

**In-depth mid-term cluster evaluation of the  
Global Programme against Trafficking in  
Persons (GLOT59) and the Global  
Programme Against Smuggling of Migrants  
(GLOT92)**

GLOT59 and GLOT92  
Global Programmes

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# LIST OF ABBREVIATIONS

AHTMSU	Anti-Human Trafficking and Migrant Smuggling Unit
BiH	Bosnia & Herzegovina
CCPJ	Commission on Crime Prevention and Criminal Justice <sup>1</sup>
CDPC	European Committee on Crime Problems (CDPC)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLDs	Case Law Databases
CLPs	Core Learning Partners
CoE	Council of Europe
COP	Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols Thereto
CSO	Civil Society Organisation
CPS	Co-financing and Partnership Section (CPS)
DAC	Development Assistance Committee
DFID	The Department of International Development
DTA	Division for Treaty Affairs
EU	European Union
ECOSOC	The United Nations Economic and Social Council
EGM	EXPERT GROUP MEETINGS
FCR	Full Cost Recovery
FRMS	Financial and Resources Management Service
FO	Field Office
GA	General Assembly
GE	Gender Equality
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
GLO.ACT/ GLOZ67	Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants
GLOT59	Global Programme against Trafficking in Persons
GLOT 42	The Voluntary Trust Fund for Victims of Trafficking
GLOT92	Global Programme against Smuggling of Migrants

<sup>1</sup> <http://www.unodc.org/unodc/commissions/CCPCJ/>

GMG	Global Migration Group
HQ	Headquarters
HR	Human Rights
HRBA	Human Rights Based Approach
HTMSS	Human Trafficking and Migrant Smuggling Section
ICAT	Inter-Agency Coordination Group against Trafficking in Persons
ICMPD	International Centre for Migration Policy Development
IEU	Independent Evaluation Unit
ILO	International Labour Organisation
INL	Bureau of International Narcotics and Law Enforcement Affairs, United States of America
IO	International Organisation
IOM	International Organisation for Migration
JIT	joint investigation teams
J/TIP	Office to Monitor and Combat Trafficking in Persons, United States of America
KIS	Key Indicators for Success
LGBTI	lesbian, gay, bisexual, and transgender
LPOMEX	Liaison and Partnership Office in Mexico
MENA	Middle East and North Africa
MoU	Memorandum of Understanding
MS	Member State
NGO	Non-Governmental Organisation
NPO	National Programme Officer
OCB	Organized Crime Branch
OCRIEST	Office Central de Répression de l'Immigration Irrégulière et de l'Emploi d'Etrangers sans Titre
OHCHR	The Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PM	Programme Management
PROSB	Programme Office for Serbia
PSC	Programme Support Cost
RB	Regular Budget
RM	Review Mechanism
ROMENA	Regional Office for the Middle East and North Africa
ROSAF	Regional Office of South Africa

ROSEN	Regional Office for West and Central Africa
ROPAN	Regional Office for Central America and the Caribbean
SADC	Southern African Development Community Countries
SC	Steering Committee
SDGs	Sustainable Development Goals
SHERLOC	Sharing Electronic Resources and Laws on Crime
SMART	Specific Measurable Achievable, Realistic and Tractable.
SOM	Smuggling of Migrants
TIP	Trafficking in Persons
ToC	Theory of Change
TOR	Terms of Reference
ToT	Training of Trainers
UNCAC	The United Nations Convention Against Corruption
UNICEF	The United Nations Children's Fund
UNGA	United Nations General Assembly
UN.GIFT	United Nations Global Initiatives to Fight Human Trafficking
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNTOC	The United Nations Convention against Transnational Organized Crime
USA	United States of America
XMEX19	Strengthening the Framework of the Arab Region to Prevent and Combat Human Trafficking.



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The IEU provided the normative tools, guidelines and templates to be used in the evaluation process. Please find the respective tools on the IEU web site: <http://www.unodc.org/unodc/en/evaluation/evaluation.html>

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This publication has not been formally edited.

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# MANAGEMENT RESPONSE

This is the first in-depth independent mid-term cluster evaluation of the Global Programme against Trafficking in Persons (GLOT59) and the Global Programme against the Smuggling of Migrants (GLOT92). Both Programmes are the main vehicles for the delivery of technical assistance globally on both TiP and SoM. In view of the scarcity of regular budget resources available for trafficking in persons (TIP) and smuggling of migrants (SOM), the Global Programmes also fund UNODC's normative and policy work in these important areas. The evaluation was commissioned in response to the increasing levels of donor funding received by the Global Programmes since UNODC's Human Trafficking and Smuggling of Migrant Section (HTMSS) was established in 2012 and the resulting need for accountability towards the donors and continuous improvement.

HTMSS welcomes the evaluation report's recognition of the Section's role as a key provider of legal and capacity building technical assistance to Member States (MS) as well as its unique value related to its normative and policy expertise on trafficking in persons (TIP) and the smuggling of migrants (SOM). The report further recognizes HTMSS' role in substantively supporting intergovernmental and treaty processes such as the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Working Groups on TIP and SOM, the ECOSOC/Commission on Crime Prevention and Criminal Justice, the Security Council, and the UN General Assembly. It further stresses that the two Global Programmes' thematic focus on TIP and SOM remain critical and aligned with MS' needs. The report also acknowledges the value of the specialized technical assistance tools developed by the Human Trafficking and Smuggling of Migrant Section (HTMSS).

HTMSS is thankful for the good practices, lessons learned and recommendations for future programming and for strengthened management provided by the evaluators. HTMSS does not agree with the findings made with regard to recommendations 3 and 4 relating to cross-agency and cross-section programming but does accept all the other recommendations made by the Evaluation Team.<sup>2</sup>

The Section wants to highlight that cooperation with and outreach to other Global Programmes of the Organized Crime and Illicit Trafficking Branch (OCB) is taking place on a regular basis with

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<sup>2</sup> Recommendations: 1) Promote UNODC's strategic positioning and niche, 2) Create a Consultative Forum, 3) Cross-agency programming, 4) Cross-section programming, 5) Develop theory of change and update programmes' logframes, 6) Reinforce the internal capacity for HRBA in programming, 7) Develop understanding on gender issues and capacity for gender mainstreaming in programming, 8) Design combined strategy for a HRBA and gender mainstreaming, 9) Strengthen the Monitoring and Evaluation tools and process, 10) Stakeholders mapping for successful partnerships, 11) Develop Work Plans together with MS to plan moving together on an agreed roadmap, 12) Develop and regularly review a comprehensive fundraising strategy, 13) Consider pros and cons of a merger, 14) Design strategic communication and positioning tools, 15) Develop key indicators for success in order to prioritise activities, 16) Foster institutionalized communication and reporting lines amongst UNODC offices and key counterparts and 17) Increase distribution and translation of tools.

various Global Programmes, such as the Global Programme Against Money-Laundering, Proceeds of Crime and the Financing of Terrorism and the Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crimes.

At the same time, HTMSS is already intensifying its stakeholder engagement by conducting thorough gaps and needs assessments, including stakeholders mapping, before engaging into new technical assistance. In order to achieve this, more stable funding is needed to empower HTMSS to do the mapping and strategic assessment. HTMSS as the coordinator of ICAT and an active participant in the Global Migration Group (GMG) has regular and ongoing cooperation with all other UN agencies working on TiP and SoM as well as with a large number of relevant external actors, such as Interpol, the Council of Europe (CoE), the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), the North Atlantic Treaty Organization (NATO), the Southern African Development Community (SADC) and other regional organizations to name just a few. Representatives of relevant international and regional organisations are regularly invited to training workshops and expert group meetings and are jointly delivering training with the Human Trafficking and Smuggling of Migrant Section.

HTMSS would like to provide additional information to the following recommendations:

In relation to recommendations 1, 11, and 12, HTMSS would like to note the strong outreach it has already undertaken, through regular briefings to MS in Vienna and New York as well as in bilateral consultations, to secure more un-earmarked funding for the needed and important normative and policy work HTMSS is undertaking. HTMSS would like though to note the increasing tendency of donors to hard earmark funds for technical assistance and capacity building only that lead to scarce and often inadequate funding for normative work. Finally, HTMSS wants to highlight that it works closely with beneficiary countries when planning the provision of technical assistance and that it clearly communicates what kind of assistance can be provided based on the funding HTMSS receives from its donors.

Regarding recommendations 2, 5, 10 and 13, referring to the overarching management structure for the two Global Programmes, the outdated programme documents, stakeholders mapping and the merger option between the two programmes, the Section wants to emphasize that it is aware of these shortcomings. Therefore, this in-depth evaluation was commissioned by the Human Trafficking and Smuggling of Migrants Section as well as the evaluation function of UNODC in order to assess progress, relevance as well as areas for improvement of the two global programmes for future programming.

The Section, after careful considerations of the pros and cons of a merger of the two global programmes and based on HTMSS' experience with regard to a newly developed and very successful third global project (GLO.ACT – Global Action against Trafficking in Persons and the Smuggling of Migrants), will proceed with the merging of the two Global Programmes into a new single Global Programme addressing both TiP and SoM. This merging will be based on developing a theory of change with a stronger human rights based approach and gender mainstreaming in line with recommendations 5, 6, 7 and 8. A logical framework with strong indicators at the output, outcome and objective level will also be developed. Based on this new logical framework, HTMSS will strengthen its monitoring tools and the overall impact measurement in line with recommendations 9 and 15. In developing this new global programme, HTMSS will follow an inclusive process and will consult with various stakeholders, internal and external, in line with the various recommendations, particularly recommendation 10. A consultative forum will be established to reach out to MS and individual experts to seek further guidance on this and to inform programme development.

The Section would like to thank the Evaluation Team, Ms Emmanuelle Diehl, Team Leader, Astrid Ganterer, Substantive Expert, and Cristina Santillán Idoate, Gender Expert, for their work and acknowledge the support provided by UNODC's Independent Evaluation Unit, in particular Ms. Katharina Kayser, Chief, Mr. Adan Ruiz Villalba, Evaluation Officer, Ms. Pascale Reinke-Schreiber, Associate Expert and Mr. Emanuel Lohninger, Evaluation and Research Assistant as well as all other UNODC staff that were interviewed and provided information in this process.

HTMSS would like to thank national counterparts, representatives from donor countries and international and regional organisations for their support and strong cooperation. The Section also would like to thank the various civil society organisations and independent experts that are closely working with the Human Trafficking and Migrants Smuggling Section, supporting our work and contributing to the development of tools and to the delivering of technical assistance to countries.

# EXECUTIVE SUMMARY

The report presents the in-depth independent mid-term cluster evaluation of two UNODC global programmes GLOT59 and GLOT92. They were created to leverage UNODC's niche and unique position as Guardian of the United Nations Convention against Transnational Organized Crime (UNTOC) and its two Protocols on Trafficking in Persons (TIP) and Smuggling of Migrants (SOM). The programmes focus on building Member States' (MS) capabilities to combat Trafficking in Persons (TIP) and Smuggling of Migrants (SOM). Respectively, their objectives were 'to strengthen MS' criminal justice response to TIP through capacity building and legal advisory services' (GLOT59) and 'strengthen MS' capacity to prevent and prosecute SOM, protect the rights of people who fall prey to smugglers' (GLOT92). Both programmes also focused on fostering international cooperation amongst MS and key stakeholders as stipulated by the provisions<sup>3</sup> in both Protocols and were used as vehicles to provide normative support to Member States in view of the inadequacy of Regular Budget resources allocated to TIP and SOM.

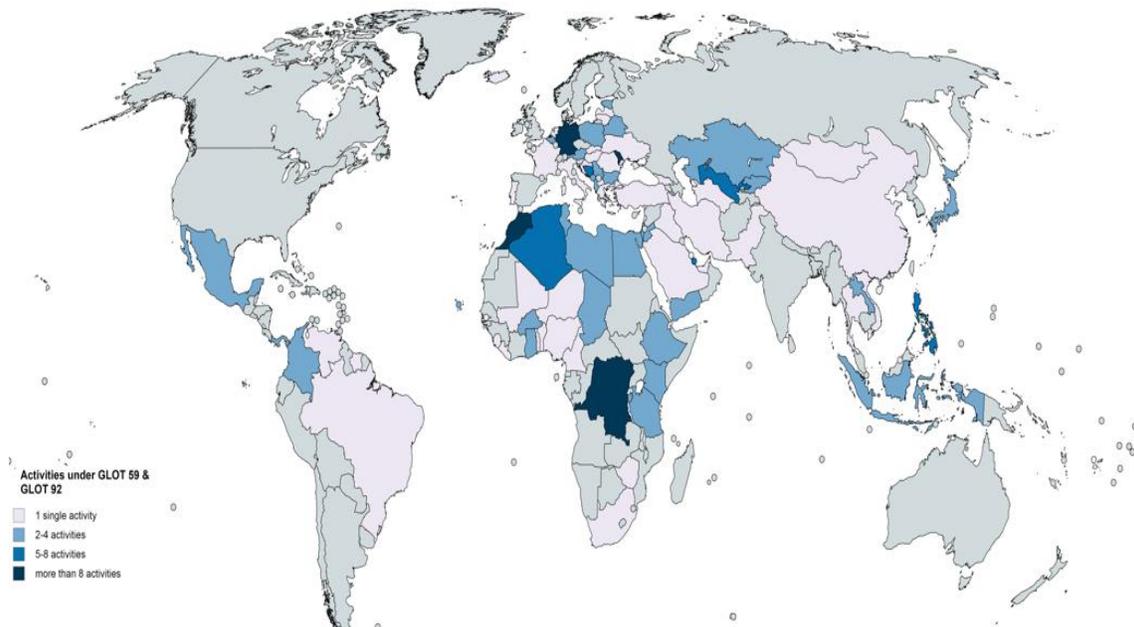
The programmes were designed in 2008 and 2010 within UNODC's thematic sub-programme 1 'countering transnational organized crime and illicit trafficking'. A new 'Strategy on Trafficking in Persons and Smuggling of Migrants' was designed in 2012 in order to help MS comply with their obligations as signatories of UNTOC and the two Protocols as well as respond to MS' growing concern about the two crimes. As of 2012, the Human Trafficking and Migrant Smuggling Section (HTMSS)<sup>4</sup> was the responsible unit under the Organized Crime Branch (OCB) for implementing this new Strategy. The Crime Research Section remains responsible for the Global Report on TIP<sup>5</sup> that is being published every two years and supports the strategy with data analysis. HTMSS took over the management of these two global programmes as well as others on TIP and SOM and increased level of activities and funding. Indeed, the two programmes obtained pledges from multiple donors of a total of USD 20,000,833 over the years, with USD 15,750,355 for GLOT59 (TIP) and USD 4,250,478 for GLOT92 (SOM).

