

Defending Human Rights in Georgia

**An Evaluation of the Cooperation between
the Public Defenders Office in Georgia
and the Raoul Wallenberg Institute**

**Gunnar Olesen
Nino Sakashvili**

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Sida Evaluation 07/06

Department for Europe

This report is part of *Sida Evaluations*, a series comprising evaluations of Swedish development assistance. Sida's other series concerned with evaluations, Sida Studies in Evaluation, concerns methodologically oriented studies commissioned by Sida. Both series are administered by the Department for Evaluation and Internal Audit, an independent department reporting directly to Sida's Board of Directors.

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Sida Evaluation 07/06
Commissioned by Sida, Department for Europe

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Registration No.: 2005-000377
Date of Final Report: October 2006
Printed by Edita Communication AB, 2007
Art. no. Sida36910en
ISBN 91-586-8215-5
ISSN 1401—0402

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Table of Contents

List of Abbreviations	2
Executive Summary	3
1. Introduction	6
2. Methodology	6
3. Background and Evaluation Object	8
4. The Public Defender's Office	10
4.1 The Effectiveness of the Work of the PDO	11
4.2 Connectedness with the Georgian State and Society	13
4.3 Impact on Public Opinion and Political Climate	14
4.4 Political and Financial Sustainability of the PDO	16
4.5 The Strategic Plan	16
4.6 Conclusions regarding the Needs for Support of the PDO	16
5. Relevance and Short-term Results of the Sida-RWI Project	17
5.1 Relevance and Effectiveness	17
5.2 The Adequacy of the Project Design	18
5.3 Efficiency and Cost-effectiveness of the Support	19
6. Overall Conclusions	19
6.1 Assessment of the RWI Concept Paper.....	20
7. Recommendations	23
7.1 Terms of Reference for the Proposed Project: Capacity Building of the Public Defender's Office in Georgia, Phase III.....	23
7.2 Project Sustainability	26
7.3 Risk Analysis.....	26
7.4 Terms of Reference for the Advisors in the Project Proposal	27
7.5 Tentative Budget (thousand SEK)	28
Annex 1 Terms of Reference	29
Annex 2 Persons Met	32
Annex 3 Documents Consulted	34

List of Abbreviations

GEL	Georgian Lari (September 2006, 1 USD equalled approximately 1,75 GEL)
HQ	Headquarters
IHRL	International Human Rights Law
NHRAP	National Human Rights Action Plan
PD	Public Defender
PDO	Public Defender's Office
RWI	Raoul Wallenberg Institute
SEK	Swedish kroner
ToR	Terms of Reference
USD	US dollar

Executive Summary

Major Findings

The “Rose Revolution” in November 2003 created an auspicious basis for a more substantial impact of the work of the Public Defender’s Office (PDO) than before. On the one hand, priority and receptiveness in the political system of the PDO-mission is higher and so is the congruence of goals and objectives between a reformed public sector and the PDO. In line with this tendency, public knowledge about the PDO, expectations to it and corresponding inclination to make use of it is growing. Overall, the political and societal connectedness of the PDO is improved.

On the other hand, the financial basis for the institution has improved significantly with the raise in the size of the budget, thereby increasing the potential for performance of the PDO. In other words, the political and financial sustainability of the PDO has increased.

At the same time, there is a continued strong need for an effectively performing PDO. While the ongoing state reform process has diminished human rights violations in some important areas, conditions in other areas still require considerable corrective action.

While the PDO has increased its effectiveness and efficiency thanks to the abovementioned increased connectedness and sustainability, and to a new and dedicated staff, the PDO still has a long way to go in order to cover the needs. Thus, there is a scope for continued external support for this important element in Georgian democratic governance. More so, as there is reason to trust the sustainability and absorption capacity of the institution.

While the Sida funded support so far has mainly concentrated on needed provision of inputs from international human rights law through stand-alone arrangements, it is found by the evaluation team that the most pressuring challenges, which the PDO is now facing, rather relate to capacity development within managerial, monitoring and other professional skills.

Methodologically, a need is found for continuous technical advice in these areas, through in-service training based on coaching and supervision.

Recommendations

The evaluation team, therefore recommends that the Sida-funded support for the PDO in Georgia be continued over a period of 3 years, 2007–2009, and that the support be organised as expressed in the below Terms of Reference:

Duration: 3 years, 2007–09

It is expected that the third phase of support will be last. The below design is consequently geared towards the accomplishment of technical and financial sustainability of the activities upon project termination.

Purpose

The third phase of the project is to further develop and reinforce the capacity of the Public Defender’s Office and its regional offices, as well as to strengthen its cooperation with the National Human Rights Institutions of South Caucasus.

Immediate Objective 1

Internal capacity building of the PDO (including the regional offices to strengthen its technical skills and human rights knowledge.

Output 1

Strengthened technical and managerial skills and improved human rights knowledge in connection to the mandate of the PDO, resulting in improved case handling, investigation techniques, management and strategies of the PDO to promote and protect human rights.

Inputs

- An international advisor to be located in Georgia 10 work months in year 1, 5 months in year 2 and 3 months in year 3.
- National advisors working in tandem with the international advisor
- Financial and logistical support for study tours, including in South East Europe.

Output 2

The PDO's documentation centre is well resourced with relevant human rights literature and documentation in international human rights law and able to function as a focal point of information for NGOs, students, researchers and the general public.

Inputs

- International advisor with human rights, knowledge management and dissemination skills, 2 months each year of the project life span, located in Georgia.
- Financial support for the development of the database, publications and translation, international distribution system to the Russian speaking countries and for national dissemination.

Immediate Objective 2

Improved cooperation between the PDO and its counterpart institutions and strengthened cooperation with National Human Rights Institutions of the countries of South Caucasus

Output 1

Practical cooperation between the PDO and its counterpart institutions within the Georgian state, national and regional levels, including the judiciary, the law enforcement agencies, the penitentiary system, the national security system, labour market and social affairs and ethnic and religious minority issues. Cooperation will include increased exchange of information and cooperation in promoting specific human rights issues.

Inputs:

- International and national technical assistance for the further development of cooperation procedures between the PDO and counterparts.
- Financial and logistical support for the conduct of topic related workshops and Conferences within International Human Rights Law (IHRL).

Output 2

Continued support to the development of a National Human Rights Action Plan in Georgia.

Input

International and national technical assistance until the Action Plan is developed.

Output 3

Enhanced cooperation of National Human Rights Institutions of South Caucasus, including strengthened human rights knowledge and technical skills of these institutions.

Input

Financial support for the exchange and/or secondment of staff

Tentative budget: SEK 15,165.000

Organisation of Project Implementation

It is recommended that Sida subcontract an adequately qualified agent to implement the project in cooperation with the PDO, reporting to the Sida-office in Tbilisi. The implementing agent should consist of an international and a Georgian partner. The international partner could be the Raoul Wallenberg Institute, which has been in charge of the first and the second phase of the project. However, considering the proposed shift of emphasis of the third phase towards the strengthening of general managerial and professional skills, another international partner might be identified.

Risk analysis

In the view of the evaluation team, the possible risks are the following:

- Possible major changes in the political system in Georgia, or international crises affecting Georgia, may endanger the work conditions of the PDO. Should they occur, it is outside the scope of the project to do anything about it.
- A more likely risk to materialise may be that the impartiality of the PDO regarding the government-opposition relationship in the country may be seriously questioned. However, the PD is aware of this risk and given that the major part of the cases dealt with are concerned with areas under the responsibility of the government, the team does not consider it likely to be serious. Should the allegations for selectiveness in the work of the PDO be underpinned, the project would have to reconsider the continuation of the activities.
- There is a risk that possible future financial crises may affect the government funding of the PDO negatively. It is a prerequisite for the envisaged continued capacity development of the PDO that at least the present budget level is maintained, since the ever-present danger of losing good staff for financially more attractive positions will otherwise undermine the professional development as it has happened in the past. Continued support should therefore be conditioned by the continued government priority of the institution as expressed in budgetary terms.
- Finally, there is an apparent risk for intra-governmental rivalry, which lead to loss of PDO-staff and a consequent loss of acquired skills through the project (as it happened under Phase II). Project continuation might, therefore, be conditioned by PDO measures to secure a certain continuity of staff.

1. Introduction

Sida's evaluation of the Public Defender's Office (PDO) in Georgia and of the Swedish support for the PDO (Terms of Reference, ToR in Annex 1 refer) was entrusted to Copenhagen Development Consulting (Copenhagen DC) with a team consisting of Mr Gunnar Olesen, (team-leader, international consultant) and Ms Nino Saakashvili (Georgian consultant).

August 2006, briefing meetings were held in Stockholm with the Sida country coordinator and in Lund, Sweden, with the Raoul Wallenberg Institute (RWI). An Inception Report was subsequently elaborated and endorsed by Sida.

Field studies in Georgia took place over two weeks, September 4–15, initiated by briefing meetings with the Sida Tbilisi office and the Public Defender and staff. At the end of the mission, a joint debriefing meeting was held with both parties. Here, the main findings and conclusions of the mission team were outlined. There was an overall consensus about the main recommendations presented below. The Draft Report was produced end-September and a debriefing meeting held in the Sida HQ on 9 October. Further to the comments to the Draft, the Final Report was finalised end-October.

