project
Rule of Law and Community Justice for Conflict-Affected Areas in Ukraine
Rada Reforms: Capacity Building in Support of the <i>Verkhovna Rada</i> of Ukraine

Project Budget Information

The budget for governance-related interventions, with the exception of the CBA, during the time period under review totaled approximately USD\$3.4M. Allocations to the budgets of the governance projects under review are shown below.¹²

Figure 2. Democratic Governance Project Budgets 2012-2016



¹² The figures relate to budget allocations between 2012-2016. In considering this information, note that the projects ran for different periods. Two of the projects ran from 2013, one of which continues. Two started in 2015 and implementation continues until the present.

Evaluation Stakeholders

The main stakeholders of the evaluation were:

UNDP Ukraine Country Office

Senior Management Team: Country Director, Deputy Country Director

Democratic Governance Advisor/Head of Strategic Advisory Unit
Governance Programme Manager and team

Recovery Programme Manager and team

Istanbul Regional Hub

Regional Cluster Leader, Governance and Peacebuilding

Country Programme Specialist

Programme Specialist, Human Rights, Rule of Law, Justice and Security

National Partners

Ukrainian government officials

Parliament, Parliamentary *Ombudsperson* office

Civil society in Ukraine, grassroots, regional and national level

Ukrainian citizens/rights holders

International Partners

Other UN agencies, e.g., Office of the High Commissioner for Human Rights, UN Women

Donors

Evaluation Methodology

In order to gather sound and reliable information as a basis for UNDP decision-making, mixed methods were used in this evaluation.

A number of **semi-structured interviews**, with some degree of flexibility depending on the conversation and stakeholders were used to obtain thorough data from UNDP, national and sub-national government officials and civil society partners, intended beneficiaries, donor partners and others engaged in democratic governance activities in Ukraine. Most interviews took place in Ukraine. Interview participants included those involved in project activities outside Kyiv.

Group discussion was held with civil society partners as this was considered as a way to motivate cross-fertilization of views and provide consensus information.

Document review was another main method employed, for example, of UNDP CO documents such as formal project documents, annual reports, notes on project status, project publications as well as reports of the Istanbul Regional Hub. One of the projects under evaluation had been subject of two mid-term reviews by a donor and these findings were taken into account, although this evaluation looks at UNDP's broader and more strategic accomplishments and challenges.

Legislation and policy and other relevant documents of the government were reviewed. External written and electronic academic articles and commentaries on the democratic governance situation in the country were also studied.

Secondary data analysis of existing data sets was carried out i.e., monitoring information contained in UNDP Results-oriented Annual Reports (ROAR) to the extent that relevant information was entered and available.

Thorough steps were undertaken to verify, corroborate and triangulate the qualitative and quantitative information collected from the various sources through the methods above.

Evaluation Criteria

The evaluation focused on five criteria:

- **Effectiveness** – the degree to which UNDP interventions made a significant contribution to broad changes on democratic governance issues. The importance and role of UNDP interventions was compared with external factors or support by other donors. This criterion was the major focus of the outcome evaluation.
- **Relevance** – the extent to which the development assistance in the area of democratic governance was relevant to the prevailing governance situation in the country, the comparative advantage of UNDP and the needs of governmental and nongovernmental stakeholders.
- **Efficiency** – the extent to which UNDP Ukraine converted human and financial resources into outcomes in the course of its interventions including the way it used results of democratic governance and other UNDP interventions to improve the likelihood of results.
- **Sustainability** – the degree to which the changes achieved are likely to be durable and last over time. The extent to which changes in knowledge, capacity, awareness and other areas derived from UNDP interventions were institutionalized.
- **Gender Equality Mainstreaming and Human Rights-Based Approach to Development Programming** – the degree to which gender was integrated in democratic governance programming, and the degree to which the results in achieving planned outcomes contributed to the goal of gender equality.¹³ Similarly, the extent to which the human rights-based approach to development programming was used in democratic governance assistance, and the extent to which the principle of non-discrimination was mainstreamed and the outcomes were achieved for vulnerable and disadvantaged people.

¹³ Gender mainstreaming was defined by the UN Economic and Social Council in 1997 as “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is gender equality.”

The evaluation followed the *UNDP Handbook on Planning Monitoring and Evaluating for Development Results*. It also ensured that the gender indicators and human rights considerations were prioritized in data collection and analysis.¹⁴

Evaluability and Limitations

All programmes or projects should be designed to enable robust M and E.

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The validity of an evaluation depends on the availability of data on the interventions under review. In assessing whether the interventions under review contributed to the achievement of democratic governance results, demonstrating a correlation between UNDP action and institutional reforms was difficult. The pathways to achieve progress on democratic governance in Ukraine as elsewhere were complex, and were complicated by the substantial changes in the government and agenda of the country during the time of review. The achievement of results at the outcome level depended on a variety of institutional and contextual factors, most of them outside the control of UNDP.

Causality was tremendously difficult and, in some cases, impossible to establish in assessing whether governance interventions led to the achievement of changes in governance at the outcome level. To be clear, there was general information on progress toward the achievement of the relevant outcome, for example, from reports on government reforms and, to some extent, the ROAR. Most information available regarding the projects focused on project outputs. Thus the process of determining the extent to which the government translated UNDP - supported advice and advocacy positions into national policies, legislation, programmes, decisions and action was complicated.

Evidence-based reports or quality-assured information that documented how UNDP contributions influenced governance reforms between 2012–2016 were not available as a basis for the evaluation.¹⁶ This meant that the evaluation was mainly based on the qualitative information gathered through in-depth, face-to-face interviews during two weeks in country and document review.

In the circumstances, the consultant employed the test of contribution rather than attribution whenever required. Even then, it was possible to point to a probable link between UNDP action and governance improvements only in a certain number of instances. There may have been direct links between UNDP actions and changes in addition to those illustrated in this evaluation report but these were not possible to verify given the complex pathways involved and the limited availability of data.

Finally, it should be noted that the short time allotted to generate findings, conclusions, and recommendations was also a challenge. Despite this limitation, it was hoped that the results of

¹⁴ Gender-sensitive indicators are understood to mean measures of change over time in relation to gender equality based on sex-disaggregated data.

¹⁵ See Norm 7 Evaluability in *UNEG Norms for evaluation in the UN system*, 2005, available online at: <http://www.uneval.org/document/detail/21>.

¹⁶ This was not uncommon and UNDP corporate policy on quality assurance has recently been updated which endeavours to fill this gap.

the evaluation would resonate with stakeholders and provide a basis that UNDP could successfully act upon.

5 Democratic Governance Context 2012–2016

The following provides an overview of the national context with respect to Ukraine's democratic governance development during the period 2012–2016, the period that covers UNDP's current programme cycle period for the country.

Synopsis

Recent years in Ukraine were characterized by key developments that drastically changed the political and security landscape, undermining national stability and presenting challenges to, but at the same time, providing impetus for, ongoing efforts toward much needed democratic governance reform. Yet despite the obstacles, the post-Maidan governments have prioritized governance reform and some progress has recently been made in a number of areas, such as anti-corruption reform, though driven more by civil society initiatives, coupled with international pressures, than ownership by the national government. A number of key reforms require constitutional amendments. Thus far there has been limited progress on that front. Despite an ambitious and systematic effort to monitor and measure the progress of reforms under the National Reform Council, the perception of the public remains unfavorable regarding the general state and pace of reforms to date.

While the European Union (EU) the United States and Canada on one side and Russia on the other side play critical roles in Ukrainian politics, and the perspectives of each side represent contrasting views on the country's future, many of the governance reforms undertaken recently are intended to bring Ukraine closer to the European community. There is a high level of public consensus on the need for - and direction of governance - reforms, though east-west differences in attitude exist. The ongoing volatility of the political and security environment continues to threaten the country's peace, stability, and democratic development. While a need for strengthened political will remains a challenge to reforms making inroads in entrenched systems, an active civil society holds promise for motivating and sustaining long-awaited reforms. In light of the current environment, continued international support for reforms remains critical.

Key Political Developments

In July 2012, the EU and Ukraine, under the leadership of former President Viktor Yanukovych, initialed an Association Agreement and committed to take further steps to conclude the Agreement that would establish their political and economic association. Yanukovych had been elected president in 2010, after having lost an earlier election characterized by events now known as the "Orange Revolution", and after the earlier reform coalition had disintegrated and lost public support.

Parliamentary elections in October 2012, which strengthened Yanukovych's Party of Regions with its power base in Eastern Ukraine, were characterized by international monitors as falling short of key international standards, notably with regard to misuse of state resources for campaign purposes, signifying a step backwards on the country's democratic path. In November 2013, peaceful protests took place in the Maidan area of Kiev, in opposition to President Yanukovych's abrupt decision not to sign the EU Association Agreement. Protestors demanded more meaningful public participation in governance, improved governance, public accountability, and an end to longstanding and worsening corruption. After some of the

protesters were mistreated by police, the protests escalated to violence and spread, destabilizing the country and empowering citizens. President Yanukovich fled the country in late February 2014, and an interim government was appointed.¹⁷

Under pressure from protestors, the parliament subsequently restored the 2004 constitution, reinstating the former parliamentary-presidential system and reducing presidential powers. A new president, Petro Poroshenko, was elected on May 25, 2014, in elections assessed as generally positive by the international community. On June 27, 2014, the interim government finalized the EU Association Agreement, signifying a step toward improving the country's governance and economic development, and closer ties with the West. A new parliament was installed following early parliamentary elections on October 26, 2014. These elections were assessed by international monitors as signifying a step forward in Ukraine's democratic transition, though a need for electoral reform was noted, including transparency in campaign finance.

Following the elections, a broad pro-reform coalition government supported by five parliamentary groups was formed under the leadership of Prime Minister Yatsenyuk. It tabled a raft of governance reforms spelled out in a detailed and ambitious Coalition Agreement and created the National Reform Council to serve as a policy dialogue platform and informal decision making institution on a wide spectrum of reforms. The Council defined 18 main reform priorities. This was complemented by 62 targets envisaged by the government's Strategy for Sustainable Development of Ukraine until 2020, adopted by President Poroshenko earlier in January 2015. Key governance reform priorities are in anti-corruption, judicial reform, decentralization, public administration, law enforcement, public procurement, constitutional reform, and electoral reform. Some incremental reforms were legislated in the last few years, with input from civic actors, and overall, public support for the need and direction of governance reforms remains high and is growing. However, the viability of governance reform under the current leadership is uncertain: parliamentary parties lack wide democratic support, entrenched in an extractive political system due to very high entry barriers for new participants, with the genuineness of some legislators' commitment to reform being an open question.

The socio-economic crisis of 2014-2015, which followed the dramatic events of forming a new government, and resulted from the outbreak of armed conflict in Eastern Ukraine in spring 2014, and from which the country is only now starting to haltingly recover is an important factor in the governance reform process. The funds the government needs to fight the ongoing conflict in the east (discussed below), avoid default, and fulfill other obligations come from the West, i.e. the EU and international financial organizations (IFIs). They are encouraging commitments to advance governance reforms. Many reforms are being carried out in order to fulfill the EU Association Agreement and Council of Europe requirements. It should also be noted that the country's regional differences – particularly between the east/southeast region and most of the rest of the country – which are linguistic, cultural, historical, and economic, as well as political, manifest themselves in very different attitudes toward the EU and Russia and thus also have implications for governance reform.

¹⁷ For an analysis of the effects of the Maidan events on Ukraine's democratic future see "A Decisive Turn? Risks for Ukrainian Democracy After the EuroMaidan", Mikhail Minakov, Carnegie Endowment for International Peace, February 3, 2016.

In the latter half of 2015 and early 2016, a number of political developments further destabilized the political situation in Ukraine. Political tensions, including on constitutional amendments related to decentralization reforms, led to three parties pulling out of the ruling coalition, eventually losing its majority power in February 2016. Several high-profile reformers resigned, citing government cronyism and the government's failure to tackle corruption. Allegations of corruption have been directed at the top levels of government and high level state officials outspoken against corruption face criminal charges. In April 2016, amid diminishing public support for then Prime Minister Arseniy Yatsenyuk, he resigned citing the government's failure to enact genuine reforms.¹⁸ The then Speaker of Parliament, Volodymyr Groysman, was elected by parliament as the new Prime Minister. In the same month, President Poroshenko came under scrutiny after leaked international documents suggested he had set up an offshore company as a tax haven, further undermining the public's already low trust in government at all levels.¹⁹

Security and Humanitarian Crisis

The ousting of pro-Russian President Yanukovych and the appointment of an interim government at the end of February 2014 was seen by parts of the population, in particular those in the Autonomous Region of Crimea and Eastern Ukraine, as well as the Russian Government and pro-Russian separatists, as an unconstitutional coup. Following a unilaterally declared referendum in Crimea in March 2014 on the status of the region - whether to join the Russian Federation as a federal subject or to stay as an autonomous region within Ukraine - widely regarded by the international community as illegitimate and declared as "invalid" by the UN General Assembly, pro-Russian separatists declared the region's independence from Ukraine. Immediately afterwards, Russia publically recognized Crimea as a sovereign state and subsequently incorporated it into the Russian Federation as a federal entity based on a treaty between the two entities.

In early April 2014, further protests erupted in the eastern and some southern parts of Ukraine, with protestors demanding greater autonomy from central government and closer relations with Russia. Armed pro-Russian separatist groups supported from Russia took control over large parts of the Donbas region, comprising the oblasts of Donetsk and Luhansk. On April 13 the government of Ukraine announced an anti-terrorist operation (ATO) in the region. Despite mounting international sanctions against Russia and the signing of the Minsk Protocol on September 5, 2014, which includes a ceasefire agreement, as well as a "Package of Measures of Implementation" in February 2014, the conflict continues into its third year, with a "contact line" dividing the two oblasts in half. Moreover, the possibility of an escalation in the regional conflict and a potential intensified conflict with Russia remains a serious national and international concern.²⁰

¹⁸ In February 2016, President Poroshenko called on then Prime Minister Yatsenyuk to resign and the performance of PM Yatsenyuk's government was thereafter voted "unsatisfactory" by an absolute parliamentary majority but only minutes later, PM Yatsenyuk survived the non-confidence vote as a significant number of parliamentarians left the parliament to avoid voting.

¹⁹ "Crisis and Deadlock: How Ukraine's political class is unraveling", Mark MacKinnon, The Globe and Mail, March 18, 2016; "Will the 'Panama Papers' Bring Down Ukraine's Chocolate King?", Reid Standish, Foreign Policy, April 4, 2016.

²⁰ "Russia and the Separatists in Eastern Ukraine", Crisis Group, Crisis Group Europe and Central Asia Briefing No. 79, Kyiv/Brussels, February 5, 2016.

The ongoing conflict in the eastern region has created a humanitarian crisis, directly affecting the lives of at least 3.9 million people. As of the end of 2015 it had resulted in more than 8,000 deaths and many more thousands wounded, and more than 1.5 million displaced persons. Some conflict-affected areas in the east have been restored to government control, and the Oblast administrations subsequently relocating to Kramatorsk and Severodonetsk respectively, with recovery efforts in those areas urgently needed (and in ongoing conflict areas when conditions allow so), while regions in Ukraine bordering the ones affected by the conflict are at particular risk of a conflict spread and preventative stabilization measures necessary.²¹ The peace building and recovery efforts in the Donbas region are themselves governance issues, their progress and success inextricably linked to the broader governance reform process ongoing in the country.²² At the same time, governance reforms, such as those related to decentralization, public procurement or administrative reform continue to be carried out in government controlled areas of Donetsk and Luhansk.

Developments in Governance Reform

Constitutional Reform Process

The post-Maidan governments have prioritized a substantive governance reform agenda, fuelled largely by demands of the protestors. These also relate to the country's constitutional structure. With public trust in the country's institutions at all levels at a critical low and the security operation still progressing in the eastern region, the government is in the process of addressing a number of pressing legal issues. On March 3, 2015, President Poroshenko launched a constitutional reform process, creating a Constitutional Commission to consider constitutional reform in general terms but prioritizing decentralization, justice system reform, and human rights, and establishing working groups under each of these areas. A number of public and civil society organizations as well as representatives of the international community (but not UNDP) were included in the commission. President Poroshenko issued regulations governing the commission that call for a broad public and professional discussion of the constitutional proposals.²³ However, despite considerable support by the Council of Europe's Venice Commission, the process stalled after the adoption in the first reading of amendments related to decentralization.

As of early 2016, decentralization and justice reform remain on the agenda of the government and external actors and there is an ongoing process of drafting and adopting the related laws and constitutional amendments, and preparing for their implementation. However, the overarching issue of rebalancing the relationship between the presidency and the Council of Ministers has essentially disappeared from the political agenda, potentially undermining success of the broader reform process. Constitutional amendments on justice reform are expected to be voted on by parliament soon. However, constitutional reform on decentralization became heavily politicized due to its connection to the ongoing conflict in the Donbas region, and in particular the requirement in the Minsk accords for the constitutional entrenchment of a special status of the separatist-held territories in the east and Russia's insistence that the

²¹ "Ukraine Recovery and Peacebuilding Assessment - Analysis of Crisis Impacts and Needs in Eastern Ukraine", Volume 1: Synthesis Report, European Union, United Nations - Ukraine, and The World Bank, March 2015.

²² UNDP is implementing a project Restoration of Governance and Reconciliation (2015–2018), which has a focus on governance in government-controlled areas.