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<sup>3</sup> The two Protocols and their provisions stipulate that MS should fulfill the three internationally recognized themes of prevention, protection and prosecution (the 3ps), and foster closer international cooperation. The purpose of the United Nations Trafficking in Persons Protocol is defined in its article 2: (a) To prevent and combat trafficking in persons, paying particular attention to women and children; (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and (c) To promote cooperation among States Parties in order to meet those objectives. The purpose of the United Nations Smuggling of Migrants Protocol is as respectively defined in article 2 to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants.

<sup>4</sup> HTMSS is one of the three sections of the Organized Crime Branch (OCB) at UNODC Headquarters in Vienna, Austria, but cooperates with the Division of Policy Affairs as well as Co-financing and Partnership Section (CPS) and the Research Branch

<sup>5</sup> A Global Report on SOM will be published by the end of 2017.



Source: evaluation team based on data collected from HTMSS on activities for both programmes; created with mapchart.net

Despite numerous challenges highlighted in the TOR (see Annex II), and as visible on this map<sup>6</sup>, HTMSS managed to implement through these two programmes activities in over 85 countries and reached 120 countries through trough national and regional activities. Deliverables included capacity building workshops, normative tools (reform guides, model laws, training manuals, etc.), the organization of Expert Group Meetings (EGM), supporting official high-level meetings as well as engaging with international players through platforms and international fora that are active on TIP and SOM or relevant to the subject matter.<sup>7</sup>

This independent in-depth mid-term evaluation is the first evaluation that takes place for both programmes. The objective of this evaluation was to assess preliminary achieved results of each programme between January 2008 and October 2016. In addition, the independent in-depth evaluation is conducted in order to generate and facilitate learning for the future of the programmes at hand as well as for future programming in the field of TIP and SOM. The team assessed the programme’s relevance, efficiency, effectiveness, impact, sustainability<sup>8</sup>, and how partnerships (internal and external) were fostered and nurtured. Another objective of the evaluation was to assess how Gender Equality (GE) and Human Rights (HR) approaches informed and guided all phases of the global programmes.

The evaluation team identified best practices, lessons learned and formulated a series of recommendations for future programming and strengthened management. Additional recommendations also addressed GE and HR indicators and practices while taking into consideration the programmes’ cycles. Finally, this evaluation assessed the viability of merging these two programmes together and presents the findings and recommendations.

<sup>6</sup> Any document, map or chart that is relevant to support or illustrate the findings of this evaluation has been included within the core of the report.

<sup>7</sup> For example, international organizations such as: The Council of Europe, the OSCE and its Alliance against Trafficking in Persons, IOM, OHCHR, UNICEF, ICMPD; platforms such as ICAT, GMG, the G8 sub-group on anti-crime and terrorism.

<sup>8</sup> These are the Development Assistance Committee (DAC) criteria and further specificities according to UNODC evaluation guidelines.

IEU oversaw the due process of the evaluation and supported the team during the full exercise directly with one team member. The evaluation team coordinated closely with the project management team (HTMSS) for the data collection. The evaluation followed all steps of the evaluation process as outlined by the UNODC Evaluation Policy which includes the review of methodological compliance and quality assurance by IEU, the review regarding factual errors by the Project Management, and the consideration of the report by the Core Learning Partners (CLPs)<sup>9</sup>. The final report will be published by IEU on the UNODC website<sup>10</sup>, disseminated and presented to MS, the beneficiary authorities, and the donors.

## **Main findings, conclusions and recommendations**

### **Relevance**

The desk research, interviews, surveys, and field missions accentuated UNODC's niche as an expert on supporting MS in responding to TIP and SOM crimes and as best positioned to support MS' legal framework reforms and capacitation on these topics. These findings also highlighted UNODC's neutral and convening power as guardian of UNTOC and its Protocols to organize high level meetings. Although this convention was already signed in 2000, the current migration crises in the Mediterranean and the world underline the ongoing threats that these two crimes cause to vulnerable people.

Moreover, stakeholders, interviewed during this evaluation, emphasised UNODC's unique value proposition and its normative expertise on TIP and SOM. As a result, HTMSS supports through these two global programmes, GLOT59 and GLOT92, UNODC's Secretariat high level meetings and normative work (COP, CCPCJ, Security Council, and UN General Assembly for instance) to advise and inform multilateral strategies on how to combat both TIP and SOM.

Hence, based on the contextual analysis and on the findings, the evaluation team concluded that the two programmes' thematic focus on TIP and SOM remain critical and aligned with MS' general needs. Currently, HTMSS offers its menu of services to MS or responds to MS' specific requests and supports them in integrating the two Protocols into their legal frameworks and helps them strengthen their criminal justice response to fight both crimes. Despite both programme's relevance, the outdated logical framework hampers HTMSS' ability to monitor and report comprehensively on results. A more detailed monitoring process would help highlight with more detail the level of activities conducted by the HTMSS team under these two programmes, especially on their normative work that is not sufficiently put forward in the reports and the collected data. The evaluation team concluded that both programmes need an update with a well thought through theory of change, SMART<sup>11</sup> indicators (including human rights, gender, and SDGs related indicators) and an explicit gender mainstreaming and human rights based approach. In addition, the implementation process of both programmes could benefit from a clear prioritization of activities, MS' long-term engagement, and an increment of regional workshops to boost international cooperation amongst states.

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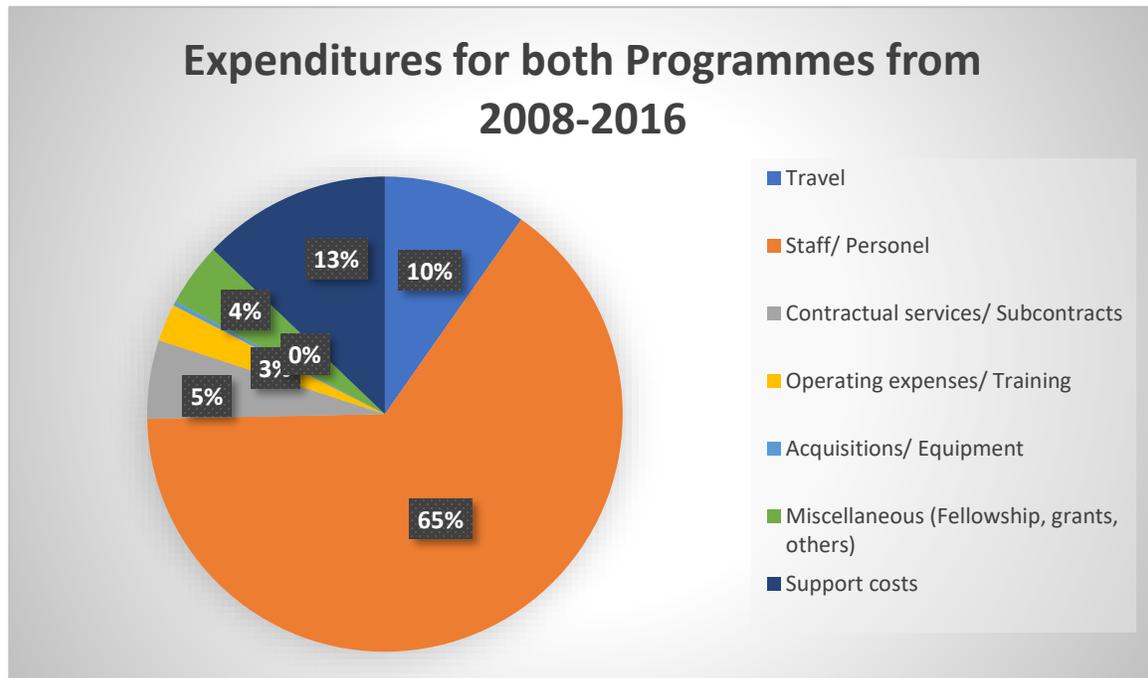
<sup>9</sup> CLPs are highlighted in the list of stakeholders in Annex V.

<sup>10</sup> The final report will be available here: <https://www.unodc.org/unodc/en/evaluation/indepth-evaluations.html>

<sup>11</sup> Specific, Measurable, Achievable, Realistic and Time-bound.

## Efficiency

The two programmes combined approved budget represents \$20,00,833, with \$15,750,355 (79%) for GLOT59 and \$4,250,478 (21%) for GLOT92. According to the desk review and interviews, the two programmes implemented numerous activities considering their small budgets. Since their respective inception in 2008 and 2010, over 220 activities were implemented in 85 countries and reached 120 countries through national and regional workshops.<sup>12</sup> This figure of 220 activities does not however include normative related activities implemented by HTMSS.



Source: evaluation team used the expenditure data provided by HTMSS.

Indeed, based on interviews, HTMSS carries out many normative activities under both programme's logframes due to the inadequate level of Regular Budget resources allocated by the General Assembly to UNODC for its work on TIP and SOM (no position on SOM and only two positions on TIP for the entire UNODC are funded). UNODC is obliged to rely on extra-budgetary resources to perform normative functions. Until now, these resources were provided by a small number of dedicated donors but there is uncertainty over UNODC's capacity to continue performing these new functions should these donors change their priorities and decide to focus more on regular technical assistance to MS instead.

HTMSS supports the General Assembly in the implementation of trafficking in person-related obligations through substantive support for dedicated sessions such as the appraisals of the General Assembly Global Plan of Action against TIP or the development of the Global Compact on Migration and the Global Compact for Safe, Orderly and Regular Migration, the drafting of Secretary General reports, etc. HTMSS also provides substantive and technical input to the UNTOC Conference of Parties, including functioning as Secretariat for its Working Groups on TIP and SOM and furthermore supports Member States prior, during and after the Commission on Crime

<sup>12</sup> According to HTMSS' monitoring data, activities were implemented in 85 countries. However, over 120 countries were reached by these activities since they included regional workshops as well as for instance training courses such as the NATO courses, which included participants from different countries.

Prevention and Criminal Justice<sup>13</sup> (CCPJ) sessions; HTMSS has also provided support to the various Crime Congresses<sup>14</sup> and most recently to the Security Council. The majority of these activities are funded through extra-budgetary resources. Although these activities are briefly mentioned in donor reports they are less apparent in the overall reporting while they occupy a great percentage of HTMSS' staff members work time (according to interviews and work plans). A clearer definition of the different activities in the theory of change of the two programmes and a closer connection between outputs and disbursement for each activity could help highlight different activities, understand their associated costs and report on them more efficiently.

According to the graphic above 'Expenditures for both programmes from 2008-2016', 65% of the budget disbursements were dedicated to staff/personnel developing normative and policy tools, as well as delivering technical assistance (TA) to MS. The budgets are not divided according to outputs nor outcomes, which makes it difficult to assess the efficiency of the budget's disbursement and understand budget's management. However, based on the number of activities implemented, as seen in the chart below 'Activities Division for both programmes', 71% of activities were capacity building (training workshops and training of trainers) and 17% legislative assistance. Normative work has not been monitored specifically in this list of activities and in donor reports. However, the category 'policy work' (5%)<sup>15</sup> outlined above includes, of course, part of HTMSS' normative work. Overall, normative work is not sufficiently accounted for as part of this monitoring data. Indeed, HTMSS undertakes a great amount of activities but according to the donor's reports template, data was not always monitored and reported on in the same way for technical assistance support and normative work-related activities. Such templates do not help highlight or compile the great amount of normative work conducted under these two programmes as mentioned above. As a result, HTMSS' work load on normative related activities is not properly quantified and cannot be effectively communicated to donors. Furthermore, the introduction of Umoja — the new financial and operating system across UN secretariat agencies — caused many delays in implementing activities due to financial transactions adjournments. However, the positive side of Umoja is that the financial reporting connects outputs to disbursements and should allow the summative final evaluation for these two programmes draw clear cost-benefit and cost-workload ratios for each output. Such detailed reporting is cumbersome but should help highlight the level of normative work that is conducted and under-funded under these two programmes' logframes. Finally, such closer monitoring process can help plan better and reflect more effectively the level of efforts dedicated to each type of activity.