This report is structured in accordance with the ToR. It starts with an outline of the methodology, followed by assessments' sections on the PDO in general and on the Sida-funded support project. The major findings are summarised in a concluding section, including comments to the RWI-concept paper for a proposed continuation, further to which the consequent recommendations are formulated with an emphasis on the proposed third phase of the project for which Terms of Reference are formulated as requested by the ToR.

The evaluation team wishes to express its appreciation of the forthcoming and cooperative attitude met with the abovementioned parties, and with the other interlocutors met in Georgia. This attitude was a great help for the implementation of the evaluation.

2. Methodology

In order to look for the answers to the evaluation questions of the ToR, the team studied the following documentation:

- Web-based and print literature about the relevant parts of the Georgian context,
- Narrative and financial documentation on the implementation of the Sida-funded RWI-UNDP support for the PDO, phases I and II, with an emphasis on phase II,
- Earlier evaluations and consultancy reports related to this project.
- Sample coverage of the PDO activities in the Georgian press

To provide a covering picture, as requested in the ToR, of the earlier and present activities of the PDO, including the media coverage of these activities, the team had extensive talks with the Public Defender (PD), Mr Sozar Subari,¹ and it visited the different departments and division of the PDO-HQ as well as

¹ The Public Defender is frequently referred to, in Georgia, as the Ombudsman. The term Public Defender is used here in accordance with the ToR.

the regional offices of Kutaisi² and Zugdidi in Western Georgia. It was not possible to visit the third regional office in Batumi within the given timeframe. During the mission, the evaluation endeavoured to identify the strengths and weaknesses of the PDO in order to determine in which ways possible continued Sida-support could be most valuable.

The team asked for aggregate quantitative information to illustrate the activities in the years after 2000. This information was kindly provided by the PDO to the extent possible. However, the institutional memory of the PDO from before the Rose-revolution in November 2003, and the statistical/knowledge management capacity of the PDO is generally limited. While this is understandable on the background of overall societal development in Georgia in the recent years, it means that the supporting evidence of this report has had to rely mainly on the information and assessments of the interlocutors. In addition, meetings were held with the project partners:

- Sida and RWI staff in the HQ and in Georgia
- UNDP staff in Georgia

The team met with representatives for most important counterparts of the PDO within the Georgian state, at the central and the regional level:

- The police
- The prosecutors
- The penitential authorities

At the central level also with:

- The Supreme Court
- The Ministry of Health
- The Ministry of Internal Affairs

The team met with the following groups of stakeholders:

- The chairperson of the Human Rights Committee of the Parliament
- Human rights NGOs (focus group meeting)
- Participants in the courses and seminars conducted under the RWI/UNDP-project

The following categories of key informants were consulted:

- The press (focus group meeting)
- The academia

In all cases, semi-structured interview guides were applied.

Finally, the team took the opportunity to interview some thirty, randomly selected, representatives of the Georgian population met in the street or in the waiting rooms at public authorities about their knowledge of and viewpoints on the PDO.

The outcomes of the above gathering of information was analysed by the team and the subsequent main findings, conclusions and recommendations presented at the debriefing meetings and discussed with the PDO and the Sida-office in Tbilisi as well as in the Sida HQ.

² The Kutaisi office was upgraded to cover the whole Western Georgia in early September 2006, while the other sub-regional offices in Western Georgia still exist.

3. Background and Evaluation Object

When the former Soviet republic of Georgia again became the independent state of Georgia in 1991, it faced a tough combination of double political and economic transition to democracy and market economy with international political pressure from Russia. The latter manifested through support for the secessionist forces in the provinces of Abkhazia, South Ossetia and Adjara. Some 30% of the then population of approximately 5,5 million belong to ethnic minorities³. While relations between the ethnicities have not been problematic per tradition, post-independence hardships, political and international political tensions have contributed to some aggravation. A similar development has been discernible in the religious dimension, where the dominant position of the Georgian Orthodox Church has been strengthened after independence with an apparent consequent decline in tolerance towards religious minorities.

In the mid-1990s, when Eduard Shevardnadze became president in Georgia, the majority of the population was impoverished and considerable emigration followed. Abkhazia and South Ossetia were established as de facto quasi-states, resulting in the ousting of several hundred thousand ethnic Georgians, living as “internally displaced persons” (IDPs) under these still frozen conflicts.⁴ While the formal democratic institutions were developed, including the law, which established the Public Defender’s Office in 1997, the Shevardnadze-regime was increasingly discredited for ineffective and corrupt management. The donor-supported NGOs, focusing in human rights and good governance issues, became an important part of the opposition. They managed to embody and articulate the young educated strata of the population, which became the dynamo of the peaceful popular uprising in the autumn of 2003 known as the “Rose-revolution”.

When Mr Shevardnadze left Presidency in November 2003 for Mr Mikael Saakashvili of the “National Movement”, a major reform of the state was initiated, without major changes in the economic and social system, which has severely polarized the population. The new, young leadership originated to a wide extent in the NGO-community. Its first priority was the fight against corruption, a main consequence of which was a considerable leaning, change of staff and an outspoken rejuvenation in the public sector, especially the coercive power agencies. At the same time, fiscal efficiency increased, making it possible to raise salaries of public employees to a level, which does not automatically entail corruption. Visible and symbolic cleaning of the public space and more friendly accessibility to public agencies has been another priority for the new government.

The bearers of the former regime seem to have disappeared from public life, leaving a rather scattered political opposition behind. The NGO-community is in search of a new identity – and staff – since a large part of the former management and staff now have positions in the government offices.

The PDO

As mentioned, the PDO was established in 1997. In accordance with the governing by-law, the activities of the PDO fall within the main categories with the common objective of protecting the respect of human rights in Georgia:

- The handling of complaints
- Pro-active monitoring of the exercise of public authority
- Examining the existing law body and upcoming legislation in relation to the human rights’ dimension

³ A reduction of the population occurred during the 1990s as a result of forced emigration due to rapidly declining living conditions and to declining life expectancy and birth rates.

⁴ Adjara has been reintegrated with the rest of Georgia. Under the present government, the most visible part of the IDP problem was formally solved by closing some of the camp-facilities, while paying out a one-time financial support to the IDPs.

The PDO reports to the Parliament, orally and through a written report, bi-annually.

There is reason to believe that its possibilities to make an impact were limited anyway under the previous regime and it is the common perception met by the evaluation team that the institution did not make a major difference under the first PD in the 1990es. Nevertheless, the second PD, Ms Nana Devderiani, a former publicly well known TV-journalist, who held the position from 2000 until she was called for another government position in 2003, managed to strengthen the public profile of the PD considerably. It has, however, not been possible for the evaluation team to establish any solid evidence about the performance and impact of the PDO under the previous PDs. The only known figures are the number of staff, 44, their (very low) remuneration and complaints in 2002.

The “Rose-wave” of reform also touched the PDO. First with a vacuum under a year-long vacancy in the PD-position, from the autumn of 2003 till the appointment of Mr Subari in the autumn of 2004. The new PD (who was also a well-known TV- journalist and NGO person) is a typical representative for the new system. He started by requesting the dismissal of the entire staff of the office. After some months, an entirely new, young and increased (60 members) staff was in place in a reorganised PDO, for the restructuring of which, the RWI-project had provided technical assistance. In line with overall government policy the new PD managed to ensure a quadrupling of the budget.

The RWI-project

The Sida-funded RWI project, implemented through the UNDP, has supported the PDO from 1999 through two subsequent project phases, by capacity development mainly in relation to training in international human rights law and procedures, including training not only for the PDO-staff but also for judges, police and prosecutors. For this project the complete change of staff represented a loss of the previous investment in human resources. In reality, a new phase of the project started with an RWI-fact-finding mission shortly after the appointment of Mr Subari and subsequent RWI-advisory missions to support the recruitment and reorganisation process.

In addition to support from Sweden, the PDO receives external support from Norway, also channelled through the UNDP, for the budgets of the special units for the rights of children, patients and the legal centre. In financial terms, the Norwegian support is much smaller than the Swedish, for which the second phase was endowed with a budget of approximately 15,6 Million Swedish kroner (SEK), or ca. USD 2,2 Million for the three-year period of time, 2003–2006.

Assessments

The evaluation is to include assessments of the overall importance and performance of the Public Defender’s Office in Georgia as well as of relevance and short-term results of the Sida-funded and RWI-UNDP implemented project specifically.

4. The Public Defender's Office

Overall, there is consensus among stakeholders and observers about the relevance of the work of the PDO, in the sense that:

- The societal importance of the PDO has risen considerably after the “Rose-revolution”, late 2003, and the subsequent inception of the present Public Defender, Mr Sozar Subari, late 2004
- There is a continued great need for its work in Georgian society
- The public defender is a well-known and well-respected public figure and the institution enjoys a high degree of public credibility.⁵

The PDO is, in accordance with the advice received from the RWI-project, now organised as illustrated in the below organigram, with the approximate number of staff per unit indicated:

Advisor on European Integration		Public Defender		Main advisor
		Deputy Public Defender		
Dept. for Monitoring and Investigation	Dept. for Information and Policy	Admin. and Financial Offices	Regional Offices	Specialised units
Divisions for: Justice (8)	Divisions for: Strategic Development (3)	Personnel (3)	Main office	Units for: Children's Rights (3)
Equality and Freedom (Minority rights) (5)	Information (5)	Financial (3)	Sub-offices: Kutaisi (4)	Tolerance (2)
Administrative and Economic Affairs (6)	Research and Library (1)		Zugdidi(1)	Legal Centre (1)
Reception of Citizens' complaints (4)			Batumi (2)	Social and Patients' Rights (3)

Total number of staff is 59 at present, almost all of them with a legal education (with the notable exception of the PD) according to the information given to the evaluation team. The majority of the staff are between 23–28 years of age, and have a prior work experience ranging from 0 to 3 years. As mentioned, all staff have less than two years of work experience within the PDO. The permanent staff is assisted by a limited number of interns, all law students.