²³ UNDP provided support to the Constitutional Commission throughout 2015, funding and advising its Communication and Outreach Team.

amendments be negotiated with separatist leaders. In a major setback, by January 2016, the government acknowledged that it had failed to secure the necessary parliamentary support for the decentralization amendments, the main obstacle being the special status provisions as required under the Minsk accords. As a compromise, the parliament changed its procedural rules to allow more time to debate the package in 2016; however few politicians support serious debate on the issue.²⁴

Public Administration and Civil Service Reform

Public administration reform has been on the government's agenda since Ukraine's independence, although supported by weak political will and little progress over the years. As a result, the bureaucracy, as in some other post-communist states, remains handicapped by the legacy of centralized and non-transparent decision-making, and a culture that hinders initiatives and delegated decision-making. Moreover, entire sections of the administrative apparatus have been captured by powerful private interests which presents a formidable obstacle to anti-corruption reforms.

Some progress in public administration reform has recently been achieved. In December 2015, a long-postponed law on the civil service was adopted that divides political and administrative positions in the government, requires civil service posts be filled through open competition, and makes civil service processes and salaries transparent to the public. However, the process for implementing this crucial reform is expected to be lengthy and to encounter many barriers from the deep-rooted government bureaucracy, with no overall strategy developed so far, and little progress.

Recent reform of the state procurement system has been a major reform step, aiming to systematize public procurement and to minimize corruption in this area by increasing transparency. In mid-2015, the parliament approved amendments to public procurement legislation to bring it in line with international standards. In the same year, a law on the electronic procurement system was adopted under which all state procurement should be realized through an open-source online system (called "ProZorro") that promotes fair competition among businesses seeking to provide supplies to government. Earlier in the year, a pilot project of the online procurement system, in which almost all ministries and agencies and over 300 companies participated, produced very positive results. As of April 2016, the online system became mandatory for all ministries and by August 2016 it must be used by all state purchasers. The new public procurement process can be characterized as the most progressive procurement system in Europe, and has already gained some international recognition.²⁵ However, there is still a risk that corrupt networks will find ways to circumvent the system and retain influence on various sectors unless a comprehensive sector-wide strategy to deter corrupt practices is implemented.

Decentralization and Local Governance Reform

While the government's prioritization of decentralization and local governance reforms are aimed at addressing fundamental shortcomings in public administration, it is also used as a mechanism to preserve territorial integrity and prevent any further attempts to establish special

²⁴ "Constitution Making in Ukraine: Refocusing the Debate", Gwedolyn Sasse, Carnegie Endowment for International Peace, April 12, 2016.

²⁵ "Public procurement is one of the few successful Ukraine reform stories", Kateryna Kruk, The Kruk Report, April 18, 2016.

autonomy zones that could result in future claims for separation. Re-launching the long overdue decentralization reform in a very sensitive political, security, and economic context is a risky endeavor. For some, it is the key to potential solutions, but there would be a strong political message to supporters of a federal system or special autonomy status for the eastern region that such a course of action would be incompatible with preserving the country's territorial integrity and, to some extent, with the EU integration process.

As noted earlier, in January 2016, the government failed to garner sufficient parliamentary support for completing the process of adopting constitutional amendments on decentralization and the matter remains shelved for the time being. Though the full-fledged launch of the decentralization agenda requires constitutional amendments, some progress on this reform has taken place, in particular fiscal decentralization²⁶ and administrative-territorial reform.

On April 1, 2014, the Cabinet adopted the Concept of the Reform for Local Governance and Territorial Organization of Power, with the proposed reform to take place over the period 2014–2017. In February 2015, the law on Voluntary Amalgamation of Territorial Communities went into effect. It aims to promote viable and self-sufficient communities that operate with their own managerial and financial resources, by creating a legal basis for local taxes and budgetary powers as well as for the voluntary amalgamation of local government units. The amalgamation process is slow though, and is not expected to be completed until 2017 at the earliest. Importantly, the amalgamated units are to provide access to administrative and social services for their local communities; one-stop service centers in municipalities are being set up and with support from external actors, capacity-building for community monitoring of service delivery is ongoing. Various legislated changes adopted in late 2015 improve opportunities for local governments to gain tax revenue. For the past several years, external actors have supported the local governance reform process.²⁷

The government, in partnership with external actors, has ongoing initiatives for increasing transparency in local government and development of 'smart' cities, as a means to combat corruption and improve efficiency at the local level.

Judicial and Security Sector Reform

Public distrust of the judiciary and security institutions is widespread in Ukraine. This is due to a lack of effective separation of powers, endemic corruption, and inadequate transparency. There is a rising demand in civil society for a fair and trusted justice system (police, prosecutors, courts). In turn, the government has initiated related reforms though political will to create a truly independent judiciary and a properly functioning public prosecutor's office free of the legacies and dysfunctions of the Soviet-inherited prokuratura, remains insufficient. As with the rest of the governance system, there are challenges to justice reform that are well recognized. Its flaws systemic and entrenched. In addition to resistance from within the judiciary itself, the legal community has generally not been supportive of reforms as it is generally seen to be aligned with the justice sector establishment. The institutional set up of the Office of the

²⁶ UNDP provided advice on fiscal decentralization through a Slovak trust fund administered by the Istanbul Regional Hub. To date, this support has not been integrated into UNDP Ukraine's democratic governance portfolio.

²⁷ The UNDP project Smart Practices for Oversight of Non-State Actors on Administrative Service Provision (2013–2015), aimed to foster the active contribution of civil society in national and local decision-making processes and improved service delivery. The Joint UNDP/EU project Community Based Approach to Local Development is a capacity building initiative to promote sustainable development by supporting participatory governance and community-led initiatives to improve rural living conditions. For details, see below.

Prosecutor and Ministry of Interior, which has police oversight, has not undergone any fundamental reform since Soviet times. However, some progress in reform of the various segments of the justice system has recently been made.

In February 2015, legislative amendments reformed the High Council of Justice and its process for appointing and monitoring top judges. Subsequently, the Council conducted a vetting of judges and some were dismissed, though the court reinstated them. The Law on the Judicial System and the Status of Judges was adopted at the same time, aimed at streamlining access to justice. However, no process is underway or planned for institutional reform of the courts. Draft constitutional amendments that involve substantial justice sector reforms, including amendments designed to strengthen judicial independence, were introduced in parliament in November 2015. In January 2016, the Constitutional Court approved the package and parliament is expected vote on it in the near future. Whether a 300+ votes majority can be found in the current circumstances is questionable. In July 2015, the new law on prosecutors came into force aimed at eliminating the old Soviet-style closed prosecution system, highly centralized, with a strong punitive function. However, the law does not go far enough, leaving the current levers of power intact and maintaining the power of the prosecutor above the courts, granting even more power than in Soviet times. In November 2015, a new General Inspectorate for Internal Investigations was established to fight corruption in the Prosecutor General's Office.

In 2015, a program for the overhaul of police services was launched, one of the few reforms the results of which are already visible to citizens at large. In August 2015, the Law on National Police was enacted, creating the basis for a brand new national patrol police and a significant step forward in strengthening policing and rule of law in Ukraine. The law stipulates the transformation of all Soviet-style "police militia" into modern police services, with the nationwide transformation expected to take two to three years. The national police opened its first recruitment center in Kyiv to coordinate the hiring of new personnel and recertification of former militia officers. The police plan to open ten more centers in Ukraine's regions by summer 2016. A new patrol police was created, with over 2,000 new police officers deployed to patrol Kyiv, and throughout 2015 the initiative continued to expand into other cities in Ukraine. The quality of staff, high-level training, transparency, and work methods of the new patrol police has had an obvious positive change in public perception of police.

Anti-corruption Measures

Under Ukraine's authoritarian command-and-control structure inherited from the Soviet era, private individuals have aimed to seize power over the political process and the state apparatus to control its resources and allegiances for their own benefit and that of regional affinity networks. Moreover, the intricate connections between politics and oligarchs developed in the post-independence era have brought a new dimension to corruption in the country's politics. While corruption is an old phenomenon in Ukraine, the situation has worsened over the years to the point of a prevalent culture of systematic and institutionalized extortion and rent-seeking at all levels of society, both public and private sectors, involving bribing, physical threats, shady financial transactions approved by corrupt courts, and amassing huge wealth in the hands of few. Underdeveloped institutions, low morale, and a weak sense of public service have made all civil servants from judges to traffic police²⁸ susceptible to systematic corruption.²⁹

²⁸ This is changing with vetting of traffic police, training and introduction of new procedures in pilot locations.

Taking steps to address the deep-rooted system of corruption has been a stated priority for the recent leadership which in 2014 started to take legislative and institutional measures, based on a government strategy for fighting corruption. In addition, external actors are providing ongoing support for the establishment of strong corruption prevention mechanisms.³⁰ In 2014 and 2015, anti-corruption-related laws were passed, including a law on prevention of corruption, a political party finance law, including campaign finance, and a set of laws aimed at improving asset recovery procedures. In October 2014, the National Anti-Corruption Bureau (NABU) was established to investigate corruption and prepare cases for prosecution. In February 2015, new legislation introduced some safeguards for the independence of NABU's work, though gaps in its independence remain. The National Agency for the Prevention of Corruption (NAPC) was created in March 2015 to prevent corruption by monitoring government officials' lifestyles and destroying corruption mechanisms. However, there has been limited progress toward fully operationalizing these institutions, with neither fully functional as of early 2016.³¹ In addition, signs of state capture continue to be seen across many sectors. There is an almost complete absence of court convictions of known previous corrupt practices (including under the previous government) and related asset recovery. The general public has repeatedly stated that corruption has either stayed the same or worsened in the past two years.

Parliamentary Reform

While the Ukrainian parliament is engaged in an extensive governance reform process, institutional reform of the parliament itself is a dire need to ensure it is operating in an effective, democratic and transparent manner. In this respect, the new leadership has made some important advances in identifying weak points in the functioning of the parliament as a legislative, representative and oversight body, and first steps have been taken on structural reform of its administration. In June 2015, a Legislative Support Plan for Reforms in Ukraine was adopted by an overwhelming parliamentary majority. The plan includes key priorities for reform of the parliament's institutional systems such as a restructuring of the Secretariat to ensure its efficiency, greater transparency of the institution and more consistent communication and dialogue with the population, reform of its internal regulations to adapt to the institutional needs, and approximation of legislative and parliamentary procedures with relevant European practices.

In December 2014, the European Parliament selected Ukraine as a priority country for parliamentary capacity-building and dialogue facilitation, a decision endorsed by the two parliaments.³² The European Parliament has committed to support the Rada according to the findings of a 2016 Needs Assessment Mission (NAM) and Report and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada.³³ UNDP has been asked to support this process.

²⁹ "The Oligarchic Democracy: The Influence of Business Groups on Ukrainian Politics", Slawomir Matuszak, Centre for Eastern Studies, Number 42, Warsaw, September 12.

³⁰ UNDP is supporting anti-corruption reform through its project Enhanced Public Sector Transparency and Integrity (2015–2018) which aims to contribute to the establishment of strong corruption prevention mechanisms. For details, see below.

³¹ The NABU, which started working only as of December 2015, is not fully operational in part because the specialized anti-corruption prosecution office is itself not yet fully functional.

³² A Memorandum of Understanding was signed on 3 July 2015 by the Speakers of both institutions.

³³ The Senior Parliamentary Reform Expert, UNDP Ukraine, participated in the NAM. The NAM report was finalized in early 2016 and presented to the Verkhovna Rada, which endorsed it together with a detailed action plan to implement the recommendations. UNDP continues to work closely with the Rada, facilitating positive changes within the institution. UNDP

In addition, in September 2015 representatives of the Ukrainian Parliament and the Civic Network OPORA, a parliamentary monitoring organization, visited Georgia with the support of UNDP Ukraine to present Ukrainian achievements in legislative openness and the Rada's reform activities at an international forum on Open Parliaments. On their return, the participants initiated an Open Parliament initiative for Ukraine. A Working Group was set up, consisting of the original conference participants and other interested MPs and CSOs.³⁴ The first draft Open Parliament Action Plan for Ukraine was subsequently developed.³⁵ The document aims to ensure greater openness of the Parliament, transparent performance and active citizen engagement in legislative processes within a 12-month period.³⁶

Strengthening National Human Rights Institutions

Ukraine has a generally poor human rights record in part a legacy from the Soviet era. There is a general lack of rights awareness and a weak human rights culture especially related to civil and political rights and freedoms. The ongoing reform agenda does not focus on human rights despite the recommendations that were made by UN human rights mechanisms and the fact that rights concerns were a significant factor underlying the Maidan Revolution of Dignity.

In 2008 Ukraine underwent its first Universal Periodic Review (UPR) at the UN Human Rights Council. Four Ukrainian CSOs submitted contributions to the process, highlighting issues concerning prisoner's rights, torture and LGBT rights. The review concluded with 34 recommendations for improvement of the human rights situation being made by the Council generally concerning minority rights, discrimination, the justice system, and women's rights, which were not systematically implemented by the government. For Ukraine's second cycle of the UPR in 2012, the Ministry of Justice established a, Inter-Agency Working Group for the preparation of the state report.³⁷

UNDP supported an informal coalition of 40 human rights CSOs which contributed to the process.³⁸ This time the recommendations mainly dealt with the administration of justice, discrimination, torture and conditions in detention, and sexual orientation and gender identity. As after the first cycle, government uptake of the recommendations through implementation has been very limited. Ukraine is due to submit its next UPR report in 2017.

In August 2015, President Petro Poroshenko signed a decree approving the first National Human Rights Strategy.³⁹ It comprises a five-year roadmap to address both decades-old,

has considerable global expertise in parliamentary strengthening as it works in over 60 countries to support parliamentary development, thus is well placed to mobilize specific expertise including from parliaments around the world, as requested by the Rada.

³⁴ Mainly signatories of the Declaration on Parliamentary Openness.

³⁵ A public presentation and discussion with stakeholders took place in October 2015 and it was finalized by the end of 2015.

³⁶ The Working Group aimed to have the Action Plan officially endorsed by the Ukrainian Parliament at the beginning of 2016.

³⁷ The 27-strong task force comprised representatives of state bodies and agencies including the Ministry of Social Policy, Ministry of Environmental Protection, Ministry of Education, Border Security, Ministry of Interior, Penitentiary Service, Security Service of Ukraine, and the Prosecutor's Office. Thematic consultations between the members of the UPR-coalition of CSOs and the Working Group were held. The official web-portal of the Ministry of Justice had a page to inform society at large on the UPR preparation process.

³⁸ These activities were carried out under the project entitled *Leveraging Change through the Universal Periodic Review (UPR): supporting CSOs and journalist communities in human rights advocacy efforts*, funded by the U.K. which included sub-regional events involving Ukraine, Russia, Turkmenistan and Uzbekistan. The project ran for less than six months and had a budget of USD\$175k.

³⁹http://www.ua.undp.org/content/ukraine/en/home/library/democratic_governance/human-rights-strategy.html

systemic human rights issues and more recent conflict-related challenges that have followed Maidan's "Revolution of Dignity". They include preventing and investigating torture and ill-treatment, fighting impunity, increasing efficiency of the law enforcement and the judiciary, ensuring the right to a fair trial, combating discrimination, promoting the rights of national minorities and indigenous peoples, ensuring gender equality, supporting human rights in the territories not controlled by Ukraine, safeguarding the rights of internally displaced persons; ensuring the right to health care and upholding the fundamental freedoms of expression, assembly, association, and religion.

The institution with dedicated human rights responsibilities is the *Ombudsperson*, which has been under new leadership since April 2012. The *Ombudsperson* serves as the country's National Human Rights Institution (NHRI).⁴⁰ The Strategy is the result of a collaborative effort begun with UNDP support in November 2014 between the Government, the *Ombudsperson*, CSOs as well as UNDP and OHCHR. UNDP cooperated with the Government in the preparation of the Strategy by providing expert support, convening platforms to ensure inclusiveness of the process and ensuring that the Strategy reflected the human rights concerns identified by UN human rights mechanisms including the UPR.

The *Ombudsperson* developed strategies, from a human rights perspective, for responses to the 2013–2014 Maidan events, the continuing armed conflict and humanitarian crisis in the eastern region, and the occupation of Crimea. Recent ongoing initiatives funded by external actors aim to strengthen the capacity of the *Ombudsperson* to contribute to the governance reform agenda, implement its mandate, and respond to human rights challenges in Ukraine.⁴¹ As a result of UNDP and other donor's support in recent years, the institution has increased its institutional and substantive capacity and presence in the regions, including by working through civil society organizations.

Since 2014, OHCHR has had a presence in the country through its Human Rights Monitoring Mission in Ukraine (HRMMU). The mandate of the HRMMU is to monitor, document, advocate and publicly report on the human rights situation in Ukraine. It was deployed at the invitation of the Government of Ukraine and focuses on systemic and acute violations, justice and accountability.⁴²

Civil Society Participation in Governance

Civil society, or rather the CSO sector as an integral component of democratic governance, is itself a developing sector in Ukraine that holds great potential for meaningful participation in the ongoing governance reform process. With a young history though, civil society in Ukraine faces

⁴⁰ It has "A" status accreditation by the International Coordinating Committee of National Human Rights Institutions. See <http://www.ombudsman.gov.ua/en/all-news/pr/14115-wq-institutsiii-upovnovazhenogo-verxovnoi-radi-ukraiini-z-prav-lyudini-p/> As of 2015, there were 72 NHRIs accredited with A Status by the ICC, which signifies that they are in compliance with the Paris Principles. The Paris Principles set out six main criteria that NHRIs are required to meet: (1) Mandate and competence: a broad mandate, based on universal human rights norms and standards; (2) Autonomy from Government; (3) Independence guaranteed by statute or Constitution; (4) Pluralism; (5) Adequate resources; and (6) Adequate powers of investigation. Thus the Paris Principles deal with the legal and constitutional framework within which NHRIs operate rather than actual performance.