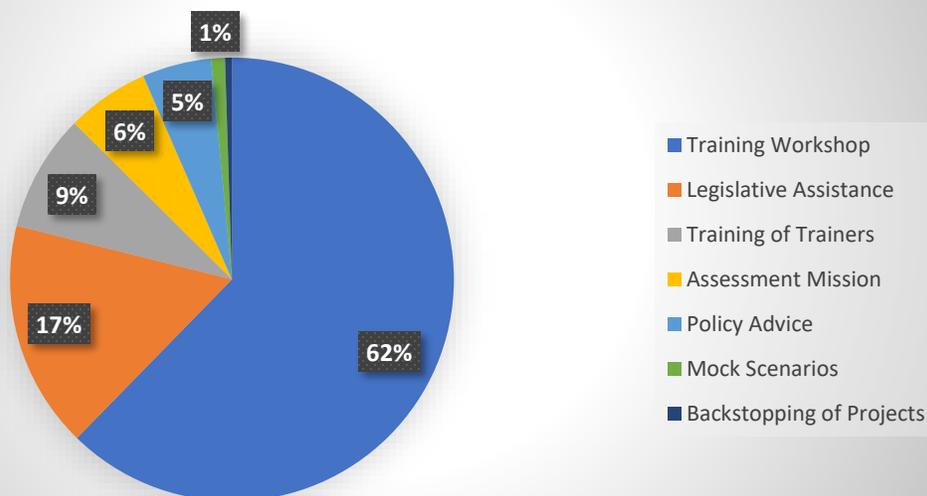
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<sup>13</sup> <http://www.unodc.org/unodc/commissions/CCPCJ/>

<sup>14</sup> <https://www.unodc.org/congress/>

<sup>15</sup> This number is based on the technical assistance activities that are normative by nature (e.g. legislative assistance) and reported in donor reports. However, it does not reflect the whole set of normative work HTMSS is undertaking.

## Technical Assistance Activities Division for both programmes



Source: the evaluation team used the technical assistance activity sheet provided by HTMSS.

The activities under GLOT59 and GLOT92 were implemented through funds received from regular, large donors such as the United States of America, France, Norway, Sweden and Switzerland as well as others for smaller pledges. Funds were predominantly dedicated to TIP (79% of the combined budgets of both programmes). Furthermore, 62% of the combined budgets was earmarked. Earmarked funds offer less flexibility than soft-earmarked funds, which allow HTMSS to test donors with new concept notes, develop more locally rooted outputs and directly address Member States' request for assistance. On the other hand, strict earmarked funding allows for clear monitoring, reporting and implementation cycles as donors only fund specific activities that relate to their own priorities in targeted countries. With regards to the two programmes, TIP received more funding than SOM due to higher interest of donors in funding activities targeting TIP. Such Funding imbalance had consequences on staffing and on the implementing timeframes of some activities in GLOT92. However, interviews and budget reviews underlined how HTMSS manages to bridge between the two programmes to cover staff costs and fulfil its mandate for both TIP and SOM. Cost-sharing amongst programmes is common place at UNODC at large and is also implemented across HTMSS in order to implement activities or cover staff positions in line with donor requirements.

In addition, donors were generally satisfied with the timing of reports. However, the reporting could benefit from standardization, qualitative analysis, and streamlined monitoring tools to improve the analysis, highlight challenges and progress, enhance the granularity of the achieved or unachieved results, and impact as well as extract lessons learned. Finally, the evaluation assessed the level of efforts needed to fulfil both programmes' agendas and concluded that time and human resources management could be improved through a closer coordination between HTMSS, regional desks at HQ and field offices to leverage each other's comparative skills and encourage cross-sectorial programming to avoid duplication of activities amongst them. According to interviews, coordination is a cumbersome task for HTMSS but also their UNODC counterparts and partners.

## Partnership and cooperation

The two programmes were found to be useful vehicles to implement activities to initiative legal reforms on both Protocols' provisions in countries where donors' interests are focused on other themes. Activities under these programmes are implemented through HQ (programme staff that divide their work according to regional and thematic expertise) and/or through field offices that receive segments of the budgets. They sometimes implement activities jointly. Such cooperation was found to be effective and reported as positive but coordination could be improved. Such improvement could help raise funds across sections of OCB, and together with regional desks and field offices as well as organize integrated activities in order to avoid duplication and maximize impact as these two crimes cannot be tackled from one angle only. It is paramount for HTMSS and other OCB sections (see chart below) to map opportunities, potential partners and donors to adopt a coherent funding strategy. Not only will it help strengthen UNODC's unique added value amongst donors but will also foster closer programing and implementing of ties within UNODC's sections.

Chart: HTMSS' position within UNODC's organigram as part of OCB.



From a partnership perspective, the programmes have generated new partners through the case law databases and the delivery of technical assistance with EUROJUST and INTERPOL, as examples, and have continued their long-standing engagement with other international agencies such as IOM, UNICEF and others during events. However, engagements with other UN agencies remained overall light.<sup>16</sup> A stronger interplay and level of cooperation amongst UN agencies and government counterparts was observed in the new programme on TIP and SOM (GLOZ67/GLO.ACT- The Global Action Against Trafficking in Persons and the Smuggling of Migrants 2015-2019). Key implementing partners of this new programme are UNICEF, and IOM and it is funded by the European Union over a funding cycle of 4 years. These types of 4 year-funds are rare to obtain and HTMSS leveraged this opportunity to design a well thought out programme through complementing partnerships. Results are yet to be gathered as part of an upcoming mid-term evaluation.

Finally, according to interviews, desk research and observation the two programmes (GLOT59 and GLOT92) could have benefitted from a thorough stakeholders mapping and needs assessment at their design phase, but also through continuous stakeholders' engagement and monitoring. Such process can help design a partnering strategy with established organizations to understand who the focal points and governmental counterparts are as well as clarify the role and bandwidth of the civil society in targeted countries.

<sup>16</sup> There are different levels of engagements with other UN agencies depending on the type of activity undertaken (technical assistance, policy work, normative, etc.).

## Effectiveness

Data collection and analysis showed that both programmes achieved a total of over 220 activities, amongst which approximately 160 were on TIP and around 60 on SOM besides the normative work carried out as described further above. According to reports and interviews, around 130 of these were training workshops. Although, according to donor reports, most activities were implemented across seven outcomes that are common to both programmes' logframes, the evaluation team could only partially assess the level of effectiveness of different outputs due to the level of information available that was merely at the implementation level (number of trained officers or magistrates) rather than at the outcome level. Moreover, qualitative data could help obtain further granularity on the level of achievements and impact of these programmes on strengthening the capacity of Member States to fight TIP and SOM. Furthermore, baseline information remained basic (number of States parties before and after programme activities for instance). In order to mitigate these elements, the evaluation team reconstituted a Theory of Change (ToC) based on the programme documents and underlined existing and missing pathways from activities/outputs to outcomes. The ToC helped the evaluation team highlight how the monitoring activities were mainly activity-based and identify areas where clearer pathways need to be established for the HTMSS team to better assess impact and exert greater attention on outcomes. Moreover, there are neither outcome nor SMART<sup>17</sup> indicators. In general, monitoring tools need to include qualitative and gender indicators that go beyond number of women attending activities and participating in workshops or trainings. Finally, reported findings need to be discussed amongst HTMSS, Field Offices (FO) and other UNODC sections in order to integrate lessons learned and adapt programming accordingly.

Furthermore, HTMSS had to overcome many challenges (administrative, security, budgetary, context based and substantive), as highlighted in the ToR found at the end of this report, to implement within the programming cycles. Trouble-shooting is time-consuming and according to interviews and direct observations, field missions, activities planning and implementation are administratively demanding.

In addition, tools were developed through these programmes, such as the 'Model Laws' or the case law databases<sup>18</sup>. One conclusion was that the existing indicators to measure their effectiveness were not appropriate and that distribution did not always translate into application and local appropriation. As these tools form part of a larger service offering package to build MS' capabilities to combat the two crimes, it was critical to properly assess whether capacity building activities yielded the desired results or not. Local counterparts and beneficiaries praised HTMSS for their convening and organizing skills. Furthermore, they appreciated the fact that capacity building activities included as many law enforcement agencies as possible and other professionals from the criminal justice system (judges, prosecutors and social workers). This process helps build bridges and opens lines of communications amongst these professionals who otherwise rarely communicate with each other. All respondents agreed on the quality of the experts and of the training delivered but insisted on the need to hold more than one or two workshops in order to build their agencies' institutional memory. As a result, HTMSS needs to consider longer-term mentoring processes and engagement in targeted countries for future programming.

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17 SMART: Specific, Measurable, Achievable, Realistic and Time-bound.

18 Case study on the case law database in annex.

## Impact

The two programmes had very little baseline information (number of ratification of each Protocol) available to assess impact during the timeframe covered, 2008-2016.

Quantitative results reportedly reflect a satisfactory level of achievements: such as the number of trained law enforcement officials (LE) or prosecuted cases according to the case law databases developed by UNODC, or the number of tools

HTMSS Mandate- HMTSS supports Member States in implementing the key international instruments that address trafficking in persons and the smuggling of migrants: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. HTMSS assists Member States, criminal justice practitioners and relevant stakeholders in preventing and prosecuting these crimes, protecting the rights of people who fall prey to the criminals who commit them, and promoting cooperation among Member States to achieve those ends. The Section offers support and assistance in five main areas:

- Knowledge-base expansion
- Strategy and policy development
- Prevention and awareness-raising
- Ratification and legislative assistance
- Capacity development

HTMSS also facilitates international cooperation, supports policy work at the international and interagency levels, and provides substantive technical services and comprehensive strategic advice to intergovernmental and inter-agency forums to prevent and combat trafficking in persons and the smuggling of migrants.

HTMSS' technical assistance and support is delivered primarily through three global programmes:

- The Global Programme against Trafficking in Persons
- The Global Programme against the Smuggling of Migrants
- The Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants

drafted to support MS' integration of reforms. The desk research also underlined the development of case law databases (as reported on the Sharing Electronic Resources and Laws on Crime- 'SHERLOC'<sup>19</sup>) on TIP and SOM since the programmes' inception as potential sources of valuable data for future evidence programming. Greater efforts in reporting successful cases across MS in prosecuting traffickers and smugglers would need to be more recurrent and systematic. To that effect, the 'case law database digest on Trafficking in Persons', that presents how evidence on different cases and how challenges were overcome was presented during the UNTOC Conference of State Parties (October 2016). Moreover, the human trafficking knowledge portal helps raising awareness about TIP and SOM<sup>20</sup>. Furthermore, the Crime Research Section is currently refining indicators and collecting data to create the first Global Report on Smuggling of Migrants. These tools and reports help fulfil these two programmes' outputs 2.1<sup>21</sup> and 3.1.4<sup>22</sup> from the TIP programme for instance, and outputs 2.1.2<sup>23</sup> and 3.1<sup>24</sup> from the SOM programme. Further efforts to continue logging information and democratising its use have to be encouraged amongst MS by HTMSS. Furthermore, following the Sustainable Development Goals (SDGs) that were adopted in September 2015, UNODC considered what existing indicators could help start reporting on progress relevant to TIP and SOM but HTMSS and the Research Unit have yet to yield sufficient

<sup>19</sup> <https://www.unodc.org/cld/v3/sherloc/>

<sup>20</sup> <https://www.unodc.org/cld/v3/htms/>

<sup>21</sup> Outputs 2.1.1 Organize Expert Group Meetings to gather international expertise and best practices in the field of TIP; 2.1.2 Develop and disseminate issue papers on elements of the definition of TIP in the TIP Protocol.

<sup>22</sup> 3.1.4 Support the extension of UNODC Online legal library to cover TIP legislation.

<sup>23</sup> 2.1.1 Collect and present Global report on SOM

<sup>24</sup> 3.1.3 Legislative review/drafting support in 2 countries

3.1.4 Disseminate model law on migrant smuggling

data to draw conclusions on progress. It is too early for HTMSS to report on any progress on the SDGs. However, the Crime Research Section is currently working towards understanding what set of existing indicators respond to the SDGs and if others are needed.

Although these two programmes have been ongoing for many years, it is important to stress that this evaluation is a mid-term review and the first one to take place. As such, many intermediary results were observed and mentioned under effectiveness but only a few intermediary impacts could be reported to. Indeed, harvesting outcome indicators on these programmes' impact was and remains challenging. Although great efforts have been undertaken to monitor results, indicators at the outcome level remain difficult to attribute to UNODC only and the HTMSS team does not yet have the tools to properly assess the impact of HTMSS' work and efforts. HTMSS needs to invest in the right tools<sup>25</sup> as well as the capacity and time to collect such information. Some of the positive intermediate outcomes were the contributions of HTMSS, amongst other agencies, to legislative and policy reforms, as for instance the protocol of the Dominican Republic was reviewed in accordance with the SOM Protocol after the regional training on SOM by sea was organised in Panama in 2015. Another example, that remains more anecdotal than triangulated data, was the result of the joint investigation between France and Bosnia & Herzegovina (financed via EUROJUST), discussion – facilitated by UNODC - helped build trust between French and Bosnian authorities as well as between authorities and NGOs. Following the joint investigation, both authorities noticed a change in the understanding and attitude of the investigators, police and prosecutors on how to work in such cases.