The PDO HQ is centrally located in a suitable building well equipped with office and meeting facilities as well as with modern office equipment, which is being used by the staff. The same is the case for the Kutaisi office, while the Zugdidi office is difficult to find and poorly equipped. Gender-wise, the majority of staff are women, approximately two thirds of the total. This is also reflected on the managerial level.

The regional offices are quite small. Four permanent staff are located in the Kutaisi main office for Western Georgia, one in the Zugdidi regional office (assisted by an intern) and two in Batumi. According to documents originating from the RWI-project, it was earlier regarded as a high priority to establish more regional offices, in particular in the Southern and Eastern regions where a relatively high proportion of the population belong to ethnic minorities (including Armenian and Azeri minorities. According to information from the PD to the evaluation team, however, this is not regarded as a priority for the foreseeable future, as the central Tbilisi office is already overburdened.

⁵ According to a recent public opinion poll, (“Kviris Palitra”, 4–10 September), the Public Defender's Office comes in as the second most trust-worthy public institution next to the Orthodox Church. In other words as the leading state agency, on top of for example the courts.

Some 25 staff, or approximately half the HQ-staff, are employed in the Department for Monitoring and Investigation. The budget for three out of the four specialised Centres – Children’s and Patients’ Rights and the Legal Centre – are covered by the Norwegian supported project. It is remarkable that the Legal Centre which is in charge of the monitoring of the existing law body and the legislative process in relation to the compliance with human rights is staffed with only one professional and one intern.

The Deputy Public Defender has been vacant for almost one year. According to the PD, it is hard to identify a suitable candidate with the right legal background. Public announcement of the position has not been undertaken. Given that the PD is a highly profiled public political and media person, it would be assumed, as it was the case by an advisory mission provided by the RWI-project ⁶ that a deputy would be needed, not least to be in charge of internal management, and that the accommodation of this need might be more urgent than the right legal profile. This recommendation is fully endorsed by the evaluation team.

The present range of PDO monthly salaries varies, similar to other state structures from GEL 3,000 in the top over 2,500 – 800 for the various levels of managerial staff to GEL 4–500 for the professional staff (the “specialists”). A rough calculation indicates an average yearly salary cost of some GEL 10,000, or in other words a total of GEL 600,000 approximately one half of the level of the present budget of the PDO. The specialists’ salaries are considered more or less sufficient to make a living on, however modest, unlike the much lower salaries which were paid up to 2005. Whether it is also enough to retain competent staff, considering the much higher professional wage levels in the (limited) private sector, remains to be seen. The PD expects to be able to raise the lowest salaries within a range from GEL 50–100 in 2007.

4.1 The Effectiveness of the Work of the PDO

As a contribution to the assessment, the evaluation team forwarded the quantifiable parts of the evaluation questions to the PDO in the below table format at the outset of the mission and it was, further to the end of the mission, provided with the below answers. The institution regretted not to be able to provide more information.

Quantitative Overview of the Activities of the PDO

	2002	2003	2004	2005
No. of complaints				
Overall	1625	1564	1280	2254
By category:				
1. Civil and political rights (mainly about criminal proceedings, fair trial, ill-treatment, shortage of objective investigation, shortage of appropriate condition in prisons, unlawful detention and unlawful charge etc.		645	590	1003
2. Social and cultural rights (Right to work, financial redress issues, litigations about real estate, medical and health issues and etc.)		971	661	740
3. Freedom of belief and expression (Rights of minorities)		20	7	18
4. Women’s rights		1	3	8
5. Children’s rights		23	19	10
No of complaints accepted		63%	54%	75%
And rejected		37%	46%	25%

⁶ Mission Report: Capacity Building of PDO in Georgia, Phase II (W.T. Chapman, 2005)

	2002	2003	2004	2005
No of issues raised on own initiative, by category				
No of recommendations emitted		992	670	650
By category:				
1. Civil and political rights		420	302	571
2. Social and cultural rights		517	309	32
3. Freedom of belief and expression		25	17	24
4. Various		30	42	9
No of recommendations adhered to (estimate) by category				
Outreach and public communications activities initiated by the PDO				
Media coverage of PDO activities				
No. of PDO staff		44	44	60
– By professional specialisation				
– By work specialisation				
Donor support, Norway		\$31,653	\$39,753	\$14,037
Sweden		\$42,612	\$230,638	\$217,675
Government budget				
Staff remuneration cost (GEL)		50,250	98,983	479,420
Other costs				

The total number of complaints received in the 1st half of 2006 was 1254, thus underlining the tendency towards a rapid increase since the revival of the PDO from late 2004.

From the above information, it is worth noting that:

- The institutional memory of the PDO is short and its present capacity for knowledge management in statistical terms is limited
- The number of complaints have been steadily rising over the last couple of years, leaving a considerable caseload for the staff to handle, (approximately 90 complaints per year per staff member in the monitoring and investigation department in 2005!).
- The number of staff and in particular their remuneration has risen considerably over the same period of time
- By far the largest number of complaints relate to perceived violations of rights by:
 - The justice, law enforcement and penitentiary systems
 - The employment and social authorities as well as the medical authorities (both categories are allegedly big issues measured in the number of complaints, the statistics, however, do not distinguish between them)
- In reverse, the number of complaints related to women's rights is surprisingly low, also considering the tradition for a rather high women's profile in the PDO
- From 2003 to 2005 there is a statistically significant tendency towards a relatively larger amount of complaints in the first of the above two major categories compared to the latter one. Considering the effects of the Rose-revolution, it seems likely that the explanation is an increased belief in the population that it has become worthwhile to complain against the police etc.
- In spite of the doubling of the number for complaints from 2004 to 2005, there has been a significant rise in the number of complaints accepted. This may be explained by either a different, more accepting, policy of the PDO, or by a larger case-handling capacity or – supposedly – by a combination of those factors.

- Given the increase in both the number of complaints and in the percentage accepted from 2004 to 2005, it appears enigmatic how the number of recommendations emitted in 2005 can be smaller than in 2004. While the evaluation team did not have the opportunity to discuss the issue with the PDO, longer case-handling time appears as the only possible explanation. The team did raise the issue of the case-handling time-consumption independently from the above figures, based on anecdotic evidence and complaints from interviewees about lengthy periods of waiting for recommendations. However, the PDO did not possess exact knowledge about this possible problem.
- In 2004 the percentage of recommendations emitted of the intake of complaints related to
 - civil and political rights, was 51%, and related
 - social and cultural rights, was 45%
 In 2005, the corresponding figures were:
 - 57%, and 4% (!)

While the PD addressed the technical difficulties in resolving the employment and social related cases, the above figures also indicate a clear change in the priorities towards the first group of cases.

During its talks with the PDO management and staff, the team received some additional information, including figures, which illustrate the vivid interaction with the media, through the issuing of 245 press releases in the same period of time.

The PD underlined the lack of other analytical skills than the legal ones as a major shortcoming in the present set-up of the organisation. This was particularly felt in relation to insufficient capacity for analysing problems, generalising and presenting the results of such analyses to the Parliament and the public, based on the comprehensive casuistic information available.

4.2 Connectedness with the Georgian State and Society

Relations to State Bodies

Overall, the PDO appears to enjoy political priority from the present government in Georgia. Its work coincides to a certain extent with ongoing reforms in the state structures.

Within the political system of Georgia the PDO is an independent body, which reports to the Parliament, in which the chairwoman of the Human Rights Committee is the most important person in relation to the PDO. She expressed a high degree of support for the PDO and was personally dedicated to the success of its work. She engaged herself vividly in the compliance to its recommendations by undertaking lengthy negotiations with the concerned state bodies if necessary.

Regarding the coordination with the judicial and the penitentiary systems, the prosecutors and the law enforcement, the experience is, according to the interviews of the evaluation team with representatives for these bodies, that there is a general acceptance of the importance and legitimacy of the role of the PDO.

The court system mainly interacts with the PDO in relation to the issuing of administrative fines related to the cases of non-compliance with the recommendations of the PDO. According to both parties this cooperation works excellently.

The main relation of the prosecutors with the PDO consists in the referral of cases, which require further investigation by the PDO to the prosecutors. While it has not been possible for the evaluation team to ascertain the effectiveness of this division of labour, both parties have expressed their satisfaction with it.

As illustrated by the number of complaints, as well as the intensity of the monitoring activity undertaken by the PDO, the police, together with the penitentiary system, are the main “counterparts” of the

PDO. As mentioned below, the PDO has been significantly more successful in obtaining compliance to its recommendations with the police than with the penitentiary. While this supposedly mainly reflects more auspicious material and political conditions within the police, the difference is also reflected in different attitudes to the PDO, the police representatives met being more accommodating and positive in their assessment of the role of the PDO than those met from the penitentiary.⁷

The reform of the police corps has been subject to much political priority and attention. A separate Human Rights Unit has been established within the police to ensure the non-violation of the rights. A similar Unit has been established within the penitentiary but the results of its work are still not very visible, while the conditions in the prisons and under pre-trial detention are grossly violating the human rights, allegedly due to insufficient capacity.