⁴¹ UNDP supports capacity-building of the Office of the *Ombudsperson* through an ongoing project Strengthening Capacities of Office of the *Ombudsperson* (2015–2018). Earlier support to the *Ombudsperson* was offered under the Democratization and Human Rights Programme in Ukraine (2013–2016).

⁴² In 2016 the HRMMU plans to scale up to a presence of 18 international human rights officers and 19 national human rights officers plus 17 national security and support staff in Kyiv plus six field offices in Donetsk, Luhansk, Dnipropetrovsk, Kharkiv, Odesa and Kramatorsk. For information on UN Human Rights mechanisms views on Ukraine see: <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/UAIndex.aspx>.

a number of challenges, both internal and external, to reaching its full capacity to effect change for the country.

The adoption of recent legislation – such as the Law on Public Associations (2012) and the Law on Charitable Organizations (2012) - increased opportunities for civil society and community organizations to become integrated and sustainable as viable partners in making decisions and providing services. However, concerns remain over proper implementation, understanding, and implications of the new legislation. In recent years, external actors have taken the opportunity to partner with a growing number of civil society organizations in Ukraine and have initiated projects to foster a participatory and results-driven dialogue with the government and civil society organizations and to strengthen the capacity of civic groups to promote democratic values.⁴³

Importantly, the current president and government have shown increased willingness to engage actively with civil society representatives following the 2013–2014 Maidan events which were driven and shaped by CSOs and volunteer groups rather than political parties. One could even say that while previously civil society feared the system, now the elements of the system fear civil society in view of its influence on public opinion and the perception of Western donors as well as its potential in mobilizing large-scale protests.

In some ways, civic groups have come to take on roles otherwise played by political parties such as informing the public policy process whereas political parties have tended to revolve around (often affluent) leaders as patronage networks. When the government was not able to organize a credible and inclusive policy making process, a number of mechanisms have recently been established to institutionalize consultation and participation of non-state actors. In the last few years, civic groups have continued to build their capacity to act for change and make substantive inputs into new reform legislation, such as anti-corruption laws, and are at the forefront of monitoring reform progress in a coordinated effort.

President Petro Poroshenko on 26 February 2016 approved a new national strategy for the development of civil society for 2016-2020, a document which was drafted with the support of the Organization for Security and Co-operation in Europe (OSCE) in partnership with the Presidential Administration of Ukraine. The strategy was based on a co-operative approach between representatives of government and civil society in fostering the growth of non-governmental organizations. However, the government's willingness and ability to sustain momentum and implement civic-introduced reforms remains uncertain. Moreover, there are signs the government as well as Kyiv-based civil society groups are struggling with engaging the general society in large parts of the country where people are less rights aware and empowered. There are also questions regarding the legitimacy, accountability and representatives of some civic groups.

Gender Equality in Governance

While a progressive legal framework for ensuring equal rights and opportunities for men and women is in place in Ukraine, women remain disadvantaged in, among other spheres, public life. According to UN Women gender discrimination is widespread in Ukraine. Gender-based violence is persistent with 90% of cases of violence against women. Political instability and

⁴³ UNDP supports civil society organizations and the participatory process in governance also through the Democratization and Human Rights Programme in Ukraine (2013–2016).

conflict have had a significant detrimental impact on gender equality and the situation of women in the country.⁴⁴

A number of external actors have ongoing projects in Ukraine aimed at improving gender equality and protecting women's rights in various spheres, including in the political and public sectors, and encouraging women's participation in the peace-building process around the Donbas region. Since 2015 UN Women has scaled up its presence and programming in Ukraine on a range of issues from facilitating gender mainstreaming in humanitarian needs assessments, through building the capacity of the state institutions on inclusive development including through gender-responsive budgeting and effective implementation of the National Action Plan on Women, to consultations and trainings for women activists. There is a 1325 Action Plan but it has had little apparent effect on the actual peacebuilding efforts⁴⁵. Moreover, there is very limited public dialogue of the importance of gender equality and women's empowerment in society and in the governance reform process, which presents an obstacle to women being agents of change for the country.

In general in Ukraine, the higher the leadership position, the lower the level of women's representation. The representation of women in the 2012 parliament was low at 9.9 per cent. The current parliament, elected in 2014, has only 12.1 per cent women legislators, less than half of the 25 per cent average of European Union countries. The global average is 22 percent. Of the 47 women elected to parliament in 2014 only two achieved this by winning a constituency.

At the sub-national level, women have traditionally fared marginally better averaging 18 per cent among the various levels of elected councils in the 2015 elections.⁴⁶ In the Cabinet of Ministers from December 2014 to April 2016, two ministers were women, and the new government of PM Groyzman also has two women (out of 24) including a Vice Prime Minister. At the local government level and among Governors/Heads of Oblast Administration, the number of women is marginal although an increasing number of deputy posts are held by women. In contrast, the civil society sector is mainly composed of women. Furthermore women played an active role in the Maidan protests in 2013–2014. The increasing role of civil society in the governance reform process presents an opportunity for women in Ukraine to become more active agents of change and a positive force within the ongoing peace process.

⁴⁴ See more at: <http://eca.unwomen.org/en/where-we-are/ukraine#sthash.bVN63rLI.dpuf>

⁴⁵ UNSCR 1325 addresses the inordinate impact of war on women and the pivotal role women should and do play in conflict management, conflict resolution, and sustainable peace.

⁴⁶ <http://www.idea.int/gender/ukraines-elections-through-a-gender-lens.cfm>

6 Analysis of Information and Data Collected

Within the development context above, this evaluation analyzed the democratic governance interventions that UNDP carried out according to the evaluation methodology. Based on the information and data collected, the following analysis details the extent to which the interventions contributed to the achievement of planned outcomes and the progress on other evaluation criteria.

Smart Practices for Oversight by Non-State Actors on Administrative Service Provision (2013-2015)

Project Rationale and Description

Participatory and transparent mechanisms of public service delivery and engaged civil society actors contributing to decision-making are globally accepted features of effective and accountable local governance. Strengthening citizen participation in decision making and service orientation, closing loopholes and enhancing transparency to root out corruption, improving the quality of public services including availability, accessibility, and streamlined business processes are overall ways to improve local service delivery and, in turn, citizen satisfaction. The role of civil society as monitors and feedback providers helps boost the quality of service. Local administration is a primary interface between people and the government; thus perceptions regarding the quality of local service affects the reputation of national level government as well.

Since Ukraine's independence, ordinary citizens had little say in public affairs at the local level. Public dissatisfaction with quality of service was widespread.⁴⁷ UNDP has provided support to municipalities on participatory and transparent service delivery since 2004.⁴⁸ In 2005-2013 UNDP carried out a programme on Municipal Governance and Sustainable Development which worked at community (improvement of local infrastructure), municipal (capacity building of municipalities) and national level (policy dialogues).

In 2012 the Law on Administrative Services in Ukraine was adopted, stipulating requirements for administrative service provision and providing the legal basis for Centers for Administrative Services Provision (CASPs). A reform process was launched. In November 2014, before major decentralization initiatives took hold, only 9% of Ukrainians were satisfied with their ability to influence local government decisions in residential districts. 74% expressed their dissatisfaction. More than half of citizens disapproved of the activities of local state administrations, local councils, and heads of local settlements⁴⁹. There were more than 63,000 registered CSOs in Ukraine but only 10% of them were active.

In 2013 UNDP began a new project, Smart Practices for Oversight by Non-State Actors on Administrative Service Provision, to improve the delivery of administrative services by local authorities through better public monitoring and the creation of an effective citizen feedback loop.

⁴⁷ The 2011 UNDP-supported research on Centres of Administrative Service Provision pointed to bottlenecks and citizen dissatisfaction.

⁴⁸ Project Document p. 4.

⁴⁹ Oleksii Sydorchuk, *Attitudes of the urban population towards the notion of decentralization* Ilko Kucheriv Democratic Initiatives Foundation, 2014, No 3(23), available at http://dif.org.ua/modules/pages/files/1432540363_3559.pdf. 2011

Beneficiaries

The intervention was designed exclusively to support civil society's role, the demand side, of local service delivery.⁵⁰ This focus was due to the eligibility requirements of the EU grant UNDP obtained from the EU Neighborhood Civil Society Facility in 2012 to carry out the intervention. Local administration service providers were indirect beneficiaries of the project. The target group of the project was CSOs in 25 selected municipalities active in the monitoring of administrative services delivery.


Main Forms of Project Assistance

1. Selection of CSOs and provision of expertise to them for their work with CASPs including in the form of policy recommendations and proposals for the municipal authorities.
2. Documentation, analysis and dissemination of smart practices for citizen engagement in the monitoring of administrative service, participatory planning, decision making and innovative models for citizen engagement.
3. Methodology and materials for CSO assessment of administrative services.
4. Research to assess quality of service, level of satisfaction, concerns and priorities of stakeholders.
5. Seed-grants for public monitoring of CASP services.
6. Awareness raising among the public about administrative services and government officials about smart practices and experiences from the regional, community and international levels.
7. Capacity development of the Resource Center, CSOs, civic activists, and CASP officials through training and seminars.

Results

Effectiveness

The project contributed to progress toward the achievement of the planned outcome: More effective and accountable public institutions responded to the needs of people within the jurisdiction of Ukraine, especially the most vulnerable. Some examples are as follows:

 The quality of local service delivery by CASPS in 25 communities improved during the course of the project by becoming more transparent, accountable and responsive to citizens.⁵¹ Through a call for proposals UNDP selected 16 CSOs though to monitor administrative service provision in 25 municipalities.⁵² UNDP supported CSOs to track the quality of administrative services, collect [citizens' recommendations](#) on how administrative services could be improved in their municipalities, issue recommendations and lobby for the implementation of the recommendations. The CSOs gathered information from approximately 4000 citizens during the project. The improvements most often mentioned by them as required were related to, in no

⁵⁰ In addition to the outcome on public institutions, the UNDAF outcome on the active contribution of civil society in national and local decision-making processes and improved service delivery is relevant for this project.

⁵¹ The project targeted 25 municipalities as pilots. Overall 629 CASPs were set up across Ukraine by 2014.

⁵² CSOs were selected based on the following criteria: a) willingness to monitor and oversight provision of public services in their respective municipalities; b) previous successful experience in the area of local-self-government and/or regional development; c) willingness to lobby on behalf of the interests of local citizens. Invitations to the CSOs to apply were widely disseminated including through web sources used by civil society and among CSOs who were partners in earlier UNDP projects.

particular order: (1) the interaction between local administrators and citizens/clients, (2) the limited availability of information on available administrative services, and (3) the limited number of administrative services available and (4) waiting times.

UNDP documented methods for monitoring service provision, participatory planning and decision making, feedback processes and other models for citizen engagement in “[Best practices for citizens’ engagement in the monitoring of administrative service provision](#)”. UNDP supported the changes that were identified as needed by citizens. For example, the collection of citizen feedback was introduced at the CASP in Novograd-Volynskiy and suggestion boxes were set up. The CASP in Rivne used the citizen recommendations and analysis as a justification and the [number of staff was increased](#) and the premises improved. People had provided feedback that they had long waits due to the limited number of the administrative officers working in cramped space. The project supported improvements in information zones in 13 CASPs, e.g., information boards and materials on administrative service provision such as through roadmaps or guides to services.⁵³ UNDP subsequently supported a [survey](#), which found that in 92% of municipalities, feedback mechanisms on the quality of administrative services are in place in CASPs, i.e., suggestion books, paper questionnaires, and online feedback forms available on web-sites.

Aside from the project, the activities of the CASPs were monitored by the Ministry of Economic Development and Trade of Ukraine which has key responsibility in the area of administrative services. In practical terms, the Ministry collected certain information from CASPs quarterly.⁵⁴ The monitoring criteria were criticized by civil society and UNDP experts as they did not focus on the quality of service but were instead aimed at checking how the technical criteria required by legislation are met, for example, the number of staff, size of the office premises, and working hours. Thus the Ministry did not monitor quality.

At the end of the project, UNDP conducted an [assessment](#) among the CSOs which were implementing partners under the project which showed that 78% of CSOs believed that the quality of administrative services improved in their municipalities due to UNDP’s intervention. They also reported that 44% of CASPs targeted by the project put into practice recommendations made during the project.

More broadly, the 2015 Administrative Services Quality Assessment, a satisfaction [survey](#), showed positive trends in citizen satisfactory with administrative services offered by CASPs, i.e., from 5% to 14% for high quality, and from 40% to 32% for low quality. Note that this survey represents an aggregated national view which UNDP may have had a role in shaping.

✓ Changes to the legislative framework were made, i.e., the Law on Administrative Services.⁵⁵ The law was [approved](#) by Parliament. Through its membership in the parliamentary Committee on State Construction, Regional Policy and Local Self – Government⁵⁶, UNDP proposed articles related to decentralization of the services and client-oriented service provision. These proposals were included in the law. One provision transferred the authority for

⁵³ Final Project Report 2013-2015, p. 18.

⁵⁴ This is done using a standard template, an Excel table.

⁵⁵ The resolution was titled “On introducing changes to the Law of Ukraine and to some legislative acts with regards to expanding the powers of the local self-government bodies and optimizing the administrative service provision”.

⁵⁶ The Committee has the mandate for legislation in the area of administrative service provision.

residence registration from the State Migration Service to local government. This made the process of service provision faster, i.e., 20 - 30 minutes instead of 3 days. The number of documents needed for residence registration was reduced and the process was simplified.

✓ Changes in policy were enacted. One example relates to the 2015 Resolution of the Parliament Committee Hearing.⁵⁷ UNDP sponsored a visit of the Committee of the Verkhovna Rada of Ukraine to Vinnytsya municipality to discuss the practice of implementation of the Law on Administrative Services. UNDP supported Members of the Parliament, CASP representatives, civil society activists, and experts to participate. Experts UNDP supported under the project then helped prepare the Resolution which contained [recommendations](#) to state bodies and municipalities aimed at improving the quality of administrative service provision. A second example relates to the [State Register](#) of Administrative Services Strategy for Development of the Unified State Portal for administrative service provision. UNDP provided proposals for improvement of regular monitoring of the quality of service provision and these were taken up in the law.

✓ The accessibility and accountability for local services was improved through e-initiatives. Methods for accountability for local services are in place. E-solutions for local service delivery were introduced in municipalities at the request of the Ministry for Economic Development and Trade. For example, in Ivano-Frankivsk municipality, it became possible for people to apply for services online, save time and avoid corruption risks, through the portal <http://www.cnap.if.ua/einfo>. UNDP supported the creation of the portal with cost-sharing from municipality.

UNDP supported the development of a mobile application for the smartphones and tablets «Mobile Ivano-Frankivsk» which, since March 2013 offered citizens a way to report corruption they encounter. Citizens can apply for administrative services at home and check the status of their applications. Links to the mobile apps are provided on official websites of the municipalities.⁵⁸ There have been 50 citizen appeals filed to date.

Relevance

The support provided by UNDP throughout the project was directly relevant to national priorities which were defined by the CSO partners involved in implementing the project and the Ministry of Economic Development and Trade. Specific support sought by Ministry, for example, for a digitized, unified state portal for local services and UNDP provided this through national expertise and coordination of the development of the portal. UNDP provided assistance on local governance in Ukraine since 2004 and was knowledgeable about the subject matter and practical realities at the local level.

Direct stakeholders were consulted on the design of the project: a series of consultations with CSOs and the government were held before project concept was finalized and submitted to the EU for funding. During implementation, the support provided remained relevant to the priorities identified by civil society and the relevant Ministry. UNDP project managers and staff had

⁵⁷http://komsamovr.rada.gov.ua/komdbud/control/uk/publish/article?showHidden=1&art_id=82156&cat_id=82011&ctime=1449138669672

⁵⁸ <http://www.cnap.if.ua/> There have been 4900 downloads to date.

longstanding and close working relations with partners at the Ministry of Economic Development and Trade of Ukraine. This, coupled with close collaboration and trust of civil society, built in large part through the Democratization and Human Rights Programme in Ukraine, enabled UNDP to be closely involved in project implementation, stay abreast of progress and adjust activities to respond to specific needs as the project progressed.

While other development partners, like the German Federal Enterprise for International Cooperation (GIZ) and the Swedish International Development Cooperation Agency

SIDA, invested in infrastructure development of CASPs, UNDP support was directed at civil society empowerment and played a role in policy development. Information generated through activities was channeled upstream to the municipal and, to some extent, national government so that the adoption and implementation of legislation took account of citizen recommendations.

Efficiency

The project was highly efficient in use of financial resources. It ran from 2013–2015 and used only about 5% of the overall budget for the 2012-2016 democratic governance portfolio that this evaluation is reviewing.

In terms of tapping information between projects, this project used the wide network of CSOs partners involved in the Democratization and Human Rights Programme in Ukraine to identify target CSOs for this project. It was not linked to the Community-Based Approach programme which also had close working relationships with many local governments during the same period. Inter-linkages between the two began to be identified toward the end of 2015. This is promising at this stage but outcome results would likely have been greater had a programmatic approach to local governance reform combining the efforts of the two projects been adopted earlier.