The level of activities undertaken under each programme overpasses staff capacity, which is testament to HTMSS' dedication to their mandate and their continuous effort to support MS strengthening their capacity to combat both crimes and reinforce their criminal justice response. It is critical for impact measurement, work planning, donors' engagement and fundraising that an effective monitoring plan (tools and staff's capacity building), and a clear Theory of Change (ToC) are agreed upon. These documents should help define impact and develop measurable outcome indicators. HTMSS through GLOT59 and GLOT92 could become an example for other programmes, should they strengthen their current monitoring process and should they share and apply their experience about developing a Theory of Change for their latest programme, GLO.ACT, to both TIP and SOM programmes.

## **Sustainability**

GLOT59 and GLOT92 are based on the principle that combating TIP and SOM is a joint effort but one that requires MS' commitment to address the mechanisms of organized criminal networks from different angles (production, financing, recruitment and distribution networks). The two programmes form part of a myriad of initiatives against TIP and SOM undertaken by multiple actors (research institutions, non-governmental organizations, media, international organizations, governments and the private sector) and are therefore part of a global realization, which aims at ensuring longer-term sustainability of these joint efforts. Local ownership and appropriation of legal reforms differ from one MS to the other; hence, HTMSS needs to clarify the roles and mutual benefits of all parties at the onset of activities planning.

The two programmes respond to MS' requests to obtain technical assistance for capacity building, legislative support, normative work and, at some occasions, equipment. Many activities are

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<sup>25</sup> Tools that allow systematic monitoring in one system and that help draw comparisons between different strands of work. SmartSheet is a good planning and reporting tool; prezi is a good communication tool that allows for great and impactful presentations for donor relations and high-level meetings and there are online 'theory of change' tools that can help a project team develop and change a ToC along different project cycles.

implemented with the objective that they will enable MS to integrate the TIP and SOM Protocols and provisions into their legal framework as well as better protect victims of trafficking and smuggled migrants. Activities focused on inter-agency work are also substantial and time consuming. However, when MS issue a request to HTMSS for support; processes should be in place that ensure some level of sustainability (at least interest) from MS side to continue developing its capacities and national strategies on TIP and SOM. The evaluation underlined that the programmes' capacity building activities do not always build institutional memory in sustainable and effective manners in order to yield long-term impact. This was particularly apparent during the evaluation, when beneficiaries requested follow-up activities after singular training workshops or one-time visits for legislative support. Training modules on TIP and SOM are sometimes integrated into specialized institutions (law enforcement and magistrates for instance), which helps ensure continuity of these curricula for new recruits without HTMSS' ongoing support. Moreover, MS' political will was found to be critical to ensure cohesiveness and a sustained effort to develop a national strategy to combat TIP and SOM. However, many countries have limited human, financial and governance capacities to follow through with UNODC's recommendations such as, for instance, the use of tools to draft a national strategy, continuation of training police officers on investigative techniques to gather evidence on TIP and SOM cases, and/or prosecution of cases without UNODC's further engagement. Furthermore, the evaluation emphasized the need for HTMSS to manage MS' expectations with respect to UNODC's engagement on financial capabilities and on HTMSS' service offering and support (both regarding capacity and financially speaking). A clear message as to the level of HTMSS' engagement can help reinforce MS' ownership and 'buy in' as well as clarify HTMSS' clear exit strategy. These aspects would strengthen the sustainability of the conducted interventions.

### **Human Rights and Gender Equality (HR&GE)**

The evaluation identified positive indicators of human rights sensitivity and responsiveness within the two programmes, mainly: HTMSS staff are fully aware of the link between human rights and TIP and SOM; both programmes are engaged with human rights mechanisms; there is consensus about the importance of a Human Rights Based Approach (HRBA) as a guiding element within the programme cycle; and, human rights language and principles are found across all programme documents, as well as the normative work and technical assistance provided to MS under the programmes (with tools and trainings covering topics of international standards of human rights and present and describe relevant human rights instruments positioning human rights). In this regard, UNODC/HTMSS contributed to expand the human rights engagement on TIP and SOM through specific tools and high-level meetings. However, UNODC is still positioned and seen as such by its counterparts as a criminal law focused partner with expertise on criminal law focused instruments that are the Protocols. At this level, the evaluation finds that a HRBA is not systematically applied in both programmes and specific analysis, indicators, expertise, capacities, resources and strategic human rights related partners (mainly, strengthened partnership with human rights organisations) need improvement. Partnerships with human rights organizations can help vulgarize the new normative laws and their consequences on people's rights across a MS' constituencies; human rights organizations can also keep the governmental authorities in check asking for greater transparency and compliance with international standards for instance.

Concerning gender equality aspects, most HTMSS staff members were aware that gender inequalities and gender based violence are contributing factors and have to be taken into consideration to improve responses to TIP; a similar observation could not be so clearly drawn from interviews with staff members on SOM gender related factors. In addition, the existing gender

equality frameworks and guiding documents relevant to TIP and SOM<sup>26</sup> did not suffice to ensure clear understanding and integration of gender into programming purposefully. Also, challenges were identified regarding the focus, expertise, capacities, practice and resources on/for gender equality and women's rights and practical gender mainstreaming. These important shortcomings, together with the ones identified in the integration of a gender perspective (gender mainstreaming) in the programming cycle (lack of gender analysis, limited systematic collection and analysis of disaggregated data and lack of gender related indicators, monitoring and reporting), show that GLOT59 and GLOT92 are currently not in a position to track if interventions are directly benefiting men and women equally and contributing to the advancement of gender equality.

### **Merger of the two programmes**

The terms of reference of the evaluation included questions on the advantages and potential shortcomings of merging both programmes into one. The Independent Project Evaluation of GLOT55 in 2013<sup>27</sup> issued a recommendation that UNODC should consider further consolidation of its counter-trafficking and counter-smuggling expertise and activities under a common global programme. This proposal was thus also explored as part of the current in-depth evaluation. After a careful review of the documents and interviews with key stakeholders, these programmes share a similar design and priority areas (work streams) and are both managed by the HTMSS. Although the evaluation findings were not conclusive towards a merger or not, there were high expectations that a merger would be possible to ease the administrative weight that the management of these programme represent and balance the flow of work between TIP and SOM amongst HTMSS staff members. The evaluation team presented the challenges and opportunities of such a potential merger and issued a series of recommendations for the HTMSS to consider all angles before reaching a decision regarding such an endeavour.

### **Conclusions**

These two programmes were, and remained highly relevant, with man-made crises, economic hardships, political turmoil, poverty and climate change natural disasters increasing risks of vulnerability of people and strengthening criminal networks that benefit from people's urge to escape from these circumstances and the massive population movements across borders and seas. Moreover, these two programmes were designed in 2008 and 2010 in response to MS' needs to integrate the Protocols provisions into their legal frameworks.

UNODC's unique niche and role to support MS strengthen their legal framework and criminal justice response was repeatedly put forward by counterparts. However, UNODC's strategic positioning as the key UN agency mandated to address TIP and SOM needs to be further advocated and understood amongst counterparts and beneficiaries to accelerate and continue the fight against TIP and SOM. These two programmes could thereby implement their activities with possibly less challenges and obtain greater visibility for HTMSS' work amongst donors and partners.

Generally, both programmes were found to have yielded results and further efforts to integrate gender and human rights issues systematically as well as develop SMART outcome indicators was highly suggested to improve the overall design and measurability of the impact of the programmes. In addition, HTMSS managed funds effectively and resorted to cost-sharing when possible to duplicate activities (organizing three workshops instead of two with the same budget for instance) or cover needed staff time across programmes.

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<sup>26</sup> Refer to human rights and gender section for more details

<sup>27</sup>[https://www.unodc.org/documents/evaluation/Independent\\_Project\\_Evaluations/2014/GLOT55\\_Independent\\_Project\\_Evaluation\\_Report\\_2014.pdf](https://www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2014/GLOT55_Independent_Project_Evaluation_Report_2014.pdf)

Furthermore, the evaluation team concluded that HTMSS should: a) conduct needs assessments, b) undertake thorough stakeholders mapping and c) consult across key relevant agencies and stakeholders in order to ensure cross-agency cooperation, cross-fertilization of themes and ensure full visibility and integration of local counterparts in the design of future activities. Such processes would ensure greater local ownership and sustainability. HTMSS has the expertise to do so and when needed should recruit external consultants for temporary support on programme design and tools development (e.g. concerning impact measurement, for the development of a theory of change, integrating HRBA and gender indicators etc.). It is critical to allocate resources and build staff capabilities and capacity in effective monitoring, gender mainstreaming and on integrating HRBA in programming on both TIP and SOM.

Finally, most MS have ratified both Protocols and implementation of the provisions required external support – especially on SOM where progress has been slower than on TIP – in integrating the Protocol’s provisions into their legal frameworks. SOM had so far received less attention by the donor community but has recently received increasing attention. Clearer terms of engagement between HTMSS and MS need to be formulated in order to anchor activities and reforms in local realities and ensure stakeholders’ ownership and political will for sustainability and effective implementation.

## **Recommendations**

Based on thorough data analysis, a set of recommendations is presented in the section at the end of this report and condensed into the Matrix below. The recommendations are divided amongst highly important and important recommendations. The highly important ones are the following:

- 1) **Promote UNODC’s strategic positioning and niche** to address TIP and SOM amongst other international players. In order to emphasise UNODC’s relevance and expertise on both crimes, HTMSS should strengthen its value proposition by clearly a) defining its niche; b) explaining the rationale for when and why it decides to focus on activities and in what MS versus others; c) strengthening its internal programming mechanism and architecture for cross-agency programming (other UN agencies and other international players such as the EU, the Conseil de l’Europe for instance) and for bolstering UNODC’s value proposition as key player to combat TIP and SOM.
- 2) **Strengthen the two global programmes by setting up a consultative forum with Member States groups.** Currently side events of the COP help raise issues on TIP and SOM amongst high level participants and technical experts. It is not sufficient as the COP is not just for TIP and SOM but on the other Protocols of UNTOC and is too large to engage more closely with the beneficiary MS and the donors. An annual or biannual steering committee could help report on intermediary results and impact, consult with MS and strengthen the governance, monitoring and engagement process as a whole.
- 3) **Enhance cross-agency programming and strengthen the two programmes (GLOT92 and GLOT59) management processes.** The consultative forum or steering committee could be the place where HTMSS, with FO can review their strategic plan to engage with other international organizations. Special thematic technical committees on UNTOC (security sector reform, criminal justice response, migration and protection of victims and of smuggled people, counter-terrorism across TIP and SOM) and on TIP and SOM Protocols could help identify interested and relevant stakeholders and potential partners. Such committees can help discuss potential coherent joint programmes and activities in targeted countries.
- 4) **Cross-section programming-** HTMSS with FO could benefit from exploring cross-thematic

programming, which could help raise funds. For instance, trafficking in person and counter-terrorism or the connection between smuggling of migrants and victims of trafficking. Such cross-section programming could create more synergies and more visibilities amongst the different sections. Cost-sharing amongst them could help implement joint activities as well.