Relations to Society at large

Media

The present PDO gives high priority to the media coverage, as illustrated by the issuing of 245 press releases in the first 8 months of 2006. Part of the reason may be the professional background of the present PD from TV-journalism. As such he was a publicly well-known and respected face before taking up the PD job. Press briefings and interviews with the PD and his staff with print and electronic media are daily phenomena, and, consequently, coverage of the PDO-activities is a frequent part of the media picture in Georgia. The PDO appears to be in high esteem within the media community, according to which the institution is an important element in the societal life of the country.

Civil Society

The PDO-staff has to a wide extent common roots with the NGO-community. While there is no formalised cooperation, the success of the work of the PDO is a high priority for the NGOs. Informally, there is a certain, mutually supportive, division of labour between the PDO and the NGOs. An example is the recent publication of a critical report from Human Rights' Watch on the conditions in the Georgian penitentiary system, which to a large extent is based on information from the PDO.⁸

It is a common viewpoint in the NGO community that the PDO ought to be endowed with more powers in order to enforce its recommendations.

Educational and Proactive Work

The PDO is issuing the magazine, "Solidarity", directed towards the general public. In public sector offices, posters advertise the existence of the PDO and the possibility of the citizens to complain. Apart from this, no systematic dissemination of knowledge has taken place as yet, neither through public service TV nor through the educational system, due to lack of resources to do so.

4.3 Impact on Public Opinion and Political Climate

Main Challenges to Human Rights

Measured by the activity and the corresponding use of PDO-resources as well as tangible results: number of complaints and proactive monitoring, the largest work-areas are by far those related to law enforcement and the penitentiary system: the police and the prisons.

The second largest area in terms of complaints is related to employment and labour market issues, social assistance and social security. For these large areas covering the economic and social rights of the population, however, it is admitted by the PDO that results have been limited due to limited ability so

⁷ Shortly after the evaluation field studies in Georgia, the team was informed that the PDO was exposed to the loss of ten staff, who were employed by the penitentiary

⁸ Human Rights Watch Georgia, Issue on penitentiary conditions, 2006

far to resolve these allegedly complicated cases. PDO-contribution to new legislation in these areas is referred to as the most important contribution. However, the legal centre of the PDO consists of only one professional and one intern.

A priority area, proactively defined by the PD, is the defence of the rights of the ethnic and religious minorities, for whom new councils have been established by the PDO and serviced by a separate entity in the PDO.

Corresponding Impact

As mentioned above, the number of complaints to the PDO has grown significantly over the last few years. Supported by its observations and anecdotic evidence, the evaluation team finds that it is a sign of an overall increased societal impact of the PDO that still more people believe in the usefulness of addressing themselves to the PDO. However, the team has also met indications of this impact being more attributable to the media-appearance of the PD, than to the results, which has come out of the complaints. Several representatives for state institutions and individuals interviewed have complained about slow case-handling.

The most important and tangible impact has been the stop for excessive use of power (maltreatment and torture) against detainees in police custody. While the importance of this accomplishment is referred to by all concerned parties the police itself tends to attach more importance to the simultaneously ongoing police reform than to the interventions by the PDO. Supposedly such contending viewpoints represent two sides of the same coin: it is possible for the PDO to have a considerable impact in this policy area because it is in line with the priorities of the government.

In reverse, the penitentiary system at present represents a societal problem, the gravity of which is recognised by all parties, which is addressed consequently by the PDO, but so far without much visible impact. Conditions in Georgian prisons are still grossly violating human rights. The recommendations and the monitoring by the PDO were exposed to criticism from the penitentiary authorities met by the evaluation team. Partly based on the alleged lack of professionalism of monitoring the conditions and partly on the lack of resources of these authorities to do what is needed in order to improve the conditions in the overpopulated prisons.

In conclusion, it does appear that the overall societal impact of the PDO has been strengthened. While it is not methodologically possible to distinguish between the impact stemming from the PDO and from simultaneous state reform, it seems certain that the visible presence of the PDO has had a valuable impact on the improvement of the human rights situation in critical areas like police custody and ethnic and religious minorities.

Criticism

From the political opposition, as well as from some representatives from state bodies, the PDO is criticised on a general level for being selective in its prioritisation of its work. Cases are mentioned of members of the opposition being harassed in public or in police custody without a reaction from the PD. A certain priority of the cases from the region of origin of the PD is mentioned.

The reaction of the PD to this is to acknowledge that when basically starting from a point zero less than two years ago, it has been necessary to establish certain priorities, as it was not possible with limited resources and a new staff to do everything at the same time. The allegations related to political and regional favouritism were not accepted.

A large issue in the aftermath of large-scale dismissal and change of staff in the public sector as a whole is the protection of the rights of the many thousand individuals who lost their jobs. According to public opinion and media, there have been a number of cases of unjustified dismissals, about which the PD did not find reason for bringing them up as an issue for proactive action when asked by the evaluation team.

Considering the highly profiled criticism of conditions within the armed forces, a correspondingly higher PDO-profile in this sector might have been expected.

Another critical dimension is the apparent lack of sufficient professionalism of the new and mainly quite inexperienced staff of the PDO. While the opinions on this issue differed widely among the interviewees of the evaluation team, the team observations, supported by the PD, indicated that there is a need for a strengthened capacity for management and monitoring and for the development of more professional competences within the PDO.

4.4 Political and Financial Sustainability of the PDO

The changing of the political climate, the reorganisation of the PDO and the subsequent significant budget increase for it further to the Rose-revolution, and the Swedish and Norwegian funded support for the PDO, have led to a substantial improvement of the perspectives for the future work of the institution through increased political and financial sustainability. Thus, there is not only a need for further external support but also the existence of the consequent sustainability requirements.

4.5 The Strategic Plan

The Concept Paper (Strategic Plan 2006–07) of the Public Defender is an important paper, however short, the strength of which being in particular the formulation of overall objectives and mandate. Regarded as a strategy, it suffers from the weaknesses that:

- The part of the paper called strategy is not a real strategy, as no causal relationship is indicated of how to move from A to B.
- Criteria for the measurement of success are imprecise and contain no benchmarking whatsoever.

Further work with the Strategic Plan is therefore required in order for it to be used as an instrument for practical work planning.

4.6 Conclusions regarding the Needs for Support of the PDO

The overall picture is one of a high public profile of the PDO, which has raised public knowledge of it and expectations to it – as supported by the interviews with the potential beneficiaries – whereas it is difficult to establish an exact picture of the impact, due to insufficient management, knowledge management and operational capacity in the PDO.

This being mentioned, there is reason to add, that while the staff as a whole is relatively inexperienced, the team found much evidence for a dedicated work spirit as well as a high levels of competence regarding legal skills, including familiarity with IHRL, as well as language and ICT skills. Thus, there appears to a sound basis for further development of competences.

From the information available to the team, reinforced by the talks with the PDO management and staff, as well as with the different stakeholders and key informants, the following picture of the needs for strengthening the PDO, which can be accommodated through technical assistance, emerged to the evaluation team:

Management skills	Monitoring skills	Other professional skills
Strengthened capacity for case and knowledge management, incl. statistical data collection	Skills should be trained in monitoring and evaluation in general and subsequently in a standardised form differentiated to the specific needs within:	Continued training in international human rights law with an emphasis on its relation to Georgian law.
Strengthened development of standardized inter-organizational procedures and forms	– Prisons	Enhanced skills in written communication for external use
Increased awareness of the time dimension in planning and of efficient time consumption in case handling	– Police custody	Development of skills needed in relation to the analysis on which proactive action in different sectors will be needed.
Inception of staff development and evaluation systems, combined with the development of staff incentives	– Social assistance	Training in interdisciplinary cooperation in order to supplement the legal skills in the PDO.
Training in the use of causal relations to combine the concrete Plan of Action with the Strategic Plan, like in the logical framework approach	– Social benefits, incl. pensioners' conditions	
	– Employment and labour conditions	
	– Children's issues	
	– Women's issues	
	– Ethnic and religious minorities' issues	
Introduction of quality assurance systems and peer group supervision		
Development of institutionalised system for in-service training		

5. Relevance and Short-term Results of the Sida-RWI Project

5.1 Relevance and Effectiveness

Overall, an ex post measurement of the degree of success of the project is made difficult by its design, according to which it is implicitly assumed that the successful implementation of the activities leads to the achievement of the objectives. Baseline-studies and ex ante indicators for the contribution of the activities towards the objectives have not been established. Criteria for the measurement of the success-rate of the PDO are not developed.

In addition, the conduct of the bulk of the activities, courses and seminars in international human rights law, have mainly been stand-alone activities without in-built follow-up, which normally is considered a necessity for the consolidation of capacity building.

Finally, the radical change of staff, not only in the PDO, but to a wide extent also in the counterpart state bodies, which were target groups for the training activities, has necessarily had a significant negative impact on the consolidation of the results, since the investments before the Rose revolution in the staff, which left the organisation at the end of 2004 was lost.

Regarding the overall relevance of the intervention, it is found by the evaluation team that it was clearly relevant in relation to the needs for capacity building in the PDO. However, the relevance was limited by the prevailing external conditions. According to earlier evaluations, and to the assessments of the interviewees of the evaluation team, the overall impact of the work of the PDO under the first PD in the 1990es was quite limited under societal conditions, which did not leave much space for compliance with the instruments of the PDO institution. Similarly, there is a consensus about the positive effect attributed to the personal impact of the second PD, Ms Devderiani, on the overall status of the PDO. However, it is a repeated characteristic of the assessment of the performance of the PDOs under both

PDs that it was limited by the lack of sufficient capacity with its staff. Under both periods of time, the financial resources of the PDO were limited and the salaries of a rather symbolic nature, thus limiting the performance that could be expected from it.