Sustainability

To ensure sustainability of the advisory support for strengthening of participatory and transparent mechanisms for local service delivery, UNDP helped establish the Resource Centre for CSOs on public monitoring of the administrative service. The Centre provided advisory, consultative and capacity development support to relevant civil society organizations.⁵⁹ Initially, Samopomich, an NGO, established in 2004 by Andriy Sadovyi, was selected as the Resource Center. However, when the namesake Samopomich political party established in 2012 entered the coalition government under the leadership of Sadovyi⁶⁰ this role later shifted to the NGO Center for Political and Legal Reform. The latter is headed by Ihor Koliushko, a leading expert on decentralization and constitutional reform in Ukraine.

After the close of the project, partner CSOs continued working to implement citizens' recommendations: four CSOs continued to raise awareness and offer training to CASPs. End of project notes pointed to a continuing need for capacity building. The project reached a limited number of municipalities and there is significant potential to scale up the intervention to have greater impact in the future.

⁵⁹ http://pravo.org.ua/en/news/administrative_services/

⁶⁰ He was the mayor of Lviv since 2006.

Gender Equality and Human Rights-Based Approach to Development Programming

Gender equality was not explicitly integrated into UNDP's intervention. The project design was not based on a human rights or gender analysis. The project design did not identify local service delivery issues that were important to women or rights holders such as minorities and other vulnerable or disadvantaged groups. Technical assistance that was provided to civil society working with CASPs did not aim at non-discriminatory and gender-sensitive service delivery. Nor was project monitoring of the quality of the results carried out taking gender equality and non-discrimination against vulnerable groups into account.

There were some limited results for persons with disabilities that came about through project activities. UNDP supported the assessment of the accessibility of CASP websites for visually impaired persons, and the formulation of recommendations for improvement which they submitted to municipalities. These were incidental features, not targeted in the project design or approach to implementation. This was a pattern across all projects under review, as evidenced below.

Democratization and Human Rights Programme in Ukraine (2013-2016)

Project Rationale and Description

In 2012, Ukraine was characterized by a worsening human rights situation, rampant corruption and state capture by elites. Two positive developments were the new law on public association⁶¹ and the change in leadership of the Office of the *Ombudsperson*. Following on the Civil Society Development Programme (2009-2012), UNDP designed the Democratization and Human Rights Programme in Ukraine with three components:

1. Strengthening CSOs as guardians of democracy and good governance
2. Supporting human rights actors to promote and defend human rights in Ukraine
3. Fostering participatory implementation of the new Law on Public Associations and advocacy for wider and results-driven Government-CSO dialogue

Beneficiaries were human rights actors including individual human rights defenders, CSOs, networks of CSOs, the Office of the *Ombudsperson*, government institutions and state bodies.

Main forms of assistance

1. Awareness raising regarding human rights, democracy, civic engagement, and anti-corruption.
2. Expertise on international good practices, regulatory corruption risk assessments, recommendations on open government, and regulatory frameworks on open data.
3. Organizational/institutional capacity development such as on civic assessment and engagement, networking, communication, and responses to new challenges i.e., internationally displaced persons (IDPs) and access to information.

⁶¹ Adopted in April 2012 after pressure from Ukrainian non-governmental organizations, international organizations and the diplomatic community.

4. Institutional support grants, for example, to build the internal organization of Regional Hubs and capacitate them to conduct needs assessments of local CSOs to identify gaps and help build local organizational capacity.
5. Research, for example, on financial sustainability of CSOs.
6. Funding to CSOs for strategic litigation and networking.
7. A thematic grant programme to further democratization such as the use of e-tools to foster citizen engagement, public engagement in budgetary processes, and monitoring of administrative services.
8. Support to CSO initiatives in conflict-affected territories (and Crimea) such as financial support for collection of data, monitoring of the human rights situation, legal aid provision, institutional capacity development, and the Crimea Human Rights Field Mission. This activity was introduced following the annexation of Crimea by the Russian Federation in 2014.


Results


Effectiveness

The evaluation found that UNDP governance interventions were successful contributing to progress in the planned outcome, i.e., more effective and accountable public institutions respond to the needs of all people within the jurisdiction of Ukraine, especially the most vulnerable, as described below.

Anti-corruption, Transparency and Accountability

Corruption Prevention

 Legislation was passed on corruption prevention and investigation. In October 2014 the Law on Preventing Corruption and the National Anti-Corruption Strategy were adopted. One of the main demands of the Euromaidan protesters was an end to rampant corruption which undermined public trust in government at all levels. UNDP helped the Ministry of Justice and the Parliamentary Committee on Combating Organized Crime and Corruption with expertise in the form of drafts, comments, exposure to comparative practice, e.g., through a study tour to Moldova and other knowledge resources and tools. UNDP provided advocacy, awareness raising and support for campaigns and materials.⁶² The law provided the legal foundation for a new corruption prevention body: the NAPC.⁶³

 Wider space for government, donor and civil society discussion on anti-corruption. UNDP initiated donor coordination meetings once the legislation was adopted.⁶⁴ At times, this served as a space for discussions between government and civil society as well as for donor coordination.

UNDP's facilitation of constructive interaction between civil society and government within this project - and the others under review - is significant. Globally, civil society plays an important

⁶² Other actors were also involved in the process: The World Bank, European Commission, OECD, Transparency International in Ukraine, bilateral donors and the Renaissance Foundation.

⁶³ Ukraine updated its anti-corruption policy in 2011 and 2014. The latest policy document, Anti-Corruption Strategy for 2014-2017, was the first one adopted as a law.

⁶⁴ UNDP led in facilitating discussions on the theme of prevention. The OECD did this on investigation and prosecution.

role in counterbalancing the power of the state. The role of civil society organizations in the political and development processes of many countries including Ukraine has changed dramatically recently. At its broadest, civic engagement is the participation of people, through direct and indirect interactions with governments and multilateral institutions to influence public policy processes and decision making; share control over policy making, resource allocations and access to public goods and services; and, importantly, hold government accountable. A robust role for civil society in creating an enabling environment for enjoyment of rights is still in progress in Ukraine.

✓ The organizational framework for the corruption prevention body was developed. UNDP offered technical expertise on the structure of the NAPC and its operating methods. UNDP experts produced an overview of corruption prevention institutions in the region. UNDP expertise was provided to draft an action plan to implement the prevention elements of the law. This was done through discussions with the Ministry of Justice and the Reanimation Package of Reforms, the largest umbrella association of reform-minded CSOs. UNDP involved the UN Office on Drugs and Crime to provide expertise on issues covered in the action plan. The Cabinet of Ministers adopted the plan in April 2015.

✓ Transparent processes to select NAPC member were followed and civil society had confidence and participated in the process. Public skepticism ran high on whether those selected would, in fact, be independent. Through its work on democratic governance more generally, UNDP already had strong working relations with both government institutions and the civil society. Thus, the Ministry of Justice asked UNDP to assist with the process of selection of the member of the NAPC. A similar request came from the Reanimation Package of Reforms.

UNDP provided expertise to develop the transparent procedures which were adopted by the government to guide the process, i.e., the rules of operation for the selection panel. It participated in the Inter-Agency Working Group on the Launch of the NAPC, advised on critical issues, and monitored adherence to the agreed procedures so that transparency was not compromised. UNDP action ranged from organizing events to speaking out when concerns about the selection process arose. UNDP live web-streamed the sessions of the selection panel in order to improve transparency.

UNDP and the EU delegation in Ukraine also facilitated discussions between the Ministry of Justice and civil society representatives. UNDP's participation in supporting the selection process for NAPC members together with the EU helped allay civil society's concerns, and gave the process a credibility it would not otherwise have had. It created space for civil society to have a say in the selection and in plans for setting up the NAPC. Four of the six NAPC members were subsequently selected.⁶⁵

✓ The NAPC became officially established in 2016 with internal procedures in place. It has however yet to become fully operational, and lacks, for instance, premises and staff. UNDP drafted the Rules of Procedure that govern decision-making and provide a model for the internal organizational structure, statutes for the secretariat and its key departments, and other inputs.

⁶⁵ These actions could be considered a case study in how to use UNDP's technical strengths to take steps to advance targeted aspects of particular reforms.

There was enormous pressure exerted by the EU such as conditioning visa liberalization on, among other issues, the establishment of the NAPC towards the end of 2016. There was considerable technical support provided by UNDP. Nevertheless, at present, the NAPC is a long way away from becoming an effective anti-corruption body in Ukraine's institutional landscape, one that inspires the confidence of the public that change is underway and has the authority to deter corruption across sectors. While in 2015 the focus of reforms was primarily on establishing the NABU, and subsequently the NAPC, there is a growing realization that, to have an impact on the scale of corruption that prevails in Ukraine, complementary efforts must be undertaken at the sectoral level. While the NAPC may well turn out to be a useful and credible institution in the long run, and UNDP would be well advised to continue support to the prevention of corruption, realistically there are risks in placing too many expectations on the NAPC at this point.

Open Government



The Open Data law was adopted by the Parliament in April 2015 as a part of a “Digital Ukraine” legislative package. Before the adoption of the law, UNDP worked with the National Agency for e-Governance, the Presidential Administration, and the Reanimation Package of Reforms E-Governance group, carrying out an advocacy campaign, providing expertise, preparing materials, speaking on the importance of open data at conferences, and supporting five pre-adoption roundtables and an international conference on open data in March 2015.⁶⁶

When the implementation of the law began, UNDP provided expertise on a draft Cabinet of Ministers decree to specify the databases to be released as open data. UNDP experts conducted an Open Data Readiness Assessment⁶⁷ and engaged civil society to peer review the findings. UNDP supported discussions of the Open Data Subgroup of the Inter-Agency Council for the Development of e-Governance and provided expertise for the Open Data Roadmap adopted by the Council. UNDP also supported the development of prototype of an open data portal and provide technical specifications to the National Agency for e Governance to which the portal was transferred.⁶⁸



A budget visualization and budget cycle demonstration tool was adopted by selected municipalities in the country. UNDP organized workshops in the three pilot cities of Ivano-Frankivsk, Ternopil and Lviv to hear citizens' views on an open budget system and introduce the idea to municipal departments of finance. UNDP project staff explained to the evaluation that the selection of pilot municipalities exclusively in the West of the country was due to insecurity in the East and uncertainty in the South at the time this component of the project was rolled out, i.e., early in 2014. UNDP developed software for the pilot cities.

The tool included a budget calendar that enabled citizens to view the status of the financial plan at any given point in time and know when citizen proposals regarding the municipal budget could be made. Based on the pilots in over fifteen municipalities, the UNDP-supported CSO

⁶⁶ Some of this work was funded by the UNDP Regional Programme and GAIN. Before 2015, the activities in the field of e-Governance were carried out under the Democratization and Human Rights Programme for Ukraine.

⁶⁷ The open source World Bank methodology was used for this purpose.

⁶⁸ It was not within the scope of this outcome evaluation to audit sub-contracts for project implementation. The portal is at: <http://data.gov.ua/>

Centre for Political Studies and Analytics developed a portal which gave municipalities an open source tool which could be linked to their municipal websites.⁶⁹

Human Rights and *Ombudsperson* Support

National Human Rights Strategy and Action Plan

✓ The first National Human Rights Strategy and Action Plan were adopted in 2015 following an inclusive process of engagement with civil society. The Ministry of Justice was appointed to gather proposals and manage the consultative process.

Over 220 civil society organizations working on various subjects were keen to participate. Each CSO wanted to see its concerns reflected in the strategy. Given the numerous and sometimes divergent views of civil society, for example, on LGBT rights versus traditional family values, coordinating the process was complicated. Through the project, UNDP engaged a full-time national coordinator to help manage the process towards consensus.

UNDP, OHCHR and the Council of Europe supported this process. UNDP brought in expertise in formulating similar strategies in neighboring countries. They organized a study tour of government officials and parliamentarians to Georgia. OHCHR prepared a compilation of recommendations of the UN Human Rights mechanisms addressed to Ukraine. UNDP experts participated in the relevant thematic working group and integrated UN principles into the document.

In August 2015 after thirty-four drafting sessions with inputs from over 220 CSOs, the Strategy was agreed and adopted through a Presidential Decree. In November 2015 the ambitious accompanying Action Plan was accepted by the Government as a long term plan.

Ombudsperson

✓ The *Ombudsperson* is more effective in responding to human rights violations. UNDP consultants carried out a Capacity and Needs Assessment of the Office of the *Ombudsperson* in 2012. It supported the development of the *Ombudsperson* Strategy and Action Plan for 2013-2017 adopted in December 2012, which outlined priority directions or work streams including prevention of torture and ill treatment related to the Office serving as the National Preventive Mechanism; social, economic and humanitarian rights; rights of the child, and gender equality and non-discrimination.

Beyond support to the plans and organization of the office, UNDP built expertise within the Office in selected thematic areas, for example, on public access to public information, discrimination, and emerging challenges such as personal data protection, the rights of internally displaced persons, and working in post-conflict settings.

✓ More effective monitoring of the rights of persons in places of detention is in place. The *Ombudsperson* serves as the country's National Preventive Mechanism (NPM) pursuant to a 2012 amendment to the Law on the *Ombudsperson*.⁷⁰ The NPM is intended to strengthen the

⁶⁹ The portal is at: www.openbudget.in.ua

⁷⁰ Law No. 5409 of 2 October. In 2006 the government had committed to establish the NPM as a body independent from government. The EU, the Council of Europe UNOHCHR and other donors subsequently advocated for the implementation of this decision.

protection of rights of persons in places of detention or deprivation of liberty through independent monitoring.⁷¹

Since the office took on this function, 181 certified NPM monitors assisted the Office. In 2015, they carried out 235 visits. Based on observations made during the visits, the *Ombudsperson* made submissions to the authorities. Also In 2015 conditions were reportedly improved in 24 places of detention and internal regulations were changed with a view to institutionalizing improvements in 15 places of detention. Some examples are:

- Stryzhavska penitentiary⁷² - Residential buildings where social and psychological services are provided were repaired, living areas were upgraded, wooden windows were replaced with energy-saving plastic ones, adequate lighting was provided and water taps repaired.
- Pivdenna Penitentiary⁷³ - The health care area was repaired.
- Zakarpatskiy temporary accommodation centre for refugees –Two of three residential buildings were upgraded to provide access for persons with physical disabilities.
- Mariupol special secondary boarding school, Donetsk Regional Council⁷⁴– Basements were equipped so they could be used safely by children.

Observations made during monitoring visits were used to shape a new training curriculum as well as 13 awareness raising or advocacy events in 2015. Importantly, based on observations made during monitoring, the *Ombudsperson* made submissions to the Prosecutor's Office to investigate violations. According to the *Ombudsperson's* 2015 Annual Report staff at three facilities were investigated for their (in)action or breaches of rules as follows:⁷⁵

- Chernomorskaya Penitentiary⁷⁶ – An internal investigation was conducted resulting in discipline against a member of penitentiary staff for violation of the rights of convicted women;
- Vinnitska Penitentiary⁷⁷ - The Prosecutor's Office of Vinnitsa region initiated an investigation of an injury inflicted on a convicted person.
- Levonkivskoyi psychiatric hospital – The Prosecutor's Office of Chernihiv region initiated criminal proceedings regarding the alleged improper performance of duty by a staff member of the hospital.

Information on the details and results of these proceedings was not available at the CO or to the evaluation.

Based on observation made during regular NPM monitoring, UNDP supported the preparation of two draft laws to address problems with psychiatric treatment, one of which was submitted to Parliament by the *Ombudsperson* in April 2015 but was not taken up. The project did not take steps to facilitate follow up on these human rights issues.



The reach of the human rights protection offered by the *Ombudsperson* has been extended to the regions. Limitations on reach were pointed out by UNDP's 2012 capacity assessment as

⁷¹ This includes detention facilities ranging from penal institutions to specialized boarding schools, mental health and other facilities.

⁷² № 81

⁷³ № 51

⁷⁴ № 21

⁷⁵ Add *Ombudsperson* annual report link

⁷⁶ № 74

⁷⁷ №1

well as a UNDP-supported CSO assessment conducted with the CSO called “Association of Human Rights Monitors on Law Enforcement Bodies.” Now, in sixteen oblasts, local Ukrainian CSOs serve as the “eyes and ears” of the Office, monitoring the human rights situation as delegated by the *Ombudsperson*. More specifically, they monitor the observance of human rights including during court hearings, receive complaints and collaborate with the *Ombudsperson’s* thematic representatives in Kyiv to resolve them.

✓ A process to review progress on implementing the UN Human Rights Council’s Universal Periodic Review current recommendations on Ukraine took place, led by the Coalition of the Human Rights Organizations.⁷⁸ UNDP supported the process in several ways. It advised on the development of a monitoring framework and report submission procedures, and funded the public presentation of the CSO report. Ukraine was one of the first countries to carry out a mid-term review.