- 5) **Develop theory of change and update programmes' logframes** - Irrelevant of whether it is one or two programmes, the process for the development of the theory of change has to be inclusive through a thorough stakeholders' mapping and consultation and ensure that human rights and gender aspects are discussed and integrated. Based on the theory of change, updated logframes with SMART indicators at output, outcome and goal levels should be developed for greater monitoring and impact measurement.<sup>28</sup>
- 6) **Reinforce the internal capacity for HRBA in programming** - The evaluation concluded that HTMSS staff are fully aware of the link between human rights and TIP and SOM; both programmes are engaged with human rights mechanisms; there is consensus about the importance of a Human Rights Based Approach (HRBA) as a guiding element within the programme cycle; and, human rights language and principles are found across all programme documents, as well as the normative work and technical assistance provided to MS under the programmes. However, UNODC is still positioned and seen as such by its counterparts as a criminal law focused partner with expertise on criminal law focused instruments that are the Protocols. At this level, the evaluation finds that a HRBA is not systematically applied in both programmes and specific analysis, indicators, expertise, capacities, resources and strategic human rights related partners (mainly, strengthened partnership with human rights organisations) need improvement. The capacity within HTMSS and FOs for an effective integration of HRBA in all phases and levels of the programmes needs to be strengthened. Hence, the evaluation team recommends that HTMSS resorts to external consultants for HRBA to facilitate any potential programme formulation, ensures training/tools/coaching for its team and TIP and SOM focal points on HRBA in programming; seeks for competencies in HRBA in future recruits; and, enlarges and reinforces partnership with relevant human rights stakeholders, including civil society organisations. (See annex VI for more suggestions on enhanced HRBA in programming).
- 7) **Develop understanding on gender issues and capacity for gender mainstreaming in programming**– The evaluation concluded that there is a need to reinforce internal understanding/capacity/resources for gender mainstreaming. For this purpose, HTMSS needs to ensure training /coaching for its team as well as TIP and SOM focal points in FO; seek for competencies in gender mainstreaming in future recruits; resort to external consultants for gender expertise to facilitate programme formulation, implementation, monitoring and evaluation; and, establishes strategic partnerships with gender focused entities within the UN system and among civil society organisations and research centres.
- 8) **Develop a combined strategy to reinforce gender mainstreaming and HRBA in programming**- HTMSS should engage in an open and guided discussion on the convening environment required to reinforce the integration of a human rights based approach and gender mainstreaming strategy into the global programmes. Some of the key elements are commitment at the management level, internal capacity/expertise, guiding instruments/tools, strategic partnership with key human rights and gender related partners and specific funding. The resulting combined gender mainstreaming and HBRA strategy should include specific results, targets and resources and accountability mechanisms to strengthen internal capacity and commitment and to improve the impact of the programmes in advancing human rights and gender equality. (See annexes VI and VII for concrete suggestions).
- 9) **Strengthen the Monitoring and Evaluation tools and process:** the two programmes aim at strengthening MS' criminal justice response through technical assistance and capacity building. Such objectives entail a change of knowledge, attitude and processes from MS

recipients. As a result, and in order to assess intermediary impact, HTMSS needs a framework for changes in knowledge, attitudes and practices to guide them in these kind of efforts

- 10) **Stakeholders mapping for successful partnerships** - HTMSS needs to conduct thorough stakeholders mapping before they respond to MS' requests for technical assistance or capacity building activities. This mapping will clarify key governmental counterparts, civil society organizations, specific human rights and gender related stakeholders and international organisations that are relevant for TIP and SOM in targeted countries. From there, HTMSS can be more strategic with partners in the field.
- 11) **Obtain MS' signatures or stamps on a work plan moving together on an agreed roadmap.** The evaluation findings underlined significant challenges in implementing these two programmes but recipient MS have high expectations (ongoing support and funding) regarding the support they should obtain from HTMSS. Furthermore, MS do not always have a clear strategy for engaging with international organizations. Although, it is understood that HTMSS cannot operate without the consent or invitation of a MS, this recommendation refers to the steps after HTMSS has already been invited or received the MS's request for technical assistance. This stamped or signed work plan or road map can help clarify as well as manage MS' expectations and foremost get MS to own their change process.
- 12) **Develop a thorough fund-raising strategy for TIP and SOM Develop and regularly review a comprehensive fundraising strategy.** HTMSS, and the Division for Treaty Affairs (DTA) should first agree on a fundraising strategy based on the merger decision and then agree with the Organised Crime Branch (OCB), the Co-financing and Partnership Section (CPS) and the regional desks at HQ. Based on this strategy document, a work plan across all above departments can be agreed upon for cohesion of approach.
- 13) **Consider pros and cons of a merger** - HTMSS together with the financial team, DTA's and OCB's division directors, should carefully ponder over the two scenarios considering the short time frame left in the implementation cycles of the two programmes against the time required to reflect and design a merging plan of the two programmes. Should they consider the merger, the intent of changing how HTMSS works on such global programmes should be the objective; adding one outcome on SOM under one large umbrella logframe would otherwise not change anything.<sup>29</sup>

### **Lessons learned and best practices**

A series of lessons learned were identified such as 1) low regular budget and earmarked budgeting hinders long-term planning; 2) cost-sharing enables HTMSS staff to complement their salaries through different programmes and keeps the team as intact as possible; 3) the current umbrella design of the programmes are not conducive to an effective results based approach and proper monitoring as the logframes are very large, out-dated and indicators are only at the output level rather than at the outcome; 4) effective and systematic human rights based approach (HRBA) and gender mainstreaming in programming require commitment, resources and in-house expertise; 5) publication does not equate usage nor global distribution of tools; 6) Training of Trainers does not suffice to building institutional memory nor knowledge transfer; 7) key stakeholders require management and nurturing; 8) normative reforms require a long-time frame as well as multi-party engagement; 9) evidence based, participatory and inclusive programming is realistic as seen in GLOZ67; 10) brand building and positioning is key to strengthening UNODC's strategic comparative expertise on TIP and SOM and raise more support (institutional and financial).

Similarly, a series of best practices were identified: 1) annual TIP focal point meetings are

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<sup>29</sup> Adding one outcome on SOM under one programme would not change the way HTMSS works at the moment as it would not entail cross-thematic TIP/SOM programming but simply writing concept notes to raise funds for activities under this Outcome on SOM as it is currently done under the current programme on SOM.

constructive; 2) inter-agency invitation to trainings is positive to build national agencies' capabilities uniformly; 3) usage of case law databases and other case studies and tools in trainings is useful; 4) cross-fertilization of sections and branches' expertise is positive and more aligned with emerging' needs on TIP and SOM as well as 5) soft-earmarked funding allows for flexibility in responding to MS' requests that are not covered by strict earmarked funding.

# SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

Findings <sup>30</sup>	Evidence <sup>31</sup>	Recommendations <sup>32</sup>
<b>Key recommendations</b>		
<p><b>Strategic positioning of UNODC ‘s niche on TIP &amp; SOM-</b> UNODC is seen as a highly relevant counterpart by government and law enforcement counterparts for its expertise and mandate. This role was not as evident for MS and other counterparts (international organizations).</p>	<p>Interviews, Desk research Surveys Programme documents Mission reports Donor reports Communication tools (website, brochures, reports)</p>	<p><b>Promote UNODC’s strategic positioning and niche</b></p> <p>HTMSS should seek to strengthen its strategic importance vis-à-vis MS and other international key players. UNODC should be seen as a leading entity in combatting TIP and SOM.</p>
<p><b>Lack of an overarching management structure for the two programmes.</b></p> <p>Currently the COP side events help HTMSS highlight some critical outputs such as the Case Law Databases and others amongst participating stakeholders. This is not sufficient as the COP is not just for TIP and SOM but on the other Protocols of UNTOC and is too large to engage more closely with the beneficiary MS and the donors.</p>	<p>Interviews, Desk research Surveys Programme documents Mission reports Donor reports</p>	<p><b>Create a Consultative Forum or Steering Committee</b></p> <p>HTMSS could strengthen the two global programmes’ management processes by creating a Steering Committee and working groups. An annual or biannual steering committee could help report on intermediary results and impact, consult with MS and strengthen the governance, monitoring and engagement process as a whole.</p>
<p><b>Predominance of informal cooperation and coordination with other UN agencies and other stakeholders -</b> HTMSS works with international organizations on these</p>	<p>Interviews, Desk research Surveys Communication tools (website, brochures, reports) Programme documents</p>	<p><b>Cross-agency programming-</b> HTMSS, with FO need to review their cross-agency cooperation strategy through creating technical committees at the steering committee for instance. Such strategy would strengthen inter-agency programming and cooperation amongst UN</p>

<sup>30</sup>A finding uses evidence from data collection to allow for a factual statement.

<sup>31</sup> Sources that substantiate findings

<sup>32</sup> Recommendations are proposals aimed at enhancing the effectiveness, quality, or efficiency of a project/programme; at redesigning the objectives; and/or at the reallocation of resources. For accuracy and credibility, recommendations should be the logical implications of the findings and conclusions.

<p>programmes but there are no mechanisms structuring their coordination and exchange. So far, it was done through the same IOs and for formality rather than constructive cooperation and planning.</p>	<p>Mission reports Donor reports</p>	<p>agencies and other actors.</p>
<p><b>Lack of regular cooperation amongst sections within OCB and across UNODC</b></p> <p>A lot of silo programming and activities was reported. All stakeholders, including UNODC staff highlighted the need for greater cross-section cooperation and programming.</p>	<p>Interviews, Desk research Surveys Programme documents Mission reports Donor reports</p>	<p><b>Cross-section programming-</b> OCB, HTMSS, with FO could benefit – cost sharing as well as raise funds- from exploring cross-thematic programming. For instance, trafficking in person and counter-terrorism or the connection between smuggling of migrants and victims of trafficking. Such cross-section programming could create more synergies and more visibilities amongst the different sections. Cost-sharing amongst them could help implement joint activities as well.</p>
<p><b>Outdated programme documents</b> - The two programme documents are outdated and were designed at HQ with no stakeholders’ consultation nor baseline information. The programmes are referred to as ‘umbrellas’ with no clear indicators, targets and monitoring tools to measure effectiveness and impact.</p>	<p>Programmes documents Programmes logframes Progress reports and donor reports Interviews</p>	<p><b>Develop theory of change and update programmes’ logframes</b></p> <p>The HTMSS team needs to redesign the two logframes either as one or two -pending decision on the merger- through a theory of change that highlights pathways for each stream of work highlighting how they achieve their objectives and monitor impact. The theory of change should be based on a thorough stakeholders’ mapping and consultation process and a gender and human rights sensitive analysis. This process should help draft a clear set of SMART outcome and output indicators.</p>
<p><b>HRBA is yet to be fully integrated within the two programmes</b></p> <p>The evaluation concluded that, while there is a general understanding of the link between HR and TIP and SOM, HTMSS and FOs capacity for an effective integration of HRBA in all phases and levels of the programmes needs to be strengthened.</p>	<p>Programme documents HTMSS documents Budgets Tools Training materials UNODC position paper on human rights UNODC Guidance note on gender mainstreaming Interviews</p>	<p><b>Reinforce the internal capacity for HRBA in programming</b></p> <p>HTMSS should resort to external consultants for HRBA to facilitate any potential programme formulation, ensure training/tools/coaching for its team and TIP and SOM focal points on HRBA in programming; seek for competencies in HRBA in future recruits; and, enlarge and reinforce partnership with relevant human rights stakeholders, including civil society organisations.</p>
<p><b>No systematic and consistent gender mainstreaming at the programmatic level</b></p>	<p>Programme documents Logframes Tools</p>	<p><b>Develop understanding on gender issues and capacity for gender mainstreaming in programming</b></p> <p>HTMSS needs to reinforce internal</p>

<p>While GE is referred to in programme documents, tools and capacity building efforts and gender-disaggregated data is collected on training participants, there is minimal gender mainstreaming practice in programming.</p>	<p>Training materials UNODC position paper on HR UNODC Guidance note on gender mainstreaming Interviews Survey Work plans Donors reports</p>	<p>understanding/capacity/resources for gender mainstreaming. HTMSS needs to ensure training /coaching for its team as well as TIP and SOM focal points in FO; seek for competencies in gender mainstreaming in future recruits; resort to external consultants for gender expertise to facilitate programme formulation, implementation, monitoring and evaluation; and, establish strategic partnerships with gender focused entities within the UN system and among civil society organisations and research centres.</p>
<p><b>Systematic and consistent HRBA and gender mainstreaming at the programmatic level could be strengthened.</b></p> <p>While HR are referred to in programmes documents, tools and capacity building efforts and gender-disaggregated data is collected on training participants, there is minimal HRBA and gender mainstreaming practice in programming.</p>	<p>Programme documents Logframes Tools Training materials UNODC position paper on HR UNODC Guidance note on gender mainstreaming Interviews Survey Work plans Donors reports</p>	<p><b>Design combined HBRA and gender mainstreaming strategy</b></p> <p>HTMSS needs to agree on the convening environment required to integrate HBRA and gender mainstreaming in the global programmes. The resulting combined strategy should include specific results, targets and resources and accountability mechanisms to strengthen internal capacity and commitment and to improve the impact of the programmes in advancing human rights and gender equality.</p>
<p><b>Lack of outcome indicators and monitoring tools to gauge the level of intermediary impacts</b></p> <p>HTMSS has improved its monitoring process since 2014– when a dedicated post was created- however, the monitoring has been very quantitative and lacking some qualitative information as well as outcome indicators to measure intermediate and longer-term impact.</p>	<p>Interviews, Desk research Surveys Programme documents Mission reports Donor reports Communication tools (website, brochures, reports)</p>	<p><b>Strengthen the Monitoring and Evaluation tools and process</b></p> <p>HTMSS needs to invest in refining its indicators and monitoring tools to better assess results, change and impact.</p>
<p><b>Collaborative partnership and visibility of stakeholders in the field</b> - Although partnerships exist, the two programmes did not generate deeper collaboration with any old or new entity. This lack of strategic cooperation is associated with the absence of thorough stakeholders mapping and field</p>	<p>Interviews MoUs Programme documents Donor reports ToR of the evaluation Press releases</p>	<p><b>Stakeholders mapping for successful partnerships</b></p> <p>HTMSS needs to conduct thorough stakeholders mapping in the field before they respond to MS’ requests for any kind of technical assistance or capacity building. Such mapping would understand potential strategic and relevant partners for HTMSS in recipient MS. That includes gender and human rights entities. In order to achieve this, more stable funding is needed to</p>