This being mentioned, there is reason to believe that the project has, nevertheless, rendered a positive contribution towards the realisation of its objectives, since there has been an unanimously positive assessment of the value of the content and the conduct of the courses for the PDO and for the different participating audiences from the participants met by the evaluation team as well as from the present PD. Also the evaluation forms filled out by the course participants have been very positive.

In its comments to the Draft Evaluation Report, the RWI mentions that the assessment of the human rights education activities of the PDO and the project is somewhat superficial. The evaluation team can agree but on the given background it was difficult to go more in-depth.

Qualifications of the positive assessment have consisted in an opinion, repeated by several, that a stronger input on the correlation between international human rights law and Georgian law, and the implications of the first on the latter, would have been desirable. Furthermore, the PD has called for an enhanced input of local expertise in the teaching staff.

Regarding the project activities related to the building of local documentation resources through the provision of translation and publication of IHRL publications, the assessment of the relevance and effectiveness has been entirely positive.

The part of the project, which consisted in advice provided for the reorganisation of the PDO further to the Rose revolution, was highly appreciated by the PD who considered those missions very useful in relation to the reorganisation of the institution, while they did not touch the challenges of daily work. It is found by the evaluation team that further improvement of the structure of PDO and its overall performance is needed.

In conclusion, it is the assessment of the evaluation team that the RWI-project has provided a relevant contribution to the necessary building of capacity in the PDO, as well as in other concerned agencies within the Georgian state, in relation to the knowledge of international human rights law and its consequences in the national context. Relevance was strengthened through the much appreciated provision of support for the reorganisation of the PDO in 2004–05. Due to the methodology applied and unforeseeable external events, it is almost impossible to measure the effectiveness, but short-term results have been produced in accordance with the project document.

5.2 The Adequacy of the Project Design

As mentioned above, it would have been desirable that the project document had been designed in a way, which had established a clearer and more convincing relation between the activities and the accomplishment of the objectives through the establishment of indicators and ways of permanent monitoring of their materialisation.

More importantly perhaps, as a concrete contribution to such a project design, it would have been beneficial with stronger in-built follow-up to the activities, thereby assuring the impact of the courses in the daily work of the PDO. A stronger follow-up approach might well have revealed a need for other instruments for institutional capacity building and management skills in the PDO than the mere provision of insight into international human rights law, such as more continuous support for the building of capacity in relation to the requirements of the practical daily work.

Regarding the organisation of the project implementation, there is reason to underline that it appears to have worked effectively, smoothly and flexible. Apart from under the externally imposed yearlong

interregnum between the PDs in 2003–04, activities were implemented timely and effectively to the extent conditions allowed and flexibility was demonstrated by the rapid deployment of a RWI fact-finding mission further to the inception of the present PD and of the consequent two advisory consultancies fielded by the project to support the reorganisation of the institution.

The gender aspect appears to have been mainstreamed adequately within the project, through the participation of women as lecturers and participants in the training activities, and through the coverage of gender issues in the literature donations to the PDO.

Similarly, narrative and financial reporting has been timely and adequate.

The evaluation team has not found any unexpected, positive or negative, side effects of the project.

As mentioned by many, the organisational arrangement for project implementation has been somewhat complicated in the sense that Sida subcontracted the Raoul Wallenberg Institute, which in turn subcontracted the UNDP, which placed its Implementing Unit in the PDO where it manages the Swedish and Norwegian support for the organisation.

While the arrangement has been working smoothly, as mentioned, and while the UNDP overhead has been of a modest size, it nevertheless appears that there is a scope for simplifying the arrangement in a possible continuation of the project in a third phase. When the project started, there was no Sida-office in Tbilisi. Given the now presence of the Sida-office, there seems to be no obvious needs for two intermediary bodies.

5.3 Efficiency and Cost-effectiveness of the Support

As mentioned above, the project appears to have been delivered in an efficient way, in the broad sense of the concept. Regarding the cost-effectiveness, it appears that there is a scope for enhancement since the distant location of the implementing RWI has led to a high amount of expensive travelling for RWI-staff. More significantly, this has supposedly impacted negatively on the possible follow-up activities. Provided the considerable amount of RWI-activities in the Caucasus, it would seem appropriate that the Institute had had a more permanent representation in the region.

Also the high degree of reliance on international expertise for the conduct of the courses has been costly. If the local wish for more use of domestic expertise is followed in a possible continuation of the project, these costs could be decreased.

6. Overall Conclusions

The “Rose Revolution” created an auspicious basis for a more substantial impact of the work of the PDO than before. On the one hand, priority and receptiveness in the political system of the PDO-mission is higher and so is the congruence of goals and objectives between a reformed public sector and the PDO. In line with this tendency, public knowledge about the PDO, expectations to it and corresponding inclination to make use of it is growing. All in all, the political and societal connectedness of the PDO has thereby improved significantly.

On the other hand, the financial basis for the institution has improved significantly with the raise in the size of the budget, thereby increasing the potential for performance of the PDO. In other words, the political and financial conditions sustainability of the PDO has increased.

At the same time, there is a continued strong need for an effectively performing PDO. While the ongoing state reform process has diminished human rights violations in some important areas, conditions in other areas still require strong corrective action.

While the present PDO has increased its work effectiveness and efficiency thanks to the abovementioned improved connectedness and sustainability, and to the presence of a dedicated and theoretically well-qualified staff, the PDO therefore still has a long to go before the needs are sufficiently covered. Thus, there is clearly a scope for continued external support for this important element in Georgian democratic governance. More so, as there is reason to believe in the sustainability and absorption capacity of the institution.

While the Sida funded support so far has mainly concentrated on a needed provision and dissemination of inputs from international human rights law through stand-alone arrangements, it is found by the evaluation team that the pressing challenges, which the PDO is now facing, rather relate to capacity development within managerial, monitoring and other professional skills.

Methodologically, there is a need for a delivery of technical assistance in these areas on a more permanent basis, than has hitherto been the case.

6.1 Assessment of the RWI Concept Paper

Related to the existing RWI-concept paper for continued Swedish support for the PDO in Georgia, the conclusions are the following:

The evaluation team agrees with the need and scope for continued support for a three-year period of time, and with the overall purpose of the support:

*The aim of this third phase of the project is to further develop the capacity of the Public Defender's Office and its regional offices, as well as to strengthening its cooperation with the National Human Rights Institutions of South Caucasus.*⁹

Regarding the second part of the purpose as stated in the concept paper:

Additionally, RWI will continue to support the process of institutionalising the concept of human rights throughout Georgia by strengthening the knowledge and understanding of international human rights standards within the government structure, key public officials, academia and NGOs.

- The evaluation team finds that the value of the support in relation to the most salient needs of the PDO would be enhanced by a change in the overall prioritisation towards lesser emphasis on the continued provision of international human rights law inputs and more emphasis on technical advice related to the work performance of the PDO. Regarding the IHRL input, the correlation with Georgian legislation should be emphasised. This could be achieved with an enhanced use of Georgian legal experts. Finally, it is found that other agents than the RWI might be in charge of the implementation.

Related to first out of two indicated immediate objectives:

Immediate objective 1

Internal capacity building of the PDO (including regional offices) to strengthen human rights knowledge and technical skills

⁹ This, and the following quotations from the RWI Concept Paper, is from the latest version, provided by the RWI to the evaluation team 1 September 2006.

- The team therefore finds that while there is still a scope for strengthening human rights knowledge, the order of priorities should be the reverse of the indicated.

Output 1

Improved human rights knowledge and strengthened technical skills in connection to the mandate of the ombudsman institution, resulting in improved case handling, investigation techniques and more effective strategies of PDO to promote and protect human rights.

- The team agrees, as mentioned with an increased priority to strengthened technical, managerial and professional, skills.

Activities

Thematic trainings on international human rights law for the staff of the PDO including staff from the regional offices (1–2 times a year). Topics will be defined by PDO and RWI jointly.

- The team agrees, with the modifications that increased priority should be attached to
- The relations between international human rights law and Georgian law
- Increased use of local resources and expertise for such training

Technical training on operational procedures for the staff of the PDO, including staff from the regional offices (1–2 times a year), topics will be defined by PDO and RWI jointly.

- It is the finding of the team, that such training should be organised as ongoing technical assistance to in-service training through the use of coaching and supervision techniques. Important elements should be management skills including strategic planning, report writing, monitoring and evaluation and logical framework methodology.

Short-Term Advisory mission, including assistance in developing an effective strategic plan of the institution.

- This activity should be organised as a part of the above activity.

Study visits to National Human Rights Institutions in Europe.

- The team agrees and recommends that South East European countries be taken into consideration as possible targets.

Output 2

PDO's documentation centre is well resourced with relevant human rights literature and documentation in international human rights law and able to function as a focal point of information for other NGOs, students, researchers and the general public.

- The team agrees with this output and the corresponding activities mentioned in the Concept Paper, to which should be added: Support for the dissemination of the PDO-activities to the Georgian public through the PDO-magazine, TV programs and civic education in the educational system at large and with a special effort directed towards the ethnic minorities.