CSOs and Regional Hubs

✓ A National Strategic Litigation Platform was set up in late 2013 to coordinate and advise members of the public on human rights and offer free legal aid.⁷⁹ UNDP developed the Platform’s strategic vision and implementation work plan. UNDP strengthened the capacity of participating CSOs on effective communication, use of new media and strategic litigation. It funded legal research, round-tables, and the publication of awareness raising materials. In 2014 the Platform published “Judicial Cases that Change the Country” outlining twenty cases where strategic litigation instigated reforms of national laws and practices which did not comply with international human rights law.⁸⁰

✓ The capacity of civil society capacity to contribute to democratic processes was increased. CSOs were supported to become Regional Hubs in eight regions. In 2013 UNDP selected eight CSOs and developed their capacity based on organizational assessments. UNDP provided trainings in thematic areas such as good governance and legal aid as well as on institution building issues such as strategic planning, networking and fundraising enabling the hubs to ramp up their activities.⁸¹

As examples, the Regional Hubs covering Dnipropetrovsk, Donetsk, Kherson, Perechya and Zakarpattia advised CSOs on citizen participation in decision-making and assisted them in promoting decentralization among regional representatives of self-governing bodies. In this way, the Regional Hub contributed to changes: 34 communities were amalgamated into seven communities in Zakarpattia, and 14 communities were amalgamated into three in Dnipropetrovsk. The Regional Hubs in Chernihiv, Kirovohrad, Lviv and Rivne municipalities provided legal aid and human rights education to CSOs. The Regional Hubs in Rivne and Donetsk advocated for amendments to the Law on Local Elections in Ukraine in 2015, with a

⁷⁸ Activities funded by the UK under a separate UNDP project from October 2012–April 2013 built CSO and media capacity to monitor progress on UPR recommendations in four countries in the sub-region including in Ukraine.

⁷⁹ Strategic litigation involves taking on legal cases as part of a strategy to achieve broader systemic change. The case may create change either through the success of the action and its impact on law, policy or practice, or by publicly exposing injustice, raising awareness and generating broader change.

⁸⁰ It was in high demand by the judiciary. Second and third editions were produced.

⁸¹ Individual Regional Hubs also received support for particular projects from other donors such as USAID, US Embassy, OSCE, Renaissance Foundation, and the National Endowment for Democracy.

view to ensuring IDPs had the right to vote. In the end, the law did not receive the required number of votes in Parliament. Over the two years the project supported the core budgets of the hubs, they conducted 16 advocacy campaigns on issues such as illegal construction and environmental protection.

✓ Legal aid was provided at the local level. In 2014 UNDP funded six pilot CSOs to provide legal aid to poor and disadvantaged persons. It also built their organizational and substantive capacities, the latter on, as an example, the rights of internally displaced persons. Using these pilots as examples, some CSOs convinced local administrations to adopt programmes on free legal aid and allocate budgets to finance this service. Examples are the Stanislav Human Rights Group in Ivano-Frankivsk⁸² and the Development Informational and Educational Initiatives Foundation in Mukachevo. Most cases involved pensions, salaries and social entitlements, property rights, inheritance, family matters, housing rights, inheritance, voter registration IDP entitlements to social services, such as education and healthcare, and enforcement of court decisions.

✓ IDPs were supported by a Resource Centre at the Office of the *Ombudsperson* established after the annexation of Crimea by Russia and the conflict in the East of Ukraine. UNDP supported seven CSOs working on IDP issues to establish the Centre which had three aims: coordinate civic and government initiatives addressing IDP problems, contribute to policy development on IDP issues, and provide humanitarian and legal aid to IDPs from Crimea and Eastern Ukraine. UNDP funded the coordinator, lawyers, advocacy as well as monitoring and evaluation. In the first two months of operation, the Centre registered 8,000 queries and conducted 31 monitoring visits to places where IDPs settled in more than 10 oblasts. The Centre's role evolved from coordinating immediate humanitarian support to IDPs to providing resources for longer-term strategies for IDP assistance. The Centre set up a [website](#) and [Facebook page](#)⁸³. From December 2014 to date, the Centre handled 21,000 requests for legal information and assistance on matters such as labour law, social welfare, registration, document recovery and other issues of concern to IDPs.

✓ A reliable and much-needed source of information about human rights violations in Crimea was established. Since early March 2014, UNDP supported the Crimean Field Monitoring Mission (CMM) of fifteen human rights organizations from both Ukraine and Russia. It did this through funding, training monitors, engaging Russian and Byelorussian activists in field work, and funding the production of documentation and monthly monitoring reports. During the initial stage, from April until December 2014, the establishment and activities of the CMM were fully funded by UNDP.⁸⁴ In 2015, UNDP continued funding to the CMM⁸⁵ which was then also supported by other donors, specifically the Embassy of Switzerland⁸⁶ and the Embassy of the Netherlands. The CMM was important for the coordination and provision of coherent and consistent monitoring on the human rights situation in Crimea, as access to the peninsula became progressively complicated.

⁸² The CSO received UAH 77k from the local budget for its legal aid service.

⁸³ By 2016 the page had more than 4,000 followers.

⁸⁴ USD 30k

⁸⁵ USD 30k

⁸⁶ USD 60k

Violations reported on include disappearance of pro-Ukrainian and Crimean Tatar activists, persecution for religious beliefs, pressure on media and persecution of journalists, arbitrary deprivation of liberty, prohibition of peaceful assembly and restriction of freedom of movement. The findings of the Monitoring Mission were used by international organizations such as the Council of Europe Commissioner for Human Rights,⁸⁷ OSCE's joint mission of the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities⁸⁸ and the Warsaw-based Centre for Social and Economic Research.⁸⁹ The Mission is also a source for the OHCHR UN Human Rights Monitoring Mission in Ukraine.⁹⁰

Relevance

The programme was broadly designed to address a range of issues related to democracy and human rights, and this flexibility permitted a high degree of responsiveness to the new challenges presented by changes in the country in 2013 – 2014 and the issues that consequently emerged.

Efficiency and Sustainability

The programme served as incubator to test ideas for cooperation which were picked up in later more targeted projects supported by the same donor: Enhanced Public Sector Transparency and Integrity Project (2015-2018) and Strengthening Capacities of the Office of the *Ombudsperson* (2015-2018).

During the period of project support, the annual budgets of five Regional Hubs grew by 30%, one Regional Hub increased its budget three-fold, and two Regional Hubs increased their budgets by 16 times. During this period, the number of volunteers increased from about five to about 20 in each hub. An EU grant of Euro 900k was distributed in equal parts to the Regional Hubs for CSOs in their respective regions. In 2015 the Regional Hubs were successful in networking and fund-raising for smaller CSOs in their regions. The IDP Resource Centre now functions as a think tank on IDP issues for the *Ombudsperson*.

Support to the Crimean Field Monitoring Mission provided a degree of solidarity for those still located in Crimea who continued to work on human rights. In recent months, the Crimean Field Monitoring Mission has undertaken a reorganization to ensure that it can continue to effectively monitor, report and advocate on the human rights situation in Crimea. Continued support to the Mission is still needed.

Five CSOs were initially supported from the programme's small grants facility in May 2014 to assist with community integration and resettlement of IDPs. Implementation of this work with CSOs was later taken up under the Rapid Response to Social and Economic Issues of Internally Displaced People in Ukraine and the Economic and Social Recovery of Donbas Region.

⁸⁷ The report of the September 2014 mission is available at: http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/102_muiznieksreport_/102_muiznieksreport_en.pdf;

⁸⁸ <http://www.osce.org/odihr/180596>;

⁸⁹ <http://www.case-research.eu/en/node/59108>

⁹⁰ OHCHR placed high value on this mission. OHCHR mission reports can be found at: <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/UARports.aspx>;

Gender Equality and Human Rights-Based Approach to Development Programming

Providing sectoral support on gender equality and/or human rights is to be distinguished from mainstreaming gender equality or human rights in programming. Ideally both should be done. Mainstreaming human rights or the Human Rights-Based Approach is a conceptual framework used by UNDP globally in its work on human development that is normatively based on international human rights standards.⁹¹ The approach seeks to analyze inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress through development programming.

The Human-Rights Based Approach to Development Programming involves integrating or mainstreaming human rights into the work of UNDP so that programmes, policies and technical assistance in all thematic areas further the realization of human rights. It identifies rights holders and their entitlements and corresponding duty-bearers and their obligations, and works towards strengthening the capacities of rights-holders to claim their rights and of duty-bearers to meet their obligations.⁹² Rights-based approaches thus offer better accountability by moving away from the notion of charity to a framework of obligations. There are two main rationales for a human rights-based approach that have been recognized by UNDP corporately: (a) the intrinsic rationale, acknowledging that a human rights-based approach is the right thing to do; and (b) the instrumental rationale, recognizing that a human rights-based approach leads to better and more sustainable human development outcomes.

Mainstreaming differs from providing sectoral support for human rights. The principal responsibility for human rights protection, promotion and fulfillment lies with national governments, i.e. the state's legislative, executive and judicial branches. Projects can support the strengthening of the national human rights system as a sector, which includes government institutions, judiciary, laws, law enforcement agencies, procedures to claim rights, Parliaments, National Human Rights Institutions (NHRIs) and civil society.

In terms of sectoral support, given the subject matter, the Democratization and Human Rights in Ukraine programme provided sectoral support to the promotion and protection of human rights and gender equality in various ways. For example, it supported the [Rural Women in Ukraine study](#) which looked at the situation of rural women in terms of the human rights enshrined in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the prevalence of domestic violence, rural women's awareness of their rights, and possible protection mechanisms. This useful research was not followed up under the programme.

One of the CSO Regional Hubs that was a partner in this programme worked on gender equality: the Regional Hub in Lviv, which was the Women's Perspectives Centre. With support from the programme, it conducted advocacy campaigns on preventing human trafficking, reducing violence against women, improving the competitiveness of women in the labour market and other topics. It also supported the production of handmade crafts by internally displaced women. In 2015 it conducted a workshop for eight Regional Hubs regarding mainstreaming gender in their activities.

⁹¹ *UN Statement of Common Understanding of Human Rights-Based Approaches to Development Cooperation and Programming* which was adopted by the UN Development Group in 2003, <http://hrbportal.org/the-un-and-hrba>

⁹² https://undg.org/main/undg_document/preguntas-frecuentes-sobre-el-enfoque-de-derechos-humanos-en-la-cooperacion-para-el-desarrollo/

In terms of mainstreaming, the programme was not designed to systematically mainstream gender or to adopt a Human Rights-Based Approach to this development programming. A few programme activities were related to gender mainstreaming but in an incidental or *ad hoc* manner. For example, a workshop was conducted for eight CSO hubs on the integration of gender equity in activities and the development of targeted programmes in 2016. Gender is a new stated focus area for Regional Hubs. The programme required direct grantees to incorporate gender in projects and carry out gender-disaggregated monitoring of certain issues.

Gender disaggregated statistics were collected on a few issues such as participants who attended programme events and individuals who were polled in surveys. As an example, these statistics showed that legal aid services under the project were offered roughly equally to men and women.

During implementation, certain programme activities reached vulnerable and marginalized groups such as women, IDPs, and Roma.

Enhanced Public Sector Transparency and Integrity Project (2015-2018)

Project Rationale and Description

People in Ukraine consider their country to be one of the most corrupt in the world.⁹³ Corruption was a primary concern of the Maidan movement as the old governing apparatus that made widespread corruption possible had not changed, despite rhetorical commitments to anti-corruption reforms. The unchecked influence of private interests in politics prevails. Even after the Maidan revolution and a number of ground-breaking reforms at the legislative level, and the establishment of new anti-corruption bodies, there are still burdensome tax rules, a weak judiciary and a pliable prosecutor's office susceptible to widespread corruption and abuse of powers, generally low salaries for state employees, complicated and expensive customs regulations, a non-transparent system of extortion of companies by administrative bodies, and rent payments for many goods and services⁹⁴.

Civil society has been the driving force for change in this area, notably the Reanimation Package of Reforms and its anticorruption group.⁹⁵ At the same time, Ukraine's main international partners have made the fight against corruption a priority condition for support of the government.

Following on work of the Democratization and Human Rights in Ukraine programme, the Enhanced Public Sector Transparency and Integrity Project (ETI) was designed to support the establishment of the country's corruption prevention mechanism. The Project thus aims to develop the capabilities of one of the key anti-corruption agencies, training public officials, and cooperating with CSOs at national and local levels to help implement the regulatory framework for asset declaration/conflict of interest management and corruption risks assessment.

⁹³ According to the Transparency International Corruption Perception Index, in 2009-2013 Ukraine was in 146th, 134th, 152nd, 144th and 144th places out of 176 countries.

⁹⁴ Governance and Recovery Rapid Intervention Project for Ukraine (GRRIP), Aug 2014

⁹⁵ RPR has been among the most active reform-advocating civic platforms comprising over 40 non-governmental organizations which came together after Maidan to build Ukraine's reform agenda.

Beneficiaries

The direct beneficiary of the support are the NAPC and the Reanimation Package of Reforms. Secondary beneficiaries include the Ministry of Justice, the National Academy for Public Administration (NAPA) and the National Agency for Civil Service (NACS).

Main Forms of Project Assistance

1. Expertise on institutional set up, technical inputs for preparation of the studies and draft on asset declaration, conflict of interest and related issues.
2. Research, for example, on instruments, tools, guidelines for the NAPC and other agencies on how to implement relevant laws and regulations including on international/comparative practice.
3. Capacity building of the NAPC on institutional development, compliance with relevant international recommendations and standards, and analysis of asset declarations of civil servants.⁹⁶
4. Training for civil servants on corruption prevention mechanisms.
5. Seed-grants to local CSOs/communities on anti-corruption; and
6. Public awareness at the regional level through outreach (posters, billboards), digital campaigns (Twitter-storms, Facebook-campaigns), flash-mobs, and media campaigns.

Results

Effectiveness

The project has not yet contributed to notable progress toward the achievement of the planned outcome. Some examples of steps being taken in this early stage of the project on establishing transparency of the public sector are below:



E-asset declaration is in the process of being established for civil servants including local government employees. UNDP provided the access to technology for this purpose. After the adoption of the package of anti-corruption laws in 2014, Parliament tried to weaken disclosure requirements and postpone the introduction of an electronic asset declaration system to replace paper declarations. With pressure from the civil society, the European Union (EU)⁹⁷ and other bilateral donors, a decision was taken to proceed with the implementation of the law. At the request of the Ministry of Justice of Ukraine, UNDP commissioned the development of software for the Unified State Register of declarations. The system envisages a comprehensive electronic verification system⁹⁸ which will contain a comprehensive set of study materials (both textual and visual) to guide declarants and explain how to complete and submit their declarations. In 2015, UNDP presented a prototype of the system which was tested by the Ministry of Justice.

⁹⁶ The relevant standards were the UN Convention Against Corruption: <https://www.unodc.org/unodc/en/treaties/CAC/> and the convention Organization for Economic Cooperation and Development (OECD) <http://www.oecd.org/corruption/oecdantibriberyconvention.htm>.

⁹⁷ This was done through the Visa Liberalization Action Plan.

⁹⁸ This software allows uploading, saving, publishing online, and checking declarations of the persons authorized to implement the functions of the state and local self-government bodies. Verification of asset declarations is to include cross-verification of declarations against information from other state registers (i.e., those on immovable property, land cadastre, vehicles, and legal persons).

Relevance

The support provided by UNDP was highly relevant to the priorities of the government especially the Ministry of Justice and NAPC in order to implement the 2014 legislative package. The project was discussed and agreed at the local consultative group on anti-corruption led by the Ministry of Justice which includes other stakeholders including CSOs.

An issue is the relevance of the support to advance improvements on anti-corruption in practice. The NAPC selection process has been a protracted one. Support has only taken the mechanism as far as establishing a framework for the conduct of its work. The NAPC is not, in fact, operational yet.

Efficiency

The project made use of new technologies to raise awareness concerning corruption prevention.

When the project was implemented, the CO chose to focus the bulk of its activities almost exclusively on a single state institution, the NAPC, with all the risks that such a focus entailed: it turned out to be much more contested than originally assumed. At the time, additional opportunities for a more comprehensive approach to anti-corruption efforts existed in relation to particular sectors. Transparency and accountability, strong civil society and independent media are key elements to prevent and eliminate corruption. Improving transparency of the public sector is a difficult, long-term task as there are three key challenges to overcome: political obstacles, institutional development, and access to technology and human resources.

To address the problem of corruption, the CO recently broadened its interventions to include work with certain sectors: the health sector and in the context of recovery and infrastructure reconstruction. This is a useful approach that is likely to produce deeper and more visible results, and should be seen as complementary to the NAPC-focused ETI project. A broader, integrated, programmatic approach to anti-corruption would be the most efficient use of UNDP's resources and leverage going forward.

Sustainability

The project's main potential for sustainability is to help develop a national prevention institution that functions effectively. At a lower level of ambition, an anti-corruption school supported by UNDP is poised to provide national expertise on anti-corruption over time as a complement to other schools targeted at youth and regional CSO audiences.

Gender Equality and Human Rights-Based Approach to Development Programming

As with the other projects under review, the design of this project was not based on gender analysis although it was formulated in 2014, the same year as the results of the UNDP regional study on the impact of corruption on experiences and careers of women in the public service was carried out.⁹⁹ Similarly, the Human Rights-Based Approach was not used during design or implementation.

⁹⁹ In 2014 the Istanbul Regional Hub carried out part of a Global Anti-Corruption initiative with UNDP Ukraine and three other COs which involved a study of the impact of corruption on the experiences and careers of women in the public service. 40% Ukrainian respondents considered corruption in the civil service as "widespread to a large extent" and 36% thought it was "widespread". The types of corruption most often mentioned were abuse of power, illicit enrichment of public officials through bribery, and patronage, as well as failure to take anti-corruption measures.