consultations prior to activities' design and implementation taking place.		empower HTMSS to do the mapping and strategic assessment.
<p><b>MS have high expectations that cannot always be met by HTMSS human and financial capacities.</b></p> <p>The evaluation findings underlined that MS have high expectations (ongoing support and funding) regarding the support they should obtain from HTMSS on these two programmes.</p>	<p>Interviews Programmes documents Donor reports</p>	<p><b>Obtain MS' signatures or stamps on a work plan moving together on an agreed roadmap.</b></p> <p>Although, it is understood that HTMSS cannot operate without the consent or invitation of a MS, this recommendation refers to the steps after HTMSS has already been invited or received the MS's request for technical assistance. This stamped or signed work plan or road map can help clarify as well as manage MS' expectations and foremost get MS to own their change process.</p>
<p><b>Coordinated fund raising strategy</b> - The two programmes are implemented through individual projects funded by pledges (now referred to as grants) from different donors, ranging from small to bigger pledges. Missed opportunities, for the two programmes and at UNODC at large, occurred due to a lack of fundraising coordination between regional, field offices and regional (&amp; possibly other relevant substantive) sections at HQ.</p>	<p>Interviews Donor reports UNODC fund raising strategy</p> <p>Budget disbursement</p> <p>Donors' interests digest Programme documents</p>	<p><b>Develop and regularly review a comprehensive fundraising strategy</b></p> <p>HTMSS, and the Division for Treaty Affairs (DTA) should first agree on a fundraising strategy based on the merger decision and then agree with the Organised Crime Branch (OCB), the Co-financing and Partnership Section (CPS) and the regional desks at HQ. Based on this strategy document, a work plan across all above departments can be agreed upon for cohesion of approach.</p>
<p><b>Merger option between the two programmes</b></p> <p>The two programmes' logframes are large and acting as more of an umbrella than a strategic programmatic tool. As such, management and reporting are very demanding on the HTMSS team. However, the evaluation findings were not conclusive on either option: whether to merge the programmes or not.</p>	<p>Interviews Programmes documents ToR of the evaluation Budgets Other programmes' evaluations Other programmes logframes</p>	<p><b>Consider pros and cons of a merger</b></p> <p>HTMSS together with the relevant decision-making sections, should carefully ponder over the two scenarios considering the remaining programming cycle versus the time required to rethink, redesign and obtain clearance on such potential merger.</p>
<b>Important recommendations</b>		
<p><b>Strategic communication reporting and tools.</b></p> <p>Although feedback to the evaluation team on the work and expertise of HTMSS was generally positive, there are no tools to report and translate this feedback into strategic</p>	<p>Interviews, Surveys Meta-analysis of feedback forms Web stories Tools Services offering pamphlets</p>	<p><b>Design strategic communication and positioning tools</b></p> <p>HTMSS together with the Advocacy Section should utilize the collected data from training feedback but also more actively seek feedback on their engagement to design strategic communication tools to better</p>

<p>communication and dissemination tools (e.g. branding strategy, a “business” plan that sets out HTMSS’ value proposition and ToC, justifying actions and areas of actions as well as a social media campaign.)</p>		<p>explain HTMSS’ areas of priorities and limitations in order to better communicate and leverage its niche expertise.</p>
<p><b>Prioritization of actions and work plan</b>-HTMSS is understaffed to implement the volume of activities planned for each programme. There is currently no strategic road map to respond to MS’ requests and needs.</p>	<p>Interviews, Programmes documents, Work plans, Press releases, Conference of state parties, ICAT review papers</p>	<p><b>Develop Key indicators for success in order to prioritise activities</b> HTMSS with OCB and relevant sections in the DTA should draft a set of Key Indicators for Success (KIS) in order to assess at what stage a particular country stands on the implementation of the protocols. This assessment or readiness analysis can help design a work plan.</p>
<p><b>Institutionalized communication protocols amongst HTMSS and key counterparts.</b> Although relations amongst HTMSS and other field offices were generally positive, they were found to be personality based rather than institutionalized. In addition, such processes were also missing when engaging with MS, with roles and responsibilities not always being clear, which lead to skewed expectations.</p>	<p>Interviews Observation Programme documents Donor reports</p>	<p><b>Foster institutionalized communication and reporting lines amongst UNODC offices and key counterparts.</b> HTMSS, the Regional Sections, the Regional and FO leverage each other’s positioning and expertise for enhanced, coordination and evidenced based programming. Furthermore, institutionalized communication protocols could be established and clear Letter of Intent between MS and HTMSS to clarify roles and strengthen local ownership and accountability as well as explain HTMSS exit strategy.</p>
<p><b>Widespread distribution and translated tools.</b> Although tools from both TIP and SOM programmes have been translated into UN official languages, their usage could be improved to further strengthen MS’ criminal justice response.</p>	<p>Interviews Observation Programme documents Donor reports</p>	<p><b>Increase distribution and translation of tools:</b> HTMSS should try to raise further funding to allocate for the translation into different UN and local languages. In addition, HTMSS needs to identify key distribution points where these tools can be distributed for greater impact.</p>



# I. INTRODUCTION

## Background and Context of GLOT59 and GLOT92

The Global Programme against Trafficking in Persons (GLOT59) started in 2008, and its objective is to support Member States (MS) in preventing and combatting human trafficking by promoting the ratification and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking in Persons Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC)<sup>33</sup>. The Global Programme against Smuggling of Migrants (GLOT92) started in 2010, and its objective is that MS and the international community take action to prevent and combat the smuggling of migrants<sup>34</sup>.

Trafficking in Persons (TIP) and Smuggling of Migrants (SOM) occur globally and are two of the most profitable criminal businesses with a very low risk of punishment for the perpetrators. According to a recent EUROPOL/INTERPOL report, the turnover of migrant smuggling amounted to USD 5 to 6 billion in profits in 2015. Similarly, a report from the International Labour Organization (ILO) on forced labour<sup>35</sup> quoted profits of around USD 150 billion, which is three times higher than the previous years. Forced Labour is one of the purposes of exploitation explicitly mentioned in the definition of Trafficking in Persons in the Trafficking in Persons Protocol. However, impunity for traffickers<sup>36</sup> and smugglers still prevails in both crimes. Based on the current migration flows<sup>37</sup> for Europe and worldwide, people migrate as a result of humanitarian crises, conflicts, economic hardship, political instability and climate change or other reasons; often becoming vulnerable and potential targets of TIP and SOM.<sup>38</sup>

The number of international migrants worldwide has continued to grow rapidly over the past fifteen years, from 173 million in 2000 to 244 million in 2015 according to the latest UN International Migration Report – with slightly less than half of the migrants being women and 15 per cent under

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<sup>33</sup> <http://www.unodc.org/unodc/treaties/CTOC/#Fulltext>.

<sup>34</sup> <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

<sup>35</sup> see Trafficking in Persons Protocol, Art. 3. For more analysis of the relevance of forced labour, also in the context of TIP and so-called, allied crimes' see UNODC, Case Digest – Evidential Issues in Trafficking in Persons Cases, 2017. For a discussion of overlaps and differences between TIP and Forced Labour also see UNODC, Global Report on Trafficking in Persons, 2016, p. 15.

<sup>36</sup> 2016 and 2014 UNODC Global Report on Trafficking in Persons.

<sup>37</sup> Discussion guide A/CONF.222/PM.1, 19 July 2013 for the regional preparatory meetings and for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice; and, Remarks by John Brandolino (Director, Division for Treaty Affairs, UNODC) on the occasion of the follow up event to the High-Level Plenary Meeting of the General Assembly on addressing large movements of refugees and migrants. 'Contributing to a Global Compact on Migration: Actions to Address Trafficking in Persons.', New York, 29 September 2016.

<sup>38</sup> UNODC, Global Report on Trafficking in Persons, 2016, 2014 and 2012; Europol/Interpol, Migrant Smuggling Networks, May 2016; Europol, Migrant Smuggling in the EU, February 2016. EU, Communication from the Commission the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU Action Plan against migrant smuggling (2015-2020), CTOC /COP/WG.7/2015/CRP.3. ILO, Profits and Poverty: The Economics of Forced Labour, 2014.

the age of 20 in 2015.<sup>39</sup> The United Nations High Commissioner for Refugees (UNHCR) recently reported that an unprecedented 65.3 million people around the world have been forced to leave their homes. Amongst them are nearly 21.3 million refugees, over half of whom are under 18 years old.<sup>40</sup> The International Organisation for Migration (IOM)'s 'Missing Migrants Project'<sup>41</sup> also recorded 28% more migrant deaths during the first half of 2016 compared to the same period in 2015; an increase associated to longer overseas journeys and more dangerous smuggling practices.<sup>42</sup>

Migrants in irregular situations are particularly vulnerable to exploitation and at risk of falling prey to traffickers and smugglers and of facing discrimination, exclusion, exploitation and abuse during the migration process. It is now documented that both trafficked persons and smuggled migrants are often subject to violence, abuse and exploitation. Consequently, the two crimes have become blurred in practice: smuggled migrants can find themselves trafficked on the way or upon arrival in the destination country<sup>43</sup>. A clear distinction between the two crimes, however remains, that unlike smuggling of migrants, trafficking in persons, as defined by the TIP Protocol and other international/regional standards, can also occur within the borders of a country - often referred to as domestic or internal trafficking - and does not require the crossing of a state border.<sup>44</sup>

Over the last few years, the international community, regional actors and national stakeholders started to better analyse the cross-fertilization between organized criminal networks engaged in TIP, SOM, drug and arms trafficking, money laundering, corruption and terrorism. As a result, the international community confirms the need to develop a more comprehensive and cross-sectorial response on such cross-fertilized topics at both national and transnational levels.<sup>45</sup> As the Protocols clearly outline, it is paramount for MS and the international community to further develop assistance and protection frameworks and mechanisms for victims of trafficking as well as smuggled migrants who are subjected to violence, exploitation and other crimes.

SOM is a crime that is still insufficiently documented and researched, in particular in relation to official data and analysis, which often conflate the issue of irregular migration with SOM and data on irregular entry with data on smuggling of migrants.<sup>46</sup> Stand-alone research has attempted to identify criteria/indicators to correlate data on irregular entry information on smuggled migrants as well as to isolate smugglers; such analysis and data collection have not been comprehensive and

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<sup>39</sup> United Nations, International Migration Report 2015, Highlights, 2016. For more details, see also IOM, 2015 Global Migration Trends, Factsheet, April 2016.

<sup>40</sup> UNHCR, Figures at a Glance, Global Trends 2015.

<sup>41</sup> <http://missingmigrants.iom.int/>

<sup>42</sup> IOM, Global Migration Data Analysis Center (GDMAC), Issue No .4, August 2016.

<sup>43</sup> Global Migration Group, Exploitation and abuse, of international migrants, particularly those in an irregular situation, 2013. Migrant Smuggling Networks, Europol-Interpol Report, 2016. UNODC, Global Report on Trafficking in Persons, 2016. Interviews with respondents during the evaluation.

<sup>44</sup> Most countries have now criminalized domestic trafficking and its detection has increased over the last years. See 2016 UNODC Global Report on Trafficking in Persons, p. 6, p. 102,

<sup>45</sup> UNODC Digest of Terrorist Cases, 2010. UNODC Digest of Organized Crime Cases, 2012. UNODC Regional Office for the Middle East and North Africa and The League of Arab States, Side event: The Nexus Between Organized Crime and Terrorism in the MENA Region: Combatting Illicit Trafficking, 20 October 2016, during the Eighth Session of the Conference of the Parties to UNTOC.

<sup>46</sup> UNODC, Migrant Smuggling in Asia, April 2015. Centre for European Policy Studies/CEPS, Irregular Migration, Trafficking and Smuggling of Human Beings, Policy Dilemmas in the EU, 2016. UN, Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, Workshop 2: Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims.

consistent yet.<sup>47</sup> UNODC Research and Trend Analysis Branch is now collecting data globally on SOM, to publish the first SOM Global Report (forthcoming in 2017). This first report should help create an initial baseline and analysis on SOM-related issues at a global scale.<sup>48</sup>

There is still a significant implementation gap within MS' legal and policy framework to integrate and comply with the Protocol against the Smuggling of Migrants by Land, Sea and Air, in particular on: a) the inclusion and definition of an element of financial (or other material) gain in the criminal offence of SOM; b) the inclusion of an exemption of punishment for those providing humanitarian assistance and c) the inclusion of safeguards and protection measures for smuggled migrants, in particular those being victimized during the smuggling operation<sup>49</sup>. These gaps have so far impaired the elaboration of a common understanding and common response amongst MS to combat SOM and prevented the systematic and detailed collection of data on SOM.

Comparatively, data on TIP and related issues are more available. Recent estimates indicate that the extent of forced labour, for example, which is closely related to and partly overlaps with TIP<sup>50</sup>, is much more significant than previously observed. According to the 2012 ILO report *Global Estimate of Forced Labour*, 20.9 million people were victims of forced labour globally, trapped in jobs into which they were coerced or deceived. These figures are reported as being conservative estimates by the ILO. According to the report, women and girls represent 11.4 million (55%) compared to 9.5 million (45%) men and boys. Adults are more affected than children – 74% (15.4 millions) of victims are 18 years and above, whereas children 17 and under represent 26% of the total (or 5.5 million child victims). The 2012 report also estimates that out of the 20.9 million forced labourers, 18.7 million (90%) are exploited in the private economy; 4.5 million (22%) are victims of forced sexual exploitation; 14.2 million (68%) are victims of forced labour exploitation in economic activities, such as agriculture, construction, domestic work or manufacturing and 2.2 million (10%) are exploited in state-imposed forms of forced labour, for example in prisons, or in work imposed by the state military or by rebel armed forces<sup>51</sup>.