Immediate objective 2

Improved contacts and co-operation between PDO and other institutions in Georgian society, enhanced awareness of international human rights standards among representatives of public institutions and civil society organisations in Georgia, as well as strengthened cooperation with National Human Rights Institutions of South Caucasus.

- The team agrees with this objective, with an emphasis on Improved contacts and co-operation between PDO and other institutions in Georgian society including NGOs, Universities, Police, Courts etc, while it questions whether it should be a major objective for the PDO to enhance the human rights awareness as stated here, granted that the most important public institutions already

have established their own units for this purpose and that human rights awareness is high in the Georgian civil society.

Output 1

Activities organised by PDO and RWI will lead to a reinforced network between academia, legal practitioners and NGO representatives involved in human rights issues, and increased exchange of information and cooperation in promoting specific human rights issues.

- As mentioned below, the team would like to emphasise the practical cooperation between the PDO and the state bodies.

Activities

Workshops for judges, prosecutors and the police. The workshops should aim at the development of guidelines for the cooperation between the PDO and the law enforcement agencies. Other workshops should be thematic, with careful selection of relevant topics. The thematic workshops will be organised in Tbilisi, as well as in the regions in connection to the regional PDO offices, for the target groups mentioned above.

- The team agrees with this activity, with the understanding of “workshops” as small permanent cooperation bodies to facilitate practical cooperation between the PDO and the law enforcement entities.

Conference(s) with focus on human rights issues of particular relevance to Georgia will be organized by PDO and RWI (two-day events).

- The team agrees.

Public Seminars held at the Tbilisi State University on thematic issues of human rights. The seminars are to be organized by PDO and RWI jointly and will be held in connection to thematic trainings organized for the PDO staff. The international resource persons engaged for the thematic trainings will be requested to give a public lecture as well. The Georgian resource persons will complement the seminars.

- Further to abovementioned findings, the team finds that this activity should not be a priority.

Output 2

Continued support to the process of developing a National Human Rights Action Plan (NHRAP) in Georgia. As a central body mandated to promote and protect human rights in Georgia, PDO has an essential role to play in the formulation of this plan, although the development of the National Human Rights Action Plan should be led by the Government in a country, but should involve all relevant actors in the human rights area

- The team agrees and recommends the inclusion of NGOs and local experts on strategy development.

Activity

Workshops to discuss results of baseline study, conducted in 2005, and the continued establishment of a National Human Rights Action Plan. The baseline study will be used as background material for identifying priority areas as well as the outline of the plan. The results of this baseline study may also provide useful information to other activities to be carried out under this project.

- The team agrees

Output 3

Enhanced cooperation of the National Human Rights Institutions of South Caucasus, including strengthened human rights knowledge and technical skills of these institutions. To strengthen the cooperation between the National Human Rights Institutions of South Caucasus will have a positive impact on the project as a whole as well as on similar Sida-funded projects in the region in which the Raoul Wallenberg Institute is also involved.

Activities

Capacity building seminars for PDO staff and its counterparts in South Caucasus. Several staff members will be invited to participate in human rights training sessions to be organised by RWI and PDO jointly. (once a year).

- While agreeing with the output the team finds, in accordance with its findings, that the main activity under this output should rather be directed towards medium and long-term exchange and/or secondment of staff between these institutions. Supposedly mainly with the Armenian side, given the prevailing difficulties in Azerbaijan.

7. Recommendations

The evaluation team recommends that the Sida-funded support for the PDO in Georgia be continued over a period of 3 years, 2007–2009. It is further recommended that the support be organised as expressed in the below Terms of Reference:

7.1 Terms of Reference for the Proposed Project: Capacity Building of the Public Defender's Office in Georgia, Phase III

Duration: 3 years, 2007–09

It is expected that the third phase of support will be the last. The below design is consequently geared towards the accomplishment of technical and financial sustainability of the activities upon project termination.

Purpose

The third phase of the project is to further develop and reinforce the capacity of the Public Defender's Office and its regional offices, as well as to strengthen its cooperation with the National Human Rights Institutions of South Caucasus.

Immediate Objective 1

Internal professional, managerial, monitoring and evaluation capacity building of the PDO (including the regional offices) to strengthen its technical, managerial, monitoring, evaluation and human rights skills

Output 1

Strengthened institutional management technical skills and improved human rights knowledge in connection to the mandate of the ombudsman institution, resulting in improved case handling, investigation, monitoring and evaluation techniques and more effective strategies of PDO to promote and protect human rights.

Activities

- Thematic training on international human rights law and its relations to Georgian law for the staff of the PDO including from the regional offices (1–2 times a year). Topics will be defined by PDO and RWI jointly.
- Technical in-service training, through the use of coaching and supervision techniques on managerial and operational procedures, including monitoring & evaluation, internal policies including staff and financial manuals. Development of new professional competences for the management and staff of the PDO, including from the regional offices.

- Technical assistance in developing an effective Strategic Plan for the PDO and a corresponding Plan of Action
- Study visits to National Human Rights Institutions in Europe including South East Europe.

Inputs

- An international advisor to be located in Georgia 10 work months in year 1, 5 months in year 2 and 3 months in year 3. (ToR described at the end of this section)
- A national advisor working in tandem with the international advisor, gradually taking over
- Financial and logistical support for study tours

Output 2

PDO's documentation centre is well resourced with relevant human rights literature and documentation in international human rights law and able to function as a focal point of information for governmental agencies NGOs, students, researchers and the general public.

Activities

- Contribution of human rights literature in Georgian, English and Russian.
- Creation of a database of human rights literature in Georgian and Russian to be useable for other Russian speaking countries, including the other two Ombudsman institutions in South Caucasus. In addition to the database a functioning distribution system for the books will be set up.
- Continued in-service training of a librarian/documentalist on issues relating to information handling in print and electronic format.
- Support to publications in collaboration between the PDO and the project, including human rights publications that are particularly needed as well as translation of relevant training and reading material on international human rights. The literature is to be used by the PDO and to be distributed to academic institutions and other libraries. The material could include main textbooks on human rights in general, civil and political rights, economic, social and cultural rights and on National Human Rights Institutions.
- Support for the dissemination of the PDO-activities to the Georgian public through the PDO-magazine and TV programs and through civic education in the educational system at large and with a special effort directed towards the ethnic minorities.

Inputs

- An international advisor with academic human rights, knowledge management and dissemination skills to be employed for 2 months each year of the project life span, located in Georgia.
- Financial support for the development of the database, publications and translation, international distribution system to the Russian speaking countries and for national dissemination.

Immediate Objective 2

Improved cooperation between the PDO and its counterpart institutions within the Georgian state and strengthened cooperation with other National Human Rights Institutions of the countries of South Caucasus.

Output 1

Institutionalised practical cooperation between the PDO and its counterpart institutions within the Georgian state, national and regional levels, including the judiciary, the law enforcement agencies, the

penitentiary system, the national security system, the labour market and social authorities and the authorities concerned with ethnic and religious minority issues. Cooperation will include increased exchange of information and cooperation in promoting specific human rights issues of particular urgency.

Activities

- The establishment of as small permanent cooperation bodies to facilitate practical cooperation between the PDO in Tbilisi and in the regions in connection to the regional PDO offices, for the target groups mentioned above.
- Conference(s) with international inputs and with a focus on human rights issues of particular relevance to Georgia to be organized by PDO and the project in collaboration with the counterparts of the PDO (two-day events). Such conference(s) could be combined with the conduct of public seminars and/or lectures on the issues covered in cooperation with the Tbilisi State University.

Inputs

- International and national technical assistance for the further development of cooperation procedures between the PDO and counterparts (1 work month each year)
- Financial and logistical support for the conduct of the conferences

Output 2

Continued support to the process of developing a National Human Rights Action Plan in Georgia. As a central body mandated to promote and protect human rights in Georgia, PDO has an essential role to play in the formulation of this plan, although the development of the National Human Rights Action Plan is to be led by the Government.

Activities

Workshops on the continued establishment of a National Human Rights Action Plan, The baseline study conducted under phase II will be used as part of the background material for identifying priority areas as well as the outline of the plan.

Input

International and national technical assistance (1 work month each year)

Output 3

Enhanced cooperation of the National Human Rights Institutions of South Caucasus, including strengthened human rights knowledge and technical skills of these institutions.

Activity

Capacity building for the PDO counterparts in South Caucasus through arrangements for medium and long-term exchange and/or secondment of staff between these institutions

Input

Financial support for the exchange and/or secondment of staff

Organisation of Project Implementation

Sida should subcontract with an adequately qualified agent to implement the project with the PDO and report to the Sida office in Tbilisi. The implementing agent should consist of an international and a Georgian partner. The international partner could be the RWI, which has been in charge of the first and the second phase of the project. Considering the proposed shift in the emphasis of the third phase towards the strengthening of general managerial and professional skills rather than continued training in international human rights law, another international partner might be identified through tender.

In its comments to the Draft Report, the RWI underlines that it finds itself well suited to be in charge of the proposed third phase, due to its experience in collaborating with the PDO; the mutual confidence it has built with the PDO; its ability to promote cooperation among the PDOs in the Southern Caucasus and to provide external consultants; its comprehensive, international experience in providing human rights training and institutional capacity building of PDOs. Further, the RWI mentions that it agrees with the handing over of project implementation to the PDO, while it also points out the interest of the UNDP, Tbilisi, in promoting human rights through neighbouring activities like awareness raising in the media.