Protection and Promotion of Human Rights in Ukraine and Strengthening Capacities of the Office of the *Ombudsperson* (2015-2018)

Project Rationale and Description

By 2016 Ukraine had signed or ratified almost all key international human rights treaties.¹⁰⁰ Despite formal commitments, human rights violations, the lack of independence of the judiciary, denial of equal rights and protection due to mismanagement of resources and corruption, the absence of checks and balances and the lack of free elections were among the root causes of the popular protests that took place in 2013–2014. *De facto* impunity exists for human rights violations. The Constitution and laws provide the right to seek redress for action or decisions by national and local governments that violate human rights. But an inefficient and corrupt judicial system limits redress.¹⁰¹

A 2012 survey supported by UNDP showed that 22.5% of respondents believed low levels of welfare and pensions to be the most widespread human rights violation.¹⁰² It also showed that only one in every five respondents knew about the Office of the *Ombudsperson*. Since the change of the leadership, the Office has become more active in protection and promotion of human rights, supported by the UNDP Democratization and Human Rights in Ukraine programme. Following on the programme, this project was designed to strengthen the capacities of the Office of the *Ombudsperson* to contribute to reform agendas in line with human rights standards, and respond to human rights challenges and mobilize national authorities and human rights defenders to improve the human rights situation in the country.

Beneficiaries

The Office of the *Ombudsperson* is the primary beneficiary of the project. Secondary beneficiaries of the project are the Ministries of Internal Affairs, Justice, Education, Social Policy, Defense, Regional Development and Health, civil society organizations and, ultimately, people/rights-holders.

Main Forms of Assistance

1. Capacity development to strengthen *Ombudsperson* institutional structures and human resources based on needs assessments, studies and reviews.
2. Development of the monitoring skills of staff at the Office of the *Ombudsperson* and its new CSO regional network
3. Expertise to produce policy recommendations, for example, briefs, advisory notes, draft regulations/laws/rules.
4. Inputs to the working groups, conducting assessments, preparation of strategies.
5. International and national expertise to inform the *Ombudsperson's* recommendations to central and regional government.
6. Awareness raising of the general public and relevant authorities on human rights.

¹⁰⁰ Exceptions are the international Convention on the Protection of the Rights of All Migrant Workers and Members of their families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the third optional Protocol to the Convention on the Rights of the Child.

¹⁰¹ See Section 5 above on Democratic Governance Context 2012–2016.

¹⁰² Resource available in Ukrainian only. Please refer to: <http://humanrights.com.ua/news/9-top-novini/162-ukrajintsi-poskarzhatsya-v-on-na-koruptsiyu-diskriminatsiyu-ta-katuvannya>

Results

Effectiveness

The project contributed to progress toward the achievement of the planned outcome: more effective and accountable public institutions that respond to the needs of all people within the jurisdiction of Ukraine, especially the most vulnerable. Some examples of evidence of progress are as follows:

- ✓ The *Kyiv Declaration* was adopted and signed by nineteen National Human Rights Institutions (NHRIs). This was a culmination of activities prior to and the International Conference on the role of NHRIs in conflict and post-conflict situations supported by UNDP. The Declaration calls for a stronger role of NHRIs in conflict and post-conflict settings¹⁰³ and provides guidance on how to work during conflict situations. This has provided a basis for the *Ombudsperson's* communications with *de facto* authorities in non-government controlled areas and allowed it to support the people affected by the conflict, which was not considered possible before due to legal constraints.¹⁰⁴
- ✓ The Ombudsperson has a strategy for strengthening its regional presence, prepared with the support of the project. It provides the framework for effective responses to violations of human rights utilizing a network of regional offices throughout Ukraine. This builds on the *Ombudsperson's* up-to-date Strategy and Action Plan for 2013-2017 prior to the inception of this project, which was supported by the Democratization and Human Rights in Ukraine programme. New mandates were included in the overall strategy, i.e., Access to Public Information¹⁰⁵, Personal Data Protection¹⁰⁶ and a goal in relation to the *Kyiv Declaration* which has implications for the regional network.
- ✓ Recommendations of the December 2015 review of Forensic Psychiatric and Prison Mental Health Services in Ukraine were accepted by the Ministry of Health in March 2016. Although there is still along way to go for these recommendations to be implemented, if there were to be serious and consistent follow-up, the roles and functions of the hospital management could be changed to correspond with international law and human rights standards.

As the examples above illustrate, at this early stage of the project, the results observed by the evaluation were at the level of policy rather than practice.

Relevance

Since the change in leadership in 2012, the Office of the *Ombudsperson* has been supported through the Democratization and Human Rights in Ukraine programme. The project responded to requests from the Office and was directly relevant to the mandate of the *Ombudsperson*. More importantly, the project priorities selected were relevant to the human rights situation in Ukraine.

¹⁰³ The Paris Principles do offer guidance on NHRI's roles in conflict or post-conflict situations. The Declaration sets standards in this area. The adoption of the Declaration was used by other NHRIs in the region, for example, Macedonia.

¹⁰⁴ О временных мерах на период проведения антитеррористической операции (Закон Украины от 02.09.2014 № 1669-VII)

¹⁰⁵ The Law of Ukraine on Access to Public Information adopted in January 2011.

¹⁰⁶ The Law of Ukraine On Protection of Personal Data adopted in 2011 and amended in 2014 and 2015.

Efficiency

The project continues one stream of the work of the Democratization and Human Rights programme in Ukraine, using a similar approach and methods. New project staff were put in place giving the project a identity distinct from the broader programme. The approach taken under project is to concentrate on one institution in order to contribute to the much larger agenda on human rights. While the work at this scale remains relevant, plans were not considered or made to scale up the intervention for greater impact. Efforts to integrate the project into broader rule of law, access to justice or human rights programming have not been made.

Sustainability

The gains in the organizational and substantive ability of the Office of the *Ombudsperson* have reached a threshold where it is visibly and relatively effectively carrying out its human rights mandates. It is well positioned to continue performing this role.

Gender Equality and Human Rights-Based Approach to Development Programming

Given the subject matter, the project addressed the principles of non-discrimination, participation, equality and accountability in the substance of some activities that were carried out. Human rights standards, UPR and treaty-body recommendations provided the content for capacity building, materials and expertise provided.

As with the other projects under review, analyses were not carried out to design the project in order to challenge inequalities. These approaches were not systematically used during implementation. Reporting did not cover the differential impact of the intervention on women and persons from vulnerable groups. This is a notable gap particularly since the *Ombudsperson's* strategy supported by UNDP includes a priority/work stream on gender equality and non discrimination.¹⁰⁷

Community-Based Approach to Local Development Project, Phase III (2014-2017)

Project Rationale and Description

Community organisation can unleash the potential of community members to participate in local governance. This can be done through promoting dialogue, facilitating collective action, shaping a shared vision and jointly implementing community development projects. Since its inception, the Community-Based Approach to Local Development Project (CBA) promoted sustainable socio-economic development at the local level by strengthening participatory governance and fostering community-based initiatives throughout Ukraine. It mobilized local authorities, community organizations, and the private sector to plan and carry out projects aimed at improving the living conditions of people in urban and rural areas.

The first two phases of the project introduced a community-based development methodology. In 2013 the EU agreed to finance a third phase of the project focused on the institutionalization of a community-led approach and on the expansion of the project support to urban areas, as well as policy support to decentralization. In its third phase, the CBA project aims to strengthens capacities of regional and local authorities in rural and urban areas to practice participatory

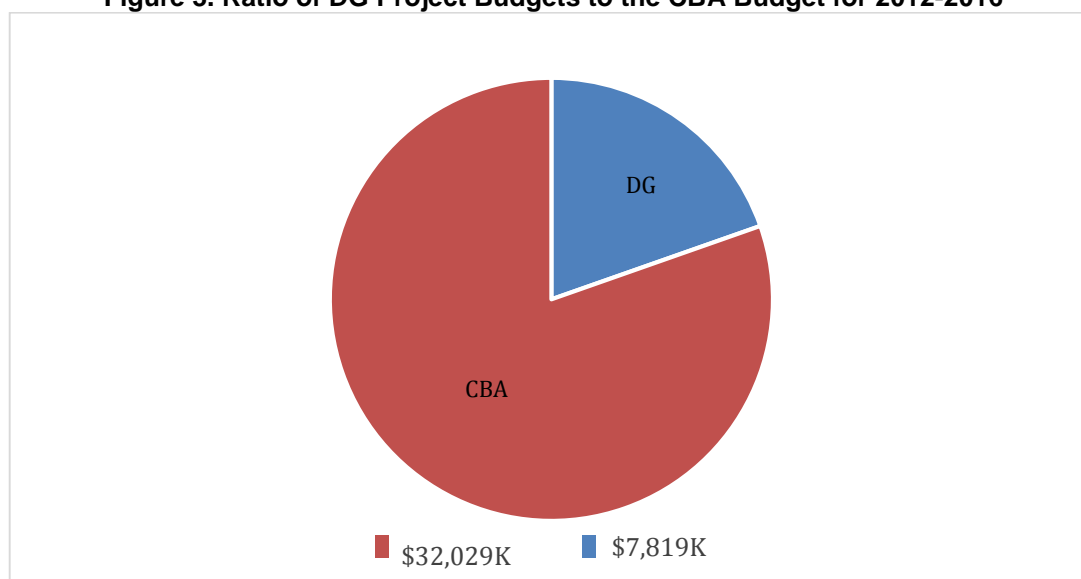
¹⁰⁷ The Ombudsperson Strategy and Action Plan for 2013-2017 outlined priority directions: prevention of torture and ill treatment, observance of the rights of child, gender equality and non-discrimination.

governance, as well as intensify the community-based approach in Ukrainian villages and small cities. The goals of the project are to:

- Build capacities of local communities and authorities in applying a community-based approach, participatory local planning and public service delivery, rehabilitating basic social and communal infrastructure, and developing small farm and non-farm businesses.
- Enhance energy efficiency through energy planning and efficient energy use, innovative technologies and awareness campaigns.
- Share best practices and knowledge on community mobilization and participatory governance through the knowledge hub and advocate for policy changes towards decentralization and local democracy.
- Integrate community-based approaches to local governance and development in the curriculum of academia and educational institutions.

The project is being implemented extensively throughout Ukraine, in all 24 regions currently under government control.¹⁰⁸ The budget of the third phase of CBA compared with the budget allocations for the democratic governance projects under review is illustrated below.

Figure 3. Ratio of DG Project Budgets to the CBA Budget for 2012-2016



Beneficiaries

The direct target group comprises 1000 community organizations (COs)¹⁰⁹, 300 ACMBs, 1000 village councils, up to 15 city councils, 200 rayon councils/administrations, 25 regional councils/administrations, and 10 regional universities/training institutions. Local level partners are COs, village councils, and city councils. Regional level partners are rayon or regional

¹⁰⁸ http://cba.org.ua/map/communities_cba2_cba3/index+urban-2.php

¹⁰⁹ To develop a CO, a community is selected through open competition. Criteria for the competition are the hardship facing the community and willingness of the community to help themselves. Thereafter, the community members are provided with information on organising methods and form COs to undertake community initiatives.

authorities such as regional state administrations and regional councils as well as regional universities. At the national level, a number of government and state institutions are indirect beneficiaries, in particular the Ministry of Regional Development (MRD).

Main Forms of Project Assistance

- Awareness raising in communities about the benefits of COs, local development, means of participation, and forming associations of apartment co-owners.
- Institutional capacity development of COs, and of Ukrainian Association of Regional and Local Councils (UARLC) and MRD on policies.
- Expertise, for example, on community-self-assessment, community development planning and project formulation.
- Micro-grants based on cost-sharing between cooperatives and local/regional authorities.
- Online platform for networking and exchanges of experience among practitioners, policy makers, academia, government, COs and civil society organizations (CSOs).
- Student field visits, student research competitions, debates, summer school, conferences, and celebration of a Local Development Week.

For the results and achievements of CBA I and CBA II see:

http://www.ua.undp.org/content/ukraine/en/home/operations/projects/human_development/project_sample111.html

Results

Effectiveness

The programme contributed to progress toward the achievement of the planned outcome. Some examples of evidence of progress are as follows:



Communities were empowered to take part in local development in locations spread widely across the country. Through the programme, UNDP provided an environment for joint decision-making and the joint implementation of activities on local level. COs were formed representing 80% or more of the households in the selected communities to agree and implement their priorities. The capacity of local communities and local authorities to participate in joint decision-making and implementation of projects was built including on prioritization of activities, budgeting and fund allocation. As a part of the implementation process, COs developed Community Development Plans, identifying the priorities of the communities. The experience of the programme has demonstrated that, through these processes, people are motivated to act rather than wait passively for change. Public participation is an important change brought about by the project. People take part in bettering their living conditions, a shift from the Soviet past when they waited for services to be provided to them. Further, the establishment of COs facilitates local people to work with national and international donors and programmes and access local government development funds. Proactive communities mobilized resources from traditional government sources and other sources such as donors and the private sector, and

jointly implement projects with local authorities. During the third phase of CBA, 819 COs were established and 135,895 persons representing 272,963 households joined them.¹¹⁰

✓ The acceptance of community organization as a viable local development approach has increased. During this phase of CBA implementation, about 97% of COs preferred to be registered as public organisations. As below, this has tax and other benefits such as transparency and sustainability.¹¹¹

✓ Open budget principles were introduced as a practice at the local level. There are two ways this was done. First, through support for local initiatives and mini-grants funding on co-financing principles. Second, CBA target communities created programmes on the development of their territory, which were included in the regional development programmes and supported by the regional budget. This introduced open budget principles as a practice which meant fewer opportunities for corruption. People in COs perceive that opportunities for corruption are lower since people know how local government development budgets are spent. The efforts and achievements of the CBA were not linked to the other open budget initiatives supported by the CO through the Democratization and Human Rights in Ukraine programme and vice versa.

✓ Progressive changes to the legal frameworks governing agricultural cooperatives and other community development issues were introduced. UNDP concluded a Grant Agreement with the UARLC which provided expertise. They were supported by UNDP to increase their capacity to lobby for a legal and administrative environment conducive to decentralization and community development. The UARLC set up an expert group to consult broadly, analyze draft laws, and make recommendations to Parliament and relevant ministries. Some of the drafts were the draft Law of Ukraine “Activation of Creating and Functioning Family Farming Households”, proposed legislative amendments to the Law of Ukraine “On Farming Households”; “On Personal Village Households”; “On Bodies of Self-organization”, and the Plan on the implementation of the concept of local self governance reform.¹¹²

✓ The Law of Ukraine “On Amendments to the Tax Code of Ukraine” was passed, reinstating tax exemptions for agricultural services cooperatives (ASCs).¹¹³ UNDP provided support to the drafting of legal amendments through an expert team. The critical issue concerning this amendment was related to tax exemptions for ASCs. Changes to the tax legislation were adopted by the new Parliament after the December 2013-January 2014 Revolution of Dignity. There were a number of changes to tax legislation including changes which discontinued tax exempt status of ASCs, a result that had not been foreseen by the legislators.

Tax exempt status was important for the ASCs/local beneficiaries for several reasons. Firstly, official registration allowed local business/organizations to work in a transparent manner.

¹¹⁰ During an earlier phase of the project, in 2011, research by the Kyiv International Institute of Sociology found a high level of involvement of the population in activities of community organisations. An additional assessment of the CBA has been carried out on this issue in one oblast: Zaporizhia National University “Community Based Approach to Local Development: Results and Implementation Perspectives (Case of Zaporizhia oblast) studied the experience in terms of social mobilization and found positive effects.

¹¹¹ Only 3.1% of COs decided to be registered as “bodies of self-organization of the population” (BSP).

¹¹² There were other drafts related to decentralization and community organization where they commented and had their suggested changes integrated in addition to the laws and plans mentioned above.

¹¹³ Law #2052 of 6 February 2015.

Secondly, tax exemptions made it possible for the newly created ASCs to receive technical aid from international donors and sponsors without paying taxes on the grants received. Thirdly, it facilitated UNDP to implement planned activities and support local small economic initiatives in Ukraine. The co-operatives make very little profit. The establishment of the co-operatives brings small subsistence farmers out of poverty due to their pooling of resources, equipment, labor and expertise. If they had to pay taxes as they would have under the former legislation, the initiative to alleviate poverty would not have been possible.

UNDP advocated for changes to the law via regional offices, where preparation of letters to Parliament and members of parliament (MPs) were initiated, i.e., in Ternopil, Volyn, Vinnitsa, and other regions. Through revisions to the tax law enacted in late 2015, Parliament restored tax exempt status for ASC agricultural services. 47 new ASCs were subsequently officially registered.



A curriculum on community-based development was adopted by regional universities. The partnership was established between UNDP and university administration to incorporate the concept of participatory local development within the broader concept of sustainable development in educational programmes. Through a partnership between UNDP and 39 universities, a module on sustainable local development was formulated, CBA student internships were arranged, research and promotion of sustainable development i.e., through the organization of Sustainable Development Days, inter-regional debates were carried out, and an academic summer school set up to disseminate development messages among youth, attract the attention of the academic community to the development agenda, and give students and researchers access to practical experience in rural and urban development.

Efficiency

The evaluation scope of the mission did not allow for direct consideration of the efficiency of the CBA. Several reviews and assessments have been done exclusively regarding the CBA. For example, the 2013 mid term review which rated efficiency as well as effectiveness and relevance favourably.

Sustainability

The capacity and ownership built in such a large number of communities auger positively for the continuation of CBA results. The authorities generally support the programme, and local authorities often continued support after programme support concluded. Sustainability is a clear and consistently applied condition of micro-grants received by target COs. The Sustainable Local Development teaching module, elaborated with the support of UNDP, endorsed by the Ministry of Education, and introduced in universities, has the potential to inform future generations.