With regard to detected – i.e. identified and officially recognized (and reported) – TIP victims globally, UNODC's latest *Global Reports on Trafficking in Persons* – both the 2016 Global Report published in December 2016 and its predecessor, the 2014 Global Report – highlights that approximately half of all detected trafficking victims are adult women. Although this share has been declining significantly in recent years – with more identification efforts also going into the detection of male victims as well as victims of other forms of exploitation than sexual - it has been partially offset by the increasing detection of victims who are girls. While the 2014 UNODC Global Report highlighted that out of 3 detected child victims, 2 are girls and 1 is a boy, the 2016 Global Report underlines that more than a quarter of the detected trafficking victims are children, with the number of boys who are detected as victims decreasing. According to both reports, women remain a majority

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<sup>47</sup> Europol *Migrant Smuggling in the EU*, 2016. Council of the European Union, Final Report on Joint Operation *Mos Maiorum*, 22 January 2015. UNODC, Issue Paper, *Smuggling of Migrant by Sea*, 2011.

<sup>48</sup> UNODC, *Annual Appeal 2016*, p. 52.

<sup>49</sup> Centre for European Policy Studies/CEPS, *Irregular Migration, Trafficking and Smuggling of Human Beings, Policy Dilemmas in the EU*, 2016. European Parliament, *Fit for purpose? The facilitation Directive and criminalization of humanitarian assistance to irregular migrants*, 2016.

<sup>50</sup> For a discussion of overlaps and differences between victims of trafficking, forced labour and slavery see the 2016 UNODC *Global Report on Trafficking in Persons*,

<sup>51</sup> ILO *Global Estimate of Forced Labour*, 2102.

amongst the detected victims who were trafficked for sexual exploitation, while men are for most detected as victims of trafficking for labour exploitation.<sup>52</sup>

Since the adoption of the TIP and SOM Protocols in 2000, universal ratification is steadily advancing, especially on the TIP Protocol (117 signatories and 170 parties of the TIP Protocol 112 signatories and 142 parties of the SOM Protocol)<sup>53</sup>. Although full universal ratification of both instruments is almost total, many implementing challenges remain such as: a) national definitions of both TIP and SOM are often not aligned with international standards; b) the rate of prosecutions and convictions of criminals and of seizures of criminal assets remains low; c) the rights of smuggled migrants and victims of trafficking to obtain protection and assistance are yet to be fully respected and integrated into a larger criminal justice response framework in each MS. Both the 2016 and the 2014 UNODC Global Reports on TIP highlight many of these challenges: some 40 % of countries reported less than 10 convictions per year; some 15 % of the countries covered in the reports did not record a single conviction.<sup>54</sup> The 2016 Global Report on TIP, however, found a positive correlation between the duration of existence of national TIP legislation and the number of trafficking convictions registered in a country.<sup>55</sup>

It is widely recognized that gender and human rights related factors underlie both crimes and shape MS' responses. Furthermore, a broad human rights and gender sensitive protection framework (and practice) is needed in policy and practice across prevention, protection, prosecution and cooperation/partnerships.<sup>56</sup> In particular, TIP, as a serious violation of human rights, is rooted in gender<sup>57</sup> based inequality, discrimination and violence and their intersections with other characteristics such as age, origin, ethnicity, sexual orientation and gender identity, disabilities and economic status. Increased efforts by the international community and some MS have been undertaken in order to highlight that gender inequality and discrimination do not affect only women and men (girls and boys), but also transgender people and that it is therefore important to identify and address gender based issues with regards to each particular vulnerability or access to assistance, rights and justice.<sup>58</sup> In this context, the disproportional high number of women convicted as traffickers is an issue that both the 2016 and 2014 UNODC Global Reports on TIP have highlighted and that requires further analysis and a specific response from a gender perspective.<sup>59</sup>

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<sup>52</sup> 2016 UNODC Global Report on Trafficking in Persons and 2014 UNODC Global Report on Trafficking in Persons.

<sup>53</sup> <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>, accessed on 10 December 2016.

<sup>54</sup> These figures are based on data collected through questionnaires distributed to governments and on official open source information. UNODC, Global Report on TIP, 2016 and 2014.

<sup>55</sup> 2016 Global Report on TIP, p. 19

<sup>56</sup> OSCE, 2012, Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings, Combating Trafficking as Modern-Day Slavery: A Matter of Non-Discrimination and Empowerment; GAATW, Beyond Borders: Exploring Links between Trafficking and Gender, 2010.

<sup>57</sup> According to UNODC Guidance Note on Gender Mainstreaming, "Gender is a relational term that includes both women and men. It is used to describe socially determined differences between women and men, such as roles, attitudes, behaviour and values as perceived in a given context. Gender is an identity that is learned behaviour, and therefore continuously changing"

<sup>58</sup> United Nations 2014 US Trafficking in Persons Report, UNHCR Guidelines on International Protection No. 9 (HCR/GIP/12/09, 23 October 2012), UN Human Rights Council Resolution 32/2 of 30 June 2016 *Protection against violence and discrimination based on sexual orientation and gender identity*, establishing also the mandate of an Independent Expert on the issue. See also GAATW, Collateral Damage, The Impact of Anti-Trafficking Measures on Human Rights Around the World, 2007.

<sup>59</sup> 2016 UNODC Global Report, p. 7 and 19.

In addition, two recent global initiatives within the United Nations (UN) system, the New York Declaration for Refugees and Migrants<sup>60</sup> of September 19<sup>th</sup> 2016 and the Sustainable Development Goals (SDGs) adopted as part of the 2030 Agenda for Sustainable Development<sup>61</sup> have reiterated that the fight against both TIP and SOM are inscribed within the wider framework to foster peace, rule of law and good governance, human rights, development and equality.<sup>62</sup>

UNODC's framework on TIP is also aligned with other key international and regional stakeholders' frameworks, such as the European Union (EU), the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE), which have been developed – also in reference to the TIP Protocol - around the same four key areas of prosecution, prevention, protection and cooperation/partnerships. UNODC's mandate is centred around (criminal) justice and organized crime as the Guardian of UNTOC and the Protocols that are also viewed as criminal justice instruments. Protection and assistance are seen as an integral part of the criminal justice response to TIP, but also as a stand-alone obligation of MS and a right of trafficked people and smuggled migrants in need. Other players adopted a broader approach on issues related to justice, protection and prevention and/or specialized on specific issues. UNICEF focuses on children and child protection, for instance; IOM on migration management and victim assistance, reintegration<sup>63</sup> and/or return<sup>64</sup>; the ILO on decent work, forced labour and child labour; UN WOMEN on women and girls and the fight against violence against them and finally OHCHR on human rights and human trafficking that supports the work of the UN Special Rapporteur in Trafficking, especially on women and children.

Desk research and interviews confirmed that there are multiple international and regional players who have adopted a comprehensive approach in the fight against TIP at both national and regional levels. In practice, the added value of each stakeholder is not always clearly identifiable with many actors engaging in similar activities, that are sometimes funded by the same donor – a circumstance that can make proper cooperation and coordination among funding recipients quite cumbersome. In addition, the activities are then often implemented either in parallel or consecutively as opposed to having joint strategies and working together. Such division amongst key players generates competition on funding sources and multiplies isolated activities.

On SOM, legal and policy frameworks and comprehensive approaches remain inadequate. Although the SOM Protocol has been progressively ratified, international and regional stakeholders are not as numerous to have set frameworks and offer technical assistance. However, UNODC remains the key player, if not the only one, to promote ratification and implementation of the SOM Protocol provisions within MS' legal frameworks. With less competition for funding and less players, UNODC has a unique position/expertise to design targeted and locally grounded activities. Moreover, there is not yet a common understanding on what constitutes migrant smuggling and no consistent protection framework to ensure the rights of smuggled migrants. While the EU framework on SOM differs from the SOM Protocol, and harmonization on the ground is distant, the Council of Europe has recently started to look into possible future activities in this field to

<sup>60</sup> <http://www.unhcr.org/events/conferences/57e39d987/new-york-declaration-refugees-migrants.html>. This has paved the way for global compacts on refugees and migrants respectively in 2018.

<sup>61</sup> <https://sustainabledevelopment.un.org/post2015/transformingourworld> adopted by the UN on 25 September 2015

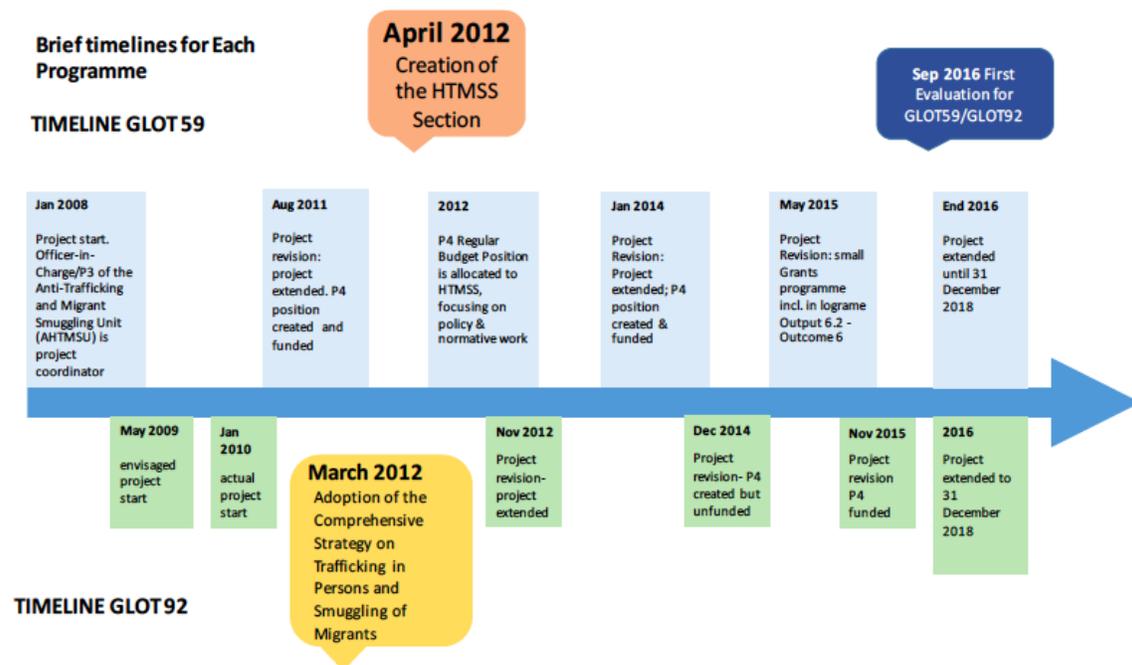
<sup>62</sup> New York Declaration for Refugees and Migrants, A/71/L.1\*. 2030 Agenda for Sustainable Development, A/RES/70/1. UNODC, UNODC and the Sustainable Development Goals, 2016. Global Migration Group/IOM, Stocktaking Exercise on Crisis-Related Migration, November 2015. Global Migration Group/UNHCR, Protection at-Sea Stocktaking, November 2015. See also 2016, Global Report on TIP.

<sup>63</sup> For details see [www.iom.int/counter-trafficking](http://www.iom.int/counter-trafficking).

<sup>64</sup> OSCE Action Plan on Combating Trafficking in Human Beings (2003), EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016). Council of Europe Convention on Action against Trafficking in Human Beings (2005).

promote harmonization and effective cooperation amongst its MS.<sup>65</sup> Similar efforts should also be applied to states that fall outside of the Council of Europe’s mandate.

Another challenge is that even though TIP and SOM are two crimes with separate international definitions and frameworks, they are often mistaken by numerous stakeholders, including MS, as being the same. Such confusion leads to inadequate responses in law, policy and practice. Consequently, UNODC’s support to MS to prevent and combat TIP and SOM remains very topical.



This in-depth mid-term cluster evaluation focuses on the two global programmes, GLOT59<sup>66</sup> and GLOT92<sup>67</sup>, managed by HTMSS that fall under UNODC thematic programme on Countering Transnational Organized Crime and Illicit Drug Trafficking. As seen in the timeline above, both programmes overlap in duration – GLOT59 started 1st January 2008 and GLOT92 21st January 2010 and both respond to MS’ requests to ‘obtain legal and technical assistance in strengthening their criminal responses to trafficking in persons’<sup>68</sup> as well as ‘to prevent and prosecute the smuggling of migrants, protect the rights of people who fall prey to smugglers and facilitate international cooperation in this regard’<sup>69</sup>. Both programmes focus on similar areas of work: (1) prevention & awareness raising, (2) data collection & research, (3) legislative assistance, (4) strategic planning & policy development, (5) criminal justice system response, (6) protection & support, and (7) regional and international cooperation (refer to annex IX for the outcomes table).

<sup>65</sup> <http://www.coe.int/en/web/about-us/our-member-states>

<sup>66</sup> GLOT59: Global Programme Against Trafficking in Persons

<sup>67</sup> GLOT92: Global Programme Against Smuggling of Migrants.

<sup>68</sup> GLOT59 Programme document

<sup>69</sup> GLOT92 Programme document

The similarity of the two programmes stemmed from a logical development given that the UNODC Thematic Programme on Action against TOC mandated a coherent and comprehensive approach in relation to all forms of transnational organized crime as reiterated in its Sub-Programme on Human Trafficking and Migrant Smuggling (2011-2013).