The evaluation team would like to add that while the PD expressed his appreciation of the collaboration with the RWI, he also mentioned that he had not been successful in his earlier request to the RWI for support to the managerial challenges of the operational procedures.

7.2 Project Sustainability

As mentioned, it is found that the PDO enjoys a relatively high political and financial sustainability under the prevailing conditions in the Georgian society. Granted increased fiscal effectiveness of the Georgian state, there is reason to believe that this situation will continue and that investment in enhancing the technical capacity of the institution will pay off in terms of increased coverage and effectiveness in relation to the protection of human rights in Georgia. Furthermore, the capacity building is not of a nature, which will require significantly increased recurrent costs in the future, the reason the exit upon project termination should not be problematic, provided no major unforeseen events.

Regarding the output concerned with cooperation with similar institutions in Armenia and Azerbaijan, there is, according to information provided to the evaluation team by the RWI, a nearby risk that the Swedish support for the Azeri PDO may have to be stopped due to its lack of performance. It is outside the scope of the evaluation to assess this risk in detail, however, overall there appears to be sound logics in the promotion of a Trans-Caucasian cooperation within the area of protection of human rights, and a good chance for a positive spin-off from Georgia towards the sister institutions in the two other countries.

7.3 Risk Analysis

In the view of the evaluation team, the possible risks are the following:

- Possible major changes in the political system in Georgia, or international crises affecting Georgia, may endanger the work conditions of the PDO. Should they occur, it is outside the scope of the project to do anything about it.
- A more likely risk to materialise may be that the impartiality of the PDO regarding the government-opposition relationship in the country may be seriously questioned. However, the PD is aware of this risk and given that the major part of the cases dealt with are concerned with areas under the responsibility of the government, the team does not consider it likely to be serious. Should the allegations for selectiveness in the work of the PDO be underpinned, the project would have to reconsider the continuation of the activities.
- There is a risk that possible future financial crises may affect the government funding of the PDO negatively. It is a prerequisite for the envisaged continued capacity development of the PDO that at least the present budget level is maintained, since the ever-present danger of losing good staff for financially more attractive positions will otherwise undermine the professional development as it has happened in the past. Continued support should therefore be conditioned by the continued government priority of the institution as expressed in budgetary terms.

- Finally, there is an apparent risk for intra-governmental rivalry, which lead to loss of PDO-staff and a consequent loss of acquired skills through the project (as it happened under Phase II). Project continuation might, therefore, be conditioned by PDO measures to secure a certain continuity of staff.

7.4 Terms of Reference for the Advisors in the Project Proposal

1. International Capacity Development Advisor (Team-leader, 18 months, over 3 years)

The advisor will, in close collaboration with the national capacity development advisor, assist the PDO in the development of needed managerial, monitoring, case-handling, operational and professional skills through in-service training based on coaching and the development of supervision techniques.

The advisor will have at least ten years of relevant professional experience, including from participation in international development cooperation, proven communication skills and command of professional English and Information and Communication Technologies, ICT. Proven competences from work experiences in the following areas will be advantages:

- In or with Public Defenders' Offices
- Familiarity with the societal problematique in post-communist transition countries
- Command of Russian and Georgian languages

2. National Capacity Development Advisor (Co-Teamleader, 24 months, during 3 years)

The advisor will, together with the national capacity development advisor, assist the PDO in the development of needed managerial, monitoring, case-handling and other professional skills through in-service training based on coaching and the development of supervision techniques.

The advisor will have at least ten years of relevant professional experience, proven communication skills and command of professional English and ICT. Proven competences from work experiences in or with Public Defenders' Offices is an advantage.

3. International Human Rights & Dissemination Advisor(s) (8 months)

The advisor(s) will assist the PDO in the development of needed skills related to knowledge management, publication and dissemination through in-service training. Further, the advisor will assist the PDO in the continued IHRL training and in the conduct of conferences.

The advisor will have at least five years of relevant professional experience, including in international human rights law and techniques of knowledge management, publication and dissemination. Proven competences from work experiences in the following areas will be advantages

- In or with Public Defenders' Offices
- Familiarity with the societal problematique in post-communist transition countries
- Command of Russian and Georgian languages

4. International advisor(s) on the relations with the local counterparts and on the development of the national human rights strategy (6 months)

The advisor(s) will assist the PDO in the development of good, operational cooperation techniques with the counterpart bodies.

The advisor(s) will have at least ten years of relevant professional experience, including in or with Public Defenders' Offices. Familiarity with the societal problematique in post-communist transition countries and command of Russian and Georgian languages will be advantages.

5. National advisor(s) on the same issue (12 months)

The advisor(s) will have at least ten years of relevant professional experience. Experience from work in or with Public Defenders' Offices will be an advantage.

7.5 Tentative Budget (thousand SEK)

International long-term advisors (32 months), all costs, unit 200,000	6,400
International short-term advisory service (5 months), unit 225,000	1,125
National long-term advisors (36 months), fees, unit 30,000	1,080
National short-term advisory service (18 months, unit 35,000)	630
Development of database	30
Support for translations	300
Support for production of publications	1,000
Distribution system	200
Support for dissemination activities	1,000
Conduct of 3 conferences	150
Conduct of training courses and IHRL seminars	450
Support for exchange/secondment of Trans-Caucasian HR staff, 6 years, unit 70,000	420
Support for study tours, 3 x 4 persons (2 weeks)	360
Overall PDO project costs, incl. support staff	1,500
Contingencies	1,000
Total	15,165

Annex 1 Terms of Reference

1 Background

Following the independence from the Soviet Union, Georgia has carried out several constitutional and legislative reforms in order to promote the rule of law and the respect for human rights. The Public Defenders Office (PDO) was established by a law adopted by Parliament in 1996, following preparatory assistance from UNDP and the Office of the UN High Commissioner for Human Rights. The law envisaged an independent institution for the promotion and protection of human rights that meets the specific needs of Georgia. When the PDO was founded, human rights issues were among the most pressing concerns in the country in the view of many informed Georgians as well as donors. The PDO was created as an independent national human rights institution to address human rights in a concerted and comprehensive way. The present Public Defender, Mr Sozar Subari, a long time journalist and member of the Liberty Institute was appointed in September 2004; some 11 months after his predecessor left the position.

The Cooperation between Raoul Wallenberg Institute and the Public Defenders Office

With support from Sida, the Raoul Wallenberg Institute (RWI) initiated its cooperation with the Public Defenders Office in January 1999. The RWI and the Public Defenders Office in cooperation with UNDP undertook joint activities in the areas of capacity building of the PDO office a human rights training for law enforcement officials. The first phase of the project ended in June 2003. Following the end of the project, Sida decided on a second phase. The second phase aimed at further reinforcing the capacity of PDO, including its specialised centres in Tbilisi and its regional offices, to carry out its mandate in an efficient and competent way. It further aims at supporting the process of institutionalising the concept of human rights in Georgia by strengthening the knowledge and understanding of international human rights standards within the Government structure, key public officials, academia and NGOs. As the new public defender asked all old staff to submit their resignation, a need arose to revise the second phase of the project. During the original formulation of the projects the presumption was that the staff of the PDO had received the training necessary and could in turn be used to train other professionals in Georgia. Following an assessment mission by RWI it was therefore decided that the focus of the project should be on capacity building.

In order to determine whether Sida should continue to support the Public Defenders Office in Georgia, it has decided to carry out an evaluation of the former project carried out by RWI and the work of the institution.

2 Purpose and Scope of the Evaluation

The purpose of the evaluation is to twofold

- 1) to evaluate the effectiveness and results of the Public Defenders Office work, its influence on the situation of human rights in the country and the public opinion of the institution.*
- 2) to evaluate the relevance and short term results of the project carried out by RWI in Georgia.*

The findings, conclusions and recommendations of the evaluation should be used to determine the strategic relevance of supporting the institution and whether Sida should continue to support it. In case that continued support is recommended it should suggest what kind of support that is most adequate.

3 The Assignment

The following issues should be dealt with in the evaluation:

1) *The effectiveness and results of the Public Defenders Office work, its impact on the situation of human rights in the country and the public opinion of the institution.*

How many recommendations have the institution emitted during the last years and in what areas?

Apart from recommendations based on complaints, how many recommendations have been initiated by the institution itself? In what areas and how successful have they been?

How is compliance measured? What is the estimated rate of compliance?

What are seen as reasons for compliance/non-compliance with the institution's recommendations?

Does the Public Defenders Office co-ordinate its work with the judicial system and the prosecutors? What are the experiences of such co-operation?

How are the Public Defenders Office and its work perceived among other state organs?

What has media coverage of the Public Defenders Office been like during the last years in terms of overall coverage and content?

What is the opinion of the Georgian civil society of the work done by the Public Defenders Office? Does it co-ordinate activities with civil society organisations to promote and defend human rights?

Have there been any public attacks on the institution recently? In that case, what has happened?

Which have been the most important cases for the Public Defenders Office during recent years and what have been the results of its involvement?

Does the Ombudsman perform educational and/or proactive work? How, with whom and with what rate of success?

Sustainability of the assistance. What is the political and financial support of the institution? What costs are covered by national funds? What costs are covered by donors? Are there any trends in governments funding of the organisation 2006?

Based on the findings from the issues above, identify short comings and needs of the institution.

The Public Defenders Office is developing a strategic plan for the work of the institution. Does this seem to appropriately address its needs?

2) *The relevance and short term results of the project carried out by RWI in Georgia.*

Achievement of project objectives: actual project results and presumed effects on target groups.