Gender Equality and Human Rights-Based Approach to Development Programming

CBA implementation did not explicitly support efforts to accelerate the equal participation of marginalized groups such as single mothers, migrant workers, disabled persons and Roma in local community decision making and project implementation. It also did not specifically aim to include these or other disadvantaged groups that were relevant in the target communities equally with others in the prioritization and provision of local projects. There was no evidence of the Human-Rights Based Approach to local development being applied in project design or

implementation. Priorities, for example, improvement of the water supply system, were chosen with a view to benefiting the community as a whole without special consideration being given to discrimination that particular members of the community may face in terms of participation and access.

Regarding gender equality, most heads and many members of COs are women. Under the project, UNDP arranged training on gender for local governments officials and 120 partners participated.

The 2013 mid term review of the current CBA project did not examine gender or human rights issues closely. When answering the question on the EU questionnaire of whether gender interests have been adequately considered in the operation's strategy", the review indicated, *inter alia*, that "the operation does not explicitly target gender issues but all the activities are implemented with no discrimination on the gender principle." Similarly, in response to the review question of whether the operation contributes to the promotion of human rights, the review stated that "The action does not explicitly target human rights issues but indirectly the rights of community members to adequate public services, health care, living conditions are addressed in the framework of this project."¹¹⁴

Observations on the Project Approach

The extensive network of COs forged through the CBA project is a valuable resource that is relatively untapped beyond the project. This network has tremendous potential which could be leveraged for future governance (and other) programming. For instance, this could be done by aligning the CBA with the new Rule of Law and Community Justice for Conflict-Affected Areas in Ukraine project which is built upon the community-based approach. The CBA project could also be linked to the community security components of the Restoration of Governance and Reconciliation Project. CBA alignment should be pursued especially in connection with the area-based Recovery and Peacebuilding Programme.

Project outcomes could be better aligned with the UNDP's comparative advantages and the quality improved in the next phase. This could be done by applying UNDP corporate approaches to development programming. For example, adopting the Human-Rights Based Approach to development programming would position the project to address unequal power relations, social exclusion and unequal social and institutional structures. It could strengthen the capacities of vulnerable and excluded people to claim their rights and governments to meet their obligations including through local processes and institutions responsive to vulnerable people. Similarly, mainstreaming gender would permit the project to support local processes, regulatory frameworks, structures and outcomes that are gender responsive. Simply put, the aim would be to accelerate gender equality and advance human rights as outcomes of the next phase.

7 Key Findings, Lessons Learned and Conclusions

7.1 Effectiveness

The evaluation found that UNDP governance interventions were successful in contributing to progress in the achievement of more effective and accountable public institutions to an extent. In the areas the projects addressed, specific discrete results to which UNDP contributed were

¹¹⁴ June 2013 EU External cooperation programmes Background conclusion sheet pp. 16-17.

identifiable. These are set out in Section 6 above. These results were useful. However, compared with the urgent and far-reaching needs for reform in Ukraine that the GRIPP¹¹⁵, the Recovery and Peacebuilding Assessment¹¹⁶ and others¹¹⁷ analyzed, the results of the relevant UNDP interventions could not be characterized as bringing about major or systemic positive shifts in governance.

In part, this must be considered in view of the development context that prevailed at the time. At the start of 2013, the inception of two of the interventions: Smart Practices for Oversight by Non-State Actors on Administrative Service Provision Project and the Democratization and Human Rights Programme in Ukraine, the political context did not permit governance problems to be addressed broadly or comprehensively. Through these two projects UNDP focused on a more circumscribed set of issues than what could be addressed today. Two projects under review were designed after the major changes in the country. Rather than significantly scaling up, each continued to provide the same type of institutional support for the same purposes as previously, only under separate projects.

UNDP contributed to the following categories of change on governance issues in the areas it selected at the time at national and subnational levels:

- A. Legal, policy and strategic frameworks
- B. Establishment of a governance institution, i.e., the NAPC, according to democratic standards
- C. Functioning of selected public institutions and capability of public servants including at the local level
- D. Capability of civil society actors to interact with government and influence decision making on governance issues
- E. Creation of opportunities where authorities and civil society could meet and deal with difficult issues
- F. Facilitation of joint action by agents of change at various levels: central, regional, and grassroots.

Where it can be demonstrated that UNDP was successful in influencing changes in governance within the parameters of specific projects, this was due to a combination of factors. Project staff had strong working relationships with the government and non governmental actors involved in the project. Their professional relations had been honed through cooperation on earlier projects in similar areas of focus. Staff were engaged and responsive to requests of project partners as needs emerged.

Projects integrated various forms of support as detailed in Section 7 above. Most often, other donors or actors were involved in the same processes, or supporting the same institutions/civil society actors. UNDP offered a range of types of technical assistance, usually in response to requests from partners. The assistance was directed at government and/or civil society, often

¹¹⁵ Assessment of UNDP's Governance portfolio in response to Ukraine's changing national development context and crisis in Eastern Oblasts Mission Report, September 2014

¹¹⁶ European Union, UN Ukraine and The World Bank Ukraine Recovery and Peacebuilding Assessment: Analysis of Crisis Impacts and Needs in Eastern Ukraine.

¹¹⁷ For example, *Reforms in Ukraine: What's Inside the "Black Box"?* By Valerii Pekar, co-founder of The New Country (Nova Kraina) civic platform, Ukraine March 2016

both, according to immediate needs and project parameters. UNDP also had the operational agility to deploy this assistance when needed.

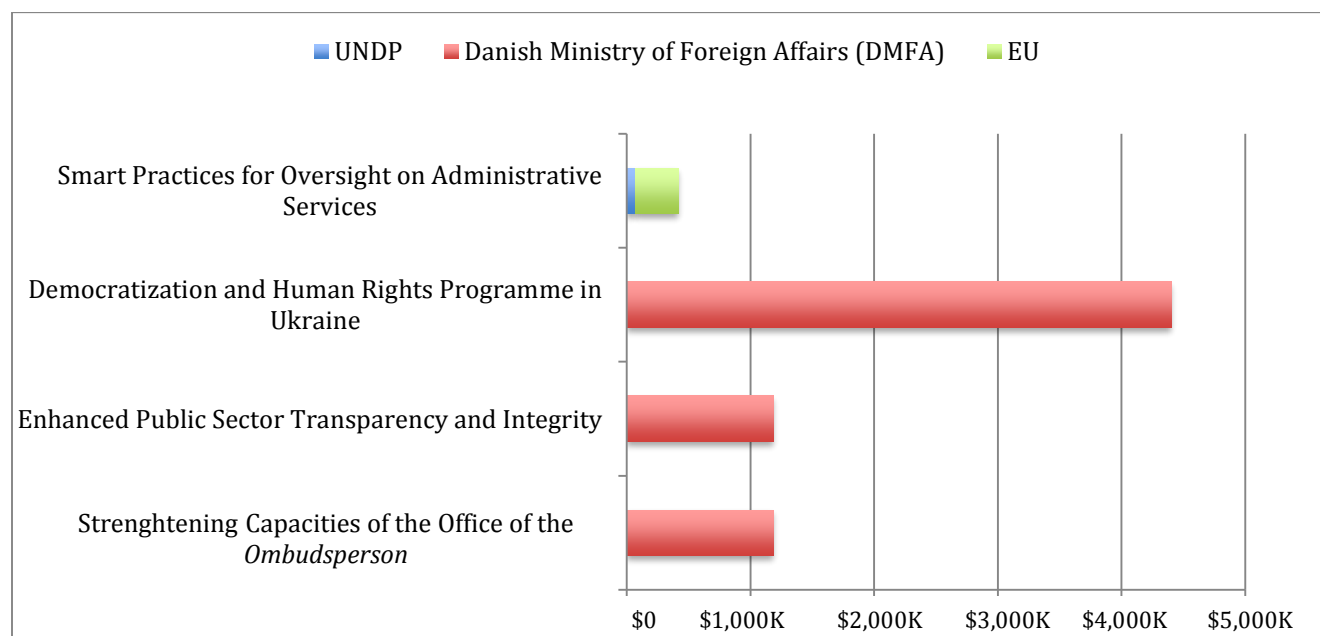
Within some projects, UNDP also leveraged its authority as a UN interlocutor to observe and comment on country developments in order to promote global standards. In one project, it played this role together with the EU to increase its influence. UNDP moderated processes between government and CSOs, each of whom trusted UNDP. CSOs had confidence that UNDP's presence would increase the likelihood that the relevant processes would be fair. Through the Democratization and Human Rights in Ukraine programme in particular, UNDP leveraged many aspects of the comparative advantage it has globally.

In addition to value of UNDP interventions in contributing to the specific documented changes in democratic governance, they are useful for their demonstration effect. They provide an illustration of the ways that particular reforms at a certain scale can be brought about by UNDP. As such, they provide instructive experience to be taken into account and built upon by UNDP as it develops its next governance interventions in the country.

7.2 Relevance

The interventions that were undertaken in the area of democratic governance were directly relevant to the specifically-defined problems they were designed to address in the context at the time. The focus and scope of the projects was also determined to a considerable extent by the donors who were prepared to fund them. Please see the figure below illustrating the extent of donor support.

Figure 4. Donor Contributions to Governance Projects



All projects were successors to earlier projects UNDP had implemented in similar thematic areas. Projects generated further project ideas. The Smart Practises for Oversight by Non-State Actors on Administrative Service Provision (2013-2015) project followed the Municipal Governance and Sustainable Development Programme. The Democratization and Human

Rights Programme in Ukraine (2013-2016) followed the Civil Society Development Programme (2009-2012). These projects were funded by the Danish Ministry for Foreign Affairs.

The Enhanced Public Sector Transparency and Integrity Project and the Strengthening Capacities of the Office of the Ombudsperson Project were developed based on specific needs identified during the implementation of Democratization and Human Rights Programme in Ukraine. This new generation of projects was also funded by the Danish Ministry for Foreign Affairs.

The bulk of the activities of each of these new projects went to support a particular institution: the National Agency for the Prevention of Corruption and the Office of the *Ombudsperson* respectively. Hence the relevance of projects to governance challenges was connected with the importance and role of these institutions – either in practice or potentially - in bringing about change. The Office of the *Ombudsperson* was well selected as it was strategically placed in regard to its potential to influence change. As for the NAPC, it is still too early to assess the outcome.

Those who designed the new projects had managed earlier ones, and some government partners on earlier projects joined UNDP to manage new ones. This circle of UNDP, government and civil society partners had worked together closely in the past, formed close working relations, and were familiar with specific needs within set parameters. The projects were developed through consultations with these partners with whom UNDP was already cooperating closely under earlier projects. Together, they identified the priorities that were incorporated into project design.

These partners found that the support UNDP offered under these projects was practical and a good fit for their immediate needs. During implementation, activities were adapted to remain relevant based on the UNDP's close working relationships with stakeholders and active engagement in project activities. The support was specifically tailored to these partners' needs and was appreciated by them, in part, due to its relevance.

The comparison made by some stakeholders between the UNDP interventions under review and other donor initiatives, including broader and much more generously funded ones, was favourable since UNDP support was tailored to the immediate needs of partners. Below this evaluation recommends expanding the circle of those consulted and involved in future UNDP development assistance in the area of democratic governance.

Lessons Learned on Effectiveness and Relevance for Use in Future Interventions

UNDP's next development support in democratic governance will be fashioned in an enormously challenging context. The EU, the US, and Russia play critical roles in this context, and the perspectives of each represent contrasting views on the future of Ukraine. Many of the governance reforms now being pursued are being done in a "European" way, in order to fulfill European Union Association Agreement and Council of Europe requirements. There are regional differences, particularly between the Donbas/Southeast and most of the rest of the country. These differences which are linguistic, cultural, historical, and economic, as well as political, manifest themselves in very different attitudes toward the EU and Russia and governance reform. The socio-economic crisis of 2014-2015 from which the country is only now starting to recover is a factor. The funds the government needs to fight the war, avoid default

and fulfill other obligations come from the West, i.e., the European Union, the US, other Western countries and the IFIs. These donors are keen on governance reform, as are the majority of the Ukrainian people.

Given current opportunities, the option is open to gear future support toward more widespread and deeper changes in democratic governance. To achieve this scope of change, UNDP will need a holistic understanding of the development context and potential levers of change. As in all countries, but in particular in Ukraine, the reform process is highly political and linked to the conflict in certain regions. In recognition of this, UNDP will need to work more politically in its programming, looking beyond technical assistance and technocratic responses, and deliberately connect its interventions at local level to national level processes. This would require significant and proactive engagement from senior management, including as active interlocutors with government leadership. It would also require senior management clearly setting expectations for results in practice and following up. The role also relates to changes that would be required in project visioning within a broader programmatic framework, design, formulation and implementation, as well as data collection, monitoring and evaluation¹¹⁸.

The future democratic governance programme should be based on sound political and contextual analysis. This goes beyond an assessment of a particular governance institution or particular legal frameworks, and looks at the systems that need to function to achieve democratic governance and the extent to which national reform processes are being translated into real change for people at a sufficient level of scale. This should ideally be done with a view to programming within broad strategic areas of focus driven by the governance problems in the country. Some of this information is already available from other sources. It is recommended the situation analysis encompass a stakeholder analysis to take stock of who the other players are - both partners and competitors - and their levels of influence and resources. The UNDP Institutional and Context Analysis Guidance Note provides useful methods for this purpose.¹¹⁹

A development programme succeeds when key players have an incentive to make it succeed. When a society's key actors are threatened by a development programme ... they have an incentive to make it fail. Understanding how different actors in society have differing incentives to enable or block development interventions is key to successful programming.

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During design, consultations involving those with multi-disciplinary expertise, beyond the existing circle of project partners, would tend to generate valuable input. Internally, expertise could be drawn from across the CO using the model of development solutions teams, envisaged in the global Strategic Plan, to collaboratively design programmes, and work together to implement them by contributing multi-disciplinary and integrated policy advice and services. A

¹¹⁸ It will be important that these processes focus on the outcome level.

¹¹⁹ http://www.undp.org/content/dam/undp/library/Democratic%20Governance/OGC/UNDP_Institutional%20and%20Context%20Analysis.pdf

¹²⁰ UNDP Institutional and Context Analysis Guidance Note.

similar approach was used by the CO internally during one design process: the formulation of the funding proposal on decentralization in 2016.¹²¹ Another example was the Recovery and Peacebuilding Area-Based Development Programming Workshop in April 2016. These could be usefully built upon as the internal elements in developing the future democratic governance and reform programme.

In addition, in view of the complexity of promoting reform in Ukraine along with the digital awareness and high literacy of the population, the more consistent use of innovation techniques for consultation, monitoring, the testing of new approaches and scaling up could be utilized.

Connected with this, UNDP would be well-served to fashion a convincing and unifying Theory of Change in the area of democratic governance to back its programme.¹²² It should locate UNDP's next interventions within a wider understanding of how change comes about, addressing the complexity of the governance changes required in Ukraine and the systems and actors that are likely to influence it. It should clarify how the programme will contribute to the desired results along with other partner contributions. Further, it should reinforce theories of change in other areas that were previously separate aspects of CO programming, i.e., peacebuilding and recovery, as well as social inclusion, to combine efforts. Finally, it should connect with the Theory of Change for the CO as a whole.¹²³ Corporate planning procedures now require the formulation of a Theory of Change for the CO as a whole but these are usually not very specific. This evaluation recommends a more tangible version in the area of democratic governance.

7.3 Efficiency

The evaluation found that, overall, UNDP used the human and financial resources within each projects efficiently. The evaluation also looked at the extent to which the interventions build on or leverage other UNDP projects including ones in areas other than democratic governance that were underway at the time. This occurred on occasion but to a limited extent. One way this was done was using the knowledge of civil society actors in one project to select partners for another.

Lessons Learned on Efficiency for Use in Future Programming

In terms of efficiency, there is a need to focus on scalability or leveraging output level achievement across projects to drive towards synergized outcome level achievements. This has implications at the management level. Projects with separate project manager positions and structures can tend to create overlaps rather than leveraging the limited resources for governance toward larger-scale change.¹²⁴ Communication between projects and across thematic areas of work and the direction of the efforts of interventions toward larger goals and communication is crucial to enhance efficiencies.

¹²¹ The multi-disciplinary team method was utilized in developing a detailed proposal in response to a USAID request for applications on Decentralization Offering Better Results and Efficiency (DOBRE).

¹²² A Theory of Change was developed for each of the two more recent projects under review, i.e., those launched in 2015. Each Theory of Change was internal to the particular project.

¹²³ UNDP corporate planning requirements now require COs to formulate a Theory of Change in CPDs.

¹²⁴ There was communication within the governance cluster which regularly met during the period under review.

Also on programme management, planning should position management (and future evaluations) to efficiently monitor and capture progress toward the achievement of planned outcomes which are consistent with the governance programme and CO theories of change.¹²⁵

Results-oriented outcome indicators with well-designed baselines and targets will be needed for this purpose. During implementation, regular and credible data collection to facilitate concretely measuring progress toward outcomes and make corrections based on new information as implementation occurs will be vital.¹²⁶ For example, the ROAR system requires that information be collected on the status of outcome indicators based on independent and verifiable sources.

Data are the lifeblood of decision-making and the raw material for accountability. Without high-quality data providing the right information on the right things at the right time; designing, monitoring and evaluating effective policies becomes almost impossible.

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With data, it will be possible for stakeholders to have a better idea at the outcome level how well projects progressed. Guidance from CO management will be needed to guide monitoring and reporting at the outcome level. Monitoring is a key management function to identify what new strategies and actions are required to advance progress toward outcomes beyond, but including, progress made in implementing outputs.¹²⁸ At its most useful, it is intended to be an ongoing process, along a cycle of doing, learning and improving.

Results-based management is a manager's responsibility and part of managing for results is to be clear on what the programme is designed to achieve, measure progress towards and attainment of results, as well as learning from programme experiences.

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On a related point, building the data collection capacities of the government on issues set out in the Sustainable Development Goals, which will coincide with some of those in the governance programme, would facilitate national reporting on Agenda 2030¹³⁰.

¹²⁵ I have mentioned this under the heading of efficiency but it also goes directly to effectiveness and relevance.

¹²⁶ In their reports, UNDP COs attend to this casual link to varying extents.

¹²⁷ The UN tasked the Independent Expert Advisory Group with making recommendations on bringing about a 'data revolution' for sustainable development. It produced a report in November 2014 titled 'A World That Counts: Mobilising A Data Revolution For Sustainable Development'. The report emphasises the importance of harnessing new data sources, private-public partnerships for data access and fostering a culture of innovation and data literacy to deliver sustainable development.

¹²⁸ For the interventions under review, management at the project level monitored ensured all activities and outputs were produced as planned and reported accordingly. For example, on the Smart Practices Project, see Annual Progress Reports for 2013 and 2014 and Project Report 2013–2015, and, on the Democratization and Human Rights Programme in Ukraine, Half Year Progress Reports.

¹²⁹ UN Women and Independent Evaluation Office, How to Manage Gender-responsive Evaluation p. 7.

¹³⁰ Areas for future programming are likely to include issues contained in Goal 16.

7.4 Sustainability

A number of specific steps were taken under the projects to ensure that changes brought about were sustained, such as partnerships with universities, CSOs and think tanks to take the results forward. Regional civil society attested to their ability to continue the results achieved after the support of UNDP concluded. At another level, though, UNDP did not generally manage the development knowledge generated from the interventions for use in informing ongoing and subsequent interventions, including scaling up.

Lessons Learned on Sustainability for Use in Future Programming

One of UNDP's main comparative advantages is as a broker of cutting edge development knowledge. Within UNDP globally, knowledge management means using the resource "knowledge" effectively to achieve greater impact on its development outcomes.¹³¹ This involves a circle of capturing the experience generated through programming to identify successful practices, collecting evidence, codifying it in policy guidelines or practical notes, reviewing and, in turn, applying it to adapt and changes plans and actions, and scale up, and so on. This is an analytical and recursive process that goes beyond reporting on completion of activities or simply observing needs. It is concerned with identifying what works in development by those that hold this tacit knowledge and re-using the knowledge.¹³² Knowledge management also involves taking stock of existing sources that UNDP and other UN agencies have developed to determine if they are relevant and, if so, adapting them.

In short, managing knowledge helps position UNDP to scale up its interventions, be a leader in development dialogues, and drive transformative change in challenging development contexts. This evaluation recommends that a practical system for managing the knowledge generated through Country Office governance interventions be established and followed up.¹³³ It should be integrated as a strategic contribution to programme delivery, not a stand-alone or additional activity on top of managing development interventions.

7.5 Gender Equality and Human Rights-based Approach to Development Programming¹³⁴

Gender equality, rooted in human rights, is increasingly recognized both as an essential development goal on its own and as vital to accelerating sustainable development overall.

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¹³¹ UNDP Knowledge Management Strategy Framework 2014–2017.

¹³² Lessons learned from future programmes could also provide the evidence-based and quality-assured content for the reinvigorated communications activities of the CO.

¹³³ The Istanbul Regional Hub is well placed to advise on a suitable system. There is no "one size fits all" for KM in UNDP Country Offices.

¹³⁴ The Human Rights-based Approach to development programming and gender mainstreaming are complementary and mutually reinforcing, and can be undertaken without conflict or duplication. See HRBA Portal: "What is the relationship between a HRBA and gender mainstreaming?" <http://hrbaportal.org/archives/faq/what-is-the-relationship-between-a-human-rights-basedapproach-and-gender-mainstreaming>.

¹³⁵ UNDP Gender Equality Strategy (2014-2017) p. 3. The Gender Equality Strategy was prepared in conjunction with the Strategic Plan and is intended to be implemented in tandem.

The period under review coincides with the UNDP Strategic Plan¹³⁶ and the organization's Gender Equality Strategy, which outlines the organization's commitment to promoting gender equality and women's empowerment.¹³⁷ Essentially, the Gender Strategy and UNDP's policy on the Human Rights-Based Approach to Development Programming commits UNDP to ensuring that at all stages of the programme/project cycle, starting from the design phase through implementation to evaluation, gender and human rights concerns are integrated. This rationale is that that women, girls and persons who are discriminated against should be able to contribute on an equal basis with others in their societies. The Government of Ukraine-UN Partnership Framework 2012–2016 described this comparative advantage of the UN in addressing the governance outcome under review in this evaluation as follows. "The UN has several decades of experience providing technical assistance on governance issues especially in the context of human rights. The UN also possesses a unique insight into the needs of persons who are vulnerable due to their socio-economic, legal or other status."¹³⁸

While globally prioritizing gender mainstreaming and applying a human rights-based approach to development programming as main strategies to achieve sustainable human development at the global level, and identifying UN insights into these issues as its comparative advantage, the interventions under review were not designed or implemented based on gender or human rights-based analyses or approaches. They did not take account of the fact that development programmes affect women and persons who belong to marginalized groups differently from others. This also applied to the Community-Based Approach to Local Development Project.

Recommendations to Ensure Gender Equality and Human Rights are Mainstreamed in Future Programming

Future interventions should apply the Human Rights-Based Approach to development programming and gender mainstreaming, assessing planned actions to determine the implications for women and men.¹³⁹ These approaches should be used to make the concerns and experiences of women and disadvantaged groups integral dimensions of the design, implementation, monitoring and evaluation of programmes so that all people benefit from development changes equally. Using these approaches would also facilitate a broader systems approach to democratic governance and the rule of law in the country, one which incorporates fundamental human rights principles to underpin all aspects of programming, rather than approaching it as a sole sector, institution or specific international process.

Gender mainstreaming aims to transform unequal social and institutional structures in order to make them responsive to gender and promote gender equality. These approaches involve much more than simply adding women's or vulnerable groups' participation to existing programmes and projects. Special attention and action is required to compensate for the existing gaps and inequalities that women and those who are marginalized face. To be

¹³⁶http://www.undp.org/content/undp/en/home/librarypage/corporate/Changing_with_the_World_UNDP_Strategic_Plan_2014_17.html

¹³⁷ <http://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-equality-strategy-2014-2017.html>

¹³⁸ Government of Ukraine – United Nations Partnership Framework 2012-2016 p. 8

https://www.unfpa.org/sites/default/files/portal-document/Ukraine_UNDAF%202012-2016.pdf.pdf

¹³⁹ UNDP quality standards announced in March 2016 require "gender screening". The Social and Environmental Standards integrate the human-rights based approach as part of corporate programming procedure. See: Strategic Planning for a Higher Performing UNDP: Strengthening Quality Programming and Quality Assurance.

performed well, gender mainstreaming and using a human rights-based approach in development programming require a specific set of technical competencies.

8 Recommendations for Future Action

UNDP Ukraine has formulated a framework for the next programme cycle by designing three strategic areas to address within the Democratic Governance and Reform Programme, with clusters of issues under each component.¹⁴⁰ Plans are underway for the framework to be operationalized. As this is done, the following overall directions are offered for consideration taking into account the above lessons learned. First, the achievements of the projects reviewed in this evaluation should be considered as a basis to be built upon and integrated in new and existing programming. This would require that in specific instances when the project is complete, the area of work be considered for follow up with further programming.

Second, the overall directions take into account that democratic governance is an interlinked political and social system at all levels, not singular institutions, and that addressing the key challenges to governance such as corruption, accountability and transparency or human rights should wherever possible be part of activities with all key institutions (parliaments, local governments, justice system and other reforms).

Finally, the overall directions recommended by this evaluation also take into account that technical approaches have substantial limits to delivering outcome-level change. Future democratic governance programming should link the engagement of all projects at the local or area-based level, to national level reform processes, central CSO engagement and political decision-making. For this, consistent UNDP senior leadership engagement on key issues of governance reform at the national level will be essential.

Objective A	CAPABILITY - Capability for Decentralization and Local Governance <i>Enabling state and society</i>
Planned areas of support	<ol style="list-style-type: none">1. Central level policy support for decentralized governance2. Local government capacity development3. Community empowerment and community-based local development

¹⁴⁰ Further, the structure of the CO changed with the establishment of Country Director and Deputy Country Director posts. Two thematic advisory posts were established, including one on Democratic Governance. Strategic development of UNDP's response to democratic governance reforms and priorities is the overarching function of the Advisor.

Build on:	<ul style="list-style-type: none"> • Democratization programme: E Governance, open data, e-solutions for local service delivery • Smart Practises: decentralization policy and quality of service shaped by civil society action based on citizen feedback and civil society action to improve municipal service • CBA: extensive network of CBOs
Suggested directions	<ul style="list-style-type: none"> • Scale up and broaden Smart Practices support to CASPs. • Pilot eGovernance and citizen engagement in decision-making and monitoring of quality of public services practises in mid-sized cities, with mayors and CSOs, cost shared by target municipalities. • Pursue UNW-UNDP restoration project on social cohesion and sub-national capacity. • Support integrated anti-corruption (integrity plans, risks assessments, human resources etc.), accountability and transparency processes, building on open budgets, open contracting, at the local level. • Citizen and local community awareness, engage youth as a specific target group and a wide array of credible CSOs for reach and sustainability

Objective B	LIMITS TO STATE POWER - Accountable Democratic Institutions and the Rule of Law <i>Accountability</i>
Planned areas of support	<ol style="list-style-type: none"> 1. Anti-corruption, openness and transparency 2. Human Rights, rule of law and access to justice 3. Effective democratic representation, parliamentary reform and development

Build on:	<ul style="list-style-type: none"> • Democratization Programme area: new prevention mechanism in the NAPC • Integrity and Transparency project: asset declaration • <i>Ombudsperson</i> project • ROL project with first component launched • Democratization programme: legal aid provider network • Constitution Reform Commission communications support
Suggested directions	<p>1.1 Broaden prevention of corruption (also related to eGovernance above), combine with sectoral work, link with UNCAC and OECD reporting and other international levers.</p> <p>1.2 Coordinate PAR reform process, integrating the accountability aim in new law (links to e-governance, anti-corruption, open government/data, human rights and local governance/decentralization)</p> <p>1.3 Strengthen media freedom, capacity development on evidence-based /data literacy journalism, linked to open data work</p> <p>2.1 Broaden ROL support to justice and security including on SGBV as per GRIPP, expand legal aid support (with OSI)</p> <p>2.2 Consider openings with Procuracy and judiciary as they emerge, building off the ROL support at national level.</p> <p>2.3 Flexible focus on human rights to support implementation of UPR, UN treaty body and Special Rapporteur recommendations through sectoral work, in addition to applying the Human Rights-Based Approach to Development Programming and integrating Gender Equality throughout governance programming.</p> <p>3.1 Undertake the Parliamentary project, expertise to Constitutional Committee especially on justice and human rights, integrity, accountability, transparency and anti-corruption, incorporating open government and evidence-based and participatory decision-making (i.e., open data).</p>
Objective C	<p>GUIDING STATE POLICY - Responsive Governance for an Inclusive Society and Sustainable Human Development</p> <p><i>Responsiveness</i></p>
Planned areas of support	<ul style="list-style-type: none"> • Equitable economic development at central, regional and local level • Employment, social protection and social policy reform • Development, effectiveness and social innovation
Build on:	<ul style="list-style-type: none"> • Economic recovery work of recovery cluster

Suggested Directions

- Advocacy and expertise on a new Civil Procedure Code to replace the current Economic Procedure Code which impedes development
- Facilitate restoration of social cohesion, constructive public debate and common ground on economic recovery (as per the UNW-UNDP joint project)
- Support lead up to National Platform for Reconciliation and Social Cohesion
- Expertise on progressive tax legislation – openings to be assessed
- Intervention on transparency and integrity aspects of the governance of the energy sector – openings to be explored

Annex 1 – Evaluation Timelines

Home-Based	
April 4-5	Preparation, mission planning, document review
April 6-7	Writing and submission of Inception Report
In Country	
April 10	Evaluation Team preparations
April 11 - 13	Meetings with UNDP CO management and staff
April 14 - 20	Interviews with partners and beneficiaries
April 21	Presentation of initial findings to CO
Istanbul Regional Hub	
April 25 - May 2	Consultation with regional advisors on recommendations
Home-Based	
April 27 - May 6	Analysis, verification and collecting additional, May 3 CO comments, revisions thereafter
May 8	Submission of Evaluation Report

Annex 2 – Persons Consulted

Government

Ms. Valeriya Lutkovska, Parliamentary Commissioner on Human Rights
Ms. Nataliya Sevostyanova, First Deputy Minister of Justice of Ukraine
Ms. Olena Smirnova, Deputy Head of the Secretariat
Mr. Oleksandr Kamenchuk, Head of Department on Development of the System of Administrative Services Provision of the Ministry of Economic Development and Trade of Ukraine
Mr. Ruslan Ryaboshapka, Member of the National Agency for Prevention of Corruption
Mr. Oleksandr Ryzhenko, Head of the National E-Governance Agency (e-governance and open data)
Mr. Vyacheslav Negoda, First Deputy Minister of Regional Development
Mr. Viktor Chumak, Member of Parliament, Deputy Head of the Committee of the Verkhovna Rada of Ukraine on Corruption Prevention

UNDP

Country Office Ukraine

Mr. Janthomas Hiemstra, UNDP Country Director
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Annex 3 – Indicative Evaluation Questions

1. Effectiveness

- 1.1 What is the evidence of positive results by UNDP in the establishment and strengthening of democratic governance to be more effective, accountable and responsive to the needs of people in Ukraine especially the most vulnerable?
- 1.2 What changes* in democratic governance were observed at the country-level because of project inputs?
**observable and significant change in social actors' behaviour, relationships, activities, actions, policies or practice that has been achieved that has been influenced by the programme.¹⁴¹*
 - Did the intervention result in policy/legal frameworks being enacted?
 - Did the project result in stronger support being offered to civil society organizations working on democratic governance?
- 1.3 What were the roles of UNDP, partners and other stakeholders in the achievement of the outcome?
- 1.4 What were the main strengths and weaknesses of the intervention in providing support to strengthen institutions of democratic governance?
- 1.5 What were the main weaknesses of the project in providing support to strengthen institutions of democratic governance? What prevented UNDP from achieving results in democratic governance? What lessons can be drawn from this?
- 1.6 What were the roles of UNDP, partners and other stakeholders in the achievement of results in support of democratic governance? To what extent are the achievements/results identified the result of UNDP intervention rather than other/external factors? How important was UNDP's contribution?
- 1.7 What were the strategies and methods used to work together with partners and communicate results?
- 1.8 Were lessons learned during implementation of the project used to adjust the way the project was carried forward? Were the lessons learned recorded?
- 1.9 What are the positive and negative effects of the UNDP interventions?

2. Relevance

- 2.1 What was the relevance of the intervention to the national situation, government and non-governmental actors?
 - Were the priorities properly selected?
 - How were they selected? How did stakeholders participate in determining relevance?
 - How did the design of the project incorporate national stakeholder needs and priorities?
- 2.2 Did the intervention address the rights of disadvantaged and vulnerable people?
- 2.3 How did women participate in the design and implementation of the project?
- 2.4 What were the most/least successful ways that the project ensured the relevance of its activities to stakeholders?

3. Efficiency

- 3.1 What were the main ways the project was efficient in supporting democratic governance?
- 3.2 How did the intervention build on or leverage other UNDP projects including ones in areas other than democratic governance that were underway at the time?

¹⁴¹ Definition taken from Ricardo Wilson-Grau and Heather Britt. 2012. ["Outcome Harvesting."](#) Ford Foundation.

4. Sustainability

- 4.1** How did the project contribute to the national capacity to manage processes to continue the outcomes/changes achieved? Were partners able to contribute to continued achievements of results after the support of UNDP has concluded?
- 4.2** What steps were taken under the project to ensure that changes brought about were sustained?
- 4.3** Are the achievements likely to be durable?
- 4.4** Was UNDP successful in building the necessary capacity?
- 4.5** How were the long-term effects of the project perceived by stakeholders?

5. Gender Mainstreaming and Human Rights-Based Approach

- 5.1** Did UNDP plan results that challenged gender inequality?
- 5.2** Were gender indicators formulated in the design of the project?
- 5.3** Did project monitoring include data on gender equality?
- 5.4** To what degree were those results that were related to gender equality achieved? What is the evidence available to support this?
- 5.5** How was the intervention effective in implementing gender mainstreaming?
- 5.6** Were there factors that hampered gender mainstreaming in the design and implementation of the project.
- 5.7** Did UNDP plan and implement the intervention to advance the principle of non-discrimination?
- 5.8** Did UNDP plan the intervention to address the rights of vulnerable and disadvantaged people? Were relevant indicators formulated in the project documents?
- 5.9** Did project monitoring include data on the impact of the project on vulnerable and disadvantaged people?
- 5.10** What were the most effective arrangements for integrating human rights in the intervention?