Project design: the relevance of the project activities in terms of approach, objectives and modalities of implementation with regard to the prevailing context and the conclusions from part 1 of the evaluation.

Are there unexpected positive or negative side effects of the project?

The cost efficiency of the delivery system in the project. Could the project have been significantly better organized, and if so, how?

Based on the findings from the issues above, assess the concept paper for continued support developed by RWI.

Based on the conclusions from the evaluation, the evaluation team shall provide Sida with recommendations that can be used as the basis for developing a new project. The recommendations shall be written in the form of a *Term of Reference* (ToR) for a new project. The ToR should state the project objective and the expected results. The expected results should be expressed in objectively verifiable terms. The ToR should also include a risk analysis and analyse the prospects for the project results to be economically sound and sustainable when the Swedish funding stops.

4 Methodology, Evaluation Team and Time Schedule

The Evaluation Team should consist of at least two consultants: one Swedish Team Leader, and one consultant from Georgia with good understanding of the Georgian context. The Team shall read all relevant documents at Sida HQ and at the Sida office in Tbilisi and also make interviews with Sida staff. Sida staff should be invited to participate in the field visits during the evaluation period.

In order to answer the questions mentioned above, the team shall visit the Public Defenders Office in Tbilisi, study relevant documents, review articles and news in media and make interviews with the staff. Visits to three regional offices should be made, to study relevant documents and make interviews with staff.

Interviews should also be made with representatives from NGOs, journalists and with members of parliament. These interviews shall mainly cover the issues mentioned under 1.7–1.10. Regarding the issues mentioned under 1.5–1.6, interviews should be done with police and prosecutors at both national and local level.

The evaluation shall be carried out during 5 weeks, including 2 weeks in Georgia.

The consultant shall deliver an inception report for the evaluation that shall be approved by Sida before undertaking interviews in Georgia.

The draft evaluation report should be presented at Sida-EUROPE in Stockholm and sent to the Sida regional office in Tbilisi. The recommendations shall be able to use as a Terms of Reference for the preparation of a new project.

5 Reporting

The evaluation report shall be written in English and not exceed 30 pages, excluding annexes.

The draft report shall be submitted to Sida electronically no later than September 25, 2006. Within 2 weeks after receiving Sida's comments on the draft report, a final version shall be submitted to Sida.

The evaluation report must be presented in a way that enables publication without further editing.

The Terms of Reference for a new project shall be attached as an annex. Subject to decision by Sida, the report may be published in the series Sida Evaluations.

Annex 2 Persons Met

Sida HQ

Mr Ola Carlsson, Country Program Coordinator, Georgia

Ms Emelie Hjelm, Country Program Coordinator, Georgia

Ms Mirja Peterson, Head of Division, the Black Sea Region

Ms Anna Rosendahl, Country Program Coordinator, Armenia, Azerbaijan, Turkey

RWI-HQ

Ms Lisa Grans, Program Officer

Ms Jennie Holck-Clausen, Program Officer

Ms Emma Melander-Borg, Program Officer

Sida Tbilisi

Ms Maria Israelson, Head of Office

Mr Kakha Khimshiashvili, National Program Officer

UNDP Tbilisi

Mr Peter Van Ruyseveldt, Deputy Resident Representative

Ms Natia Cherkezishvili, Program Analyst

Ms Irina Tsagareli, Coordinator of the UNDP-RWI project

Mr Martin Christensson, Program Analyst

The PDO

Mr Sozar Subari, Public Defender

Mr Grigol Giorgadze, Head of Investigation and Monitoring Dept.

Ms Tea Jaliashvili, Head of Information and Policy Dept.

Ms Nino Eremeshvili, Head of Information Division

In addition, talks were held numerous staff members

Meetings with stakeholders in Tbilisi

Mr Nikolaz Pruidze, Deputy Minister of Labour, Health and Social Affairs

Ms Elene Tevdoradze, MP, Chairperson of the Human Rights and Civil Integration Committee

Ms Tamar Tomashvili, Head of Human Rights' Unit, Prosecutor's Office of Georgia

Ms Irina Tsintsadze, Deputy Head of the Penitentiary System

Ms Ekaterine Zguladze, Deputy Minister of Interior

The Supreme Court of Georgia:

- Mr Konstantin Kublashvili, Chairperson
- Mr Zaza Meishvili, Deputy Chairperson

Media

Focus group meeting, out of five who had agreed, the following turned up

Ms Khatuna Paichadze, “Kviris Palitra” (weekly newspaper)

Ms Nini Sakvarelidze, TV “IMEDI”

Civil Society

Focus group meeting, out of five who had agreed, the following turned up

Ms Tamuna Karesanidze, Transparency International, Georgia

Mr Giorgi Meladze, Liberty Institute

The Academia

Mr Ghia Nodia, Chairman, the Caucasus Institute for Peace, Democracy and Development

Meetings in Zugdidi

Mr Bagrat Kiria, the PDO Representative, Chief Specialist

Mr Merab Gergaia, Head of the Interior in Samegrelo-Upper Svaneti, Police Colonel

Mr Shota Kutalia, Deputy Head of the Interior in Samegrelo-Upper Svaneti.

Mr Koba Narsia, Head of Zugdidi Police

Mr George Vekua, Director of Zugdidi Prison No 4

Mr Niaz Jalaghania, District Deputy Prosecutor in Samegrelo-Upper Svaneti

Mr Murtaz Narmania, Regional Prosecutor in Zugdidi

Meetings in Kutaisi

Ms Teona Kuchava, West Georgia Representative of the PD

Mr Igor Petviashvili, Acting Prosecutor of West Georgian Regional Prosecutor’s Office

Mr Levan Kakhiani, Head of the West Georgia Regional Department of the Interior

Beneficiaries

Short interviews were undertaken with approximately 30 randomly selected persons in Tbilisi, Kutaisi and Zugdidi.

Annex 3 Documents Consulted

General Sida

Swedish Strategy for Development Cooperation with Southern Caucasus, 2006–09

List of Sida-funded projects in Georgia 1995–2006

Sida Decision Paper on the support for the ongoing RWI-PDO project, 2005

Earlier Evaluations

Democracy and Human Rights, An evaluation of Sida's support to five projects in Georgia, 2001

External Evaluation of the Project of Assistance to the PDO of Georgia, UNDP 2003

PDO

Six-monthly Report to the Georgian Parliament of PD of Georgia about the Human Rights and Protection of Freedom, Second half of 2005.

PDO Concept Paper (Strategic Plan 2006–2007)

Assessment of PDO staff of Georgia & Implementation plan of PDO staff Reform

List of recommendations and suggestions sent from the PDO Georgia, Second half of 2005

List of recommendations and suggestions sent from the PDO Georgia, First half of 2006

List of recommendations and suggestions sent from the PDO Georgia that were shared/taken in account in the second half of 2005

List of Complaints received by the PDO of Georgia (first half of 2002 – first half of 2006)

List of the complaints that were not shared (second half of 2005)

Job Descriptions for:

- Head of the Division for Socio-Economic and Administrative Rights
- Head of the Division for Justice
- Head of the Division for Freedom and Equality
- Head of the Division for Investigation and Monitoring
- Head of the Department of Information and Policy
- Head of Division for Public Relations (Information),
- Head of Library and Resource Centre
- Head of Division for Projects Coordination
- Head of the Resource Centre
- Specialist of Research and Evaluation Coordination
- Media Coordination and Web-Site Development

Various issues of the PDO magazine, “Solidarity”

Monthly Monitoring of Printed Media about PDO, Ministry of Internal Affairs, Prosecutor, and Courts related issues.

RWI-UNDP Project Documentation

Project Documents for the existing project:

- “Capacity Building of the Public Defender’s Office in Georgia, Phase II”
- Project Revision Summary for the same

Annual Report 2003: Capacity Building of the Public Defender’s Office in Georgia, Phase II

Progress Report under the Sub-Agreement between Sida and the RWI on Capacity Building of the PDO in Georgia, Phase II, 2004

Progress Report under the Sub-Agreement between Sida and the RWI on Capacity Building of the PDO in Georgia, Phase II, 2005

Annual Project Report 2005: Sida/UNDP

Financial Report for Project Activities in 2004

Financial Report of the PDO’s office in Georgia, Phase II

Financial Report: January 1–31 December 2005

UNDP: Capacity Building of the PDO in Georgia, Phase II

Independent Auditor’s Report, December 2004

UNDP: Capacity Building of the PDO in Georgia, Phase II

Independent Auditor’s Report for the year 2005

UNDP: Capacity Building of the PDO in Georgia. Phase II

Management Letter for the year 2005

Report from the RWI mission to Georgia, 10–15 October 2004

Mission Report: Capacity Building of PDO in Georgia, Phase II (W.T. Chapman, 2004)

Mission Report: Capacity Building of PDO in Georgia, Phase II (W.T. Chapman, 2005)

Agendas for seminars and training activities under the project

The RWI Concept Paper for the possible future development of the project.

Additional

Human Rights Watch Georgia, Issue on penitentiary conditions, 2006

“Kviris Palitra”, weekly, 4–10 September 2006: opinion poll results measuring the trust in the Government structures of Georgia

Recent Sida Evaluations

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Tania Ammour, Raúl Fajardo, Róger Cruz
Department for Latin America
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Department for Democracy and Social Development
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International Association of Theatre of Children and Young People (ASSITEJ) Africa Network, 1999–2007
Nicky du Plessis
Department for Africa

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