In February 2012, UNODC adopted a ‘Comprehensive Strategy on Trafficking in Persons and Smuggling of Migrants’<sup>70</sup> to strengthen its capacity to respond to increasing MS’ requests. One immediate result, envisaged in this strategy, was the creation of HTMSS in 2012 within the Organized Crime and Illicit Trafficking Branch. HTMSS was created to better reflect the coherence and complementarity of UNODC’s work in preventing and combating TIP and SOM. The section was structured to include two thematic clusters: 1) one focusing on the implementation of the Protocols and capacity-building efforts (largely the then Anti-Human Trafficking and Migrant Smuggling Unit (AHTMSU); 2) the second working on coordination issues (Interagency Coordination Group Against Human Trafficking (ICAT)<sup>71</sup>, UN Global Initiatives to Fight Human Trafficking (UNGIFT)<sup>72</sup>, Group Migration Group (GMG)<sup>73</sup> and Trust fund for Victims of Human Trafficking functions<sup>74</sup>). HTMSS staff covers both thematic issues, TIP and SOM as needed, due to lack of RB resources and cost-sharing amongst projects. HTMSS was created to ensure coordination and enhance efficiency amongst staff members as well as facilitate the design of a coordinated fundraising strategy amongst key sub-sections at the OCB and within HTMSS itself. Both programmes are global; hence, HTMSS coordinates with regional and field offices and their respective projects’ focal points on TIP and SOM across Central Asia, West Africa, Middle East and North Africa, Central America and the Caribbean, South East Asia and the Pacific, South Eastern Europe and Europe.

These two programmes have a total approved budget of USD 20,000,833<sup>75</sup> – with USD 15,750,355 (79%) for GLOT59 and USD 4,250,478 (21%) for GLOT92- from multiple donors, namely Australia, Azerbaijan, Canada, France, Germany, Israel, Italy, Netherlands, New Zealand, Norway, Sweden, Switzerland, Turkey, the United States of America (USA) and the International Labour Organisation (ILO). As the chart below, called ‘Donor Commitment for each Programme/year’, shows the USA have been the largest donor so far with a total of USD 9,505,013 (48% of the overall budget) from 2008 to 2016, followed by Norway with USD 2,988,188 (15%), followed by Sweden with USD 2,515,757 (13%) and France with USD 1,572,799 (8%).<sup>76</sup>

In addition, the four charts (Donor Commitment for GLOT59 for each year since 2007; Donor Commitment for GLOT92 for each year since 2008; Donor Commitment for GLOT59/year; Donor Commitment for GLOT92/year) below<sup>77</sup> show the division between donors amongst the two programmes. Some donors for instance France, Norway and Sweden

<sup>70</sup> [http://www.unodc.org/documents/human-trafficking/UNODC\\_Strategy\\_on\\_Human\\_Trafficking\\_and\\_Migrant\\_Smuggling.pdf](http://www.unodc.org/documents/human-trafficking/UNODC_Strategy_on_Human_Trafficking_and_Migrant_Smuggling.pdf)

<sup>71</sup> <http://www.ungift.org/knowledgehub/en/icat/about.html>

<sup>72</sup> <http://www.ungift.org/>

<sup>73</sup> <http://www.globalmigrationgroup.org/trafficking-and-smuggling>

<sup>74</sup> <http://www.unodc.org/unodc/en/human-trafficking-fund.html>

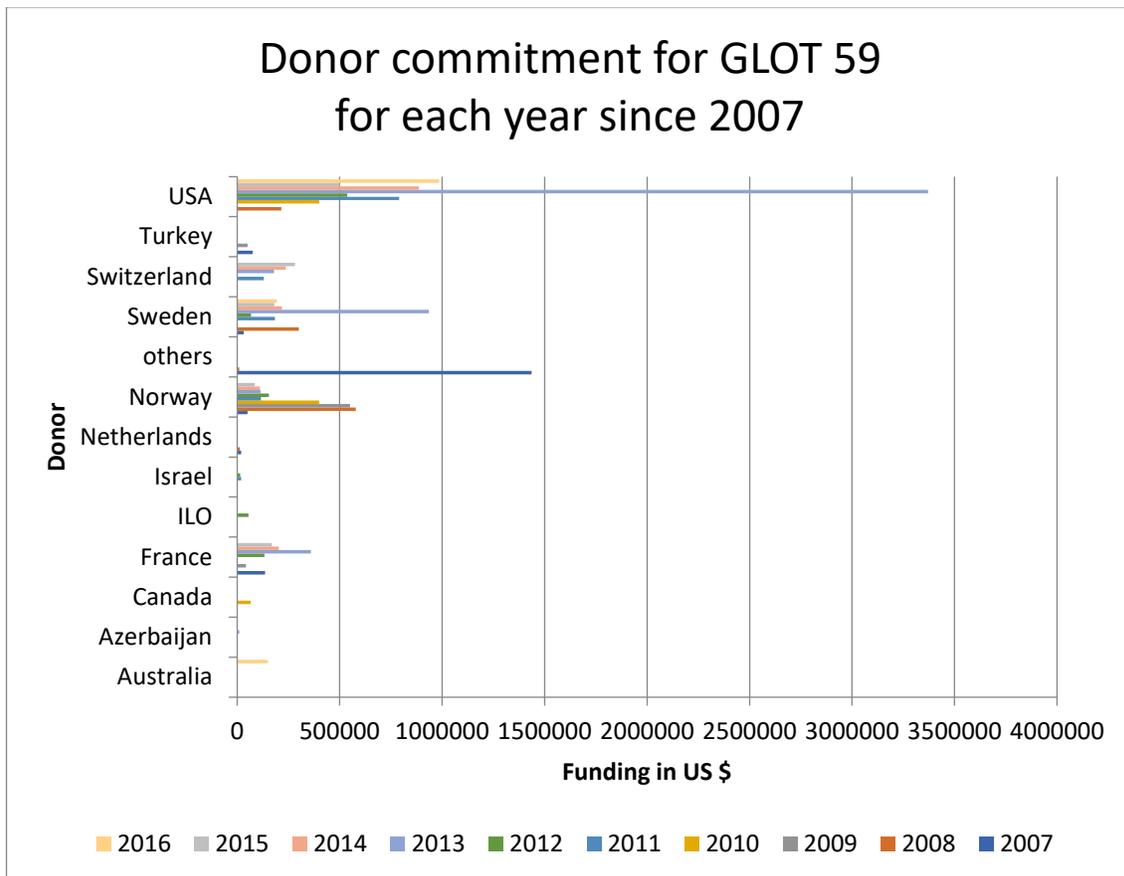
<sup>75</sup> According to latest financial figures for 2016 provided to the evaluation team in March 2017. These figures are different

from those found in the ToR in annex, which do not reflect the latest donors ‘pledges.

<sup>76</sup> These donors were prioritized in the list of stakeholders to interview during the field missions and follow up phone/Skype interviews.

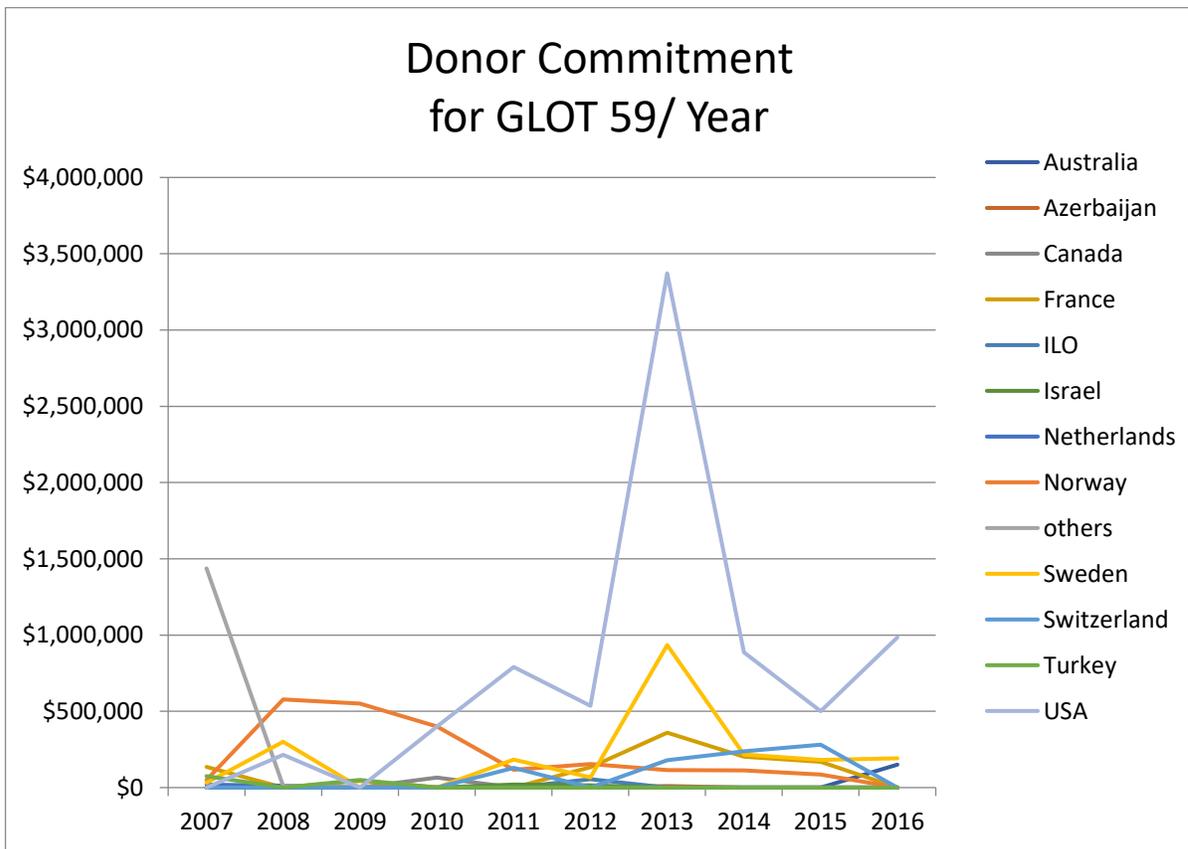
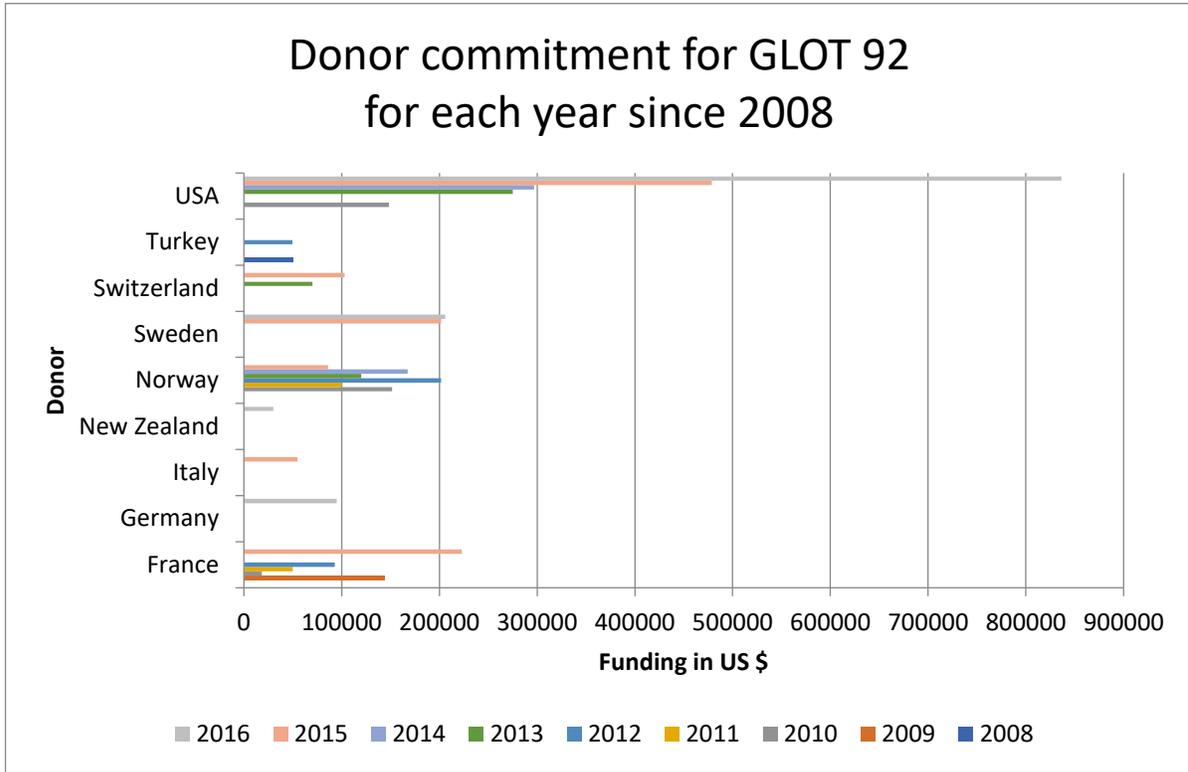
<sup>77</sup> The charts were done based on information available in the donor reports and on ProFi (until 2015) and Umoja (since 2015). The data has been confirmed by HTMSS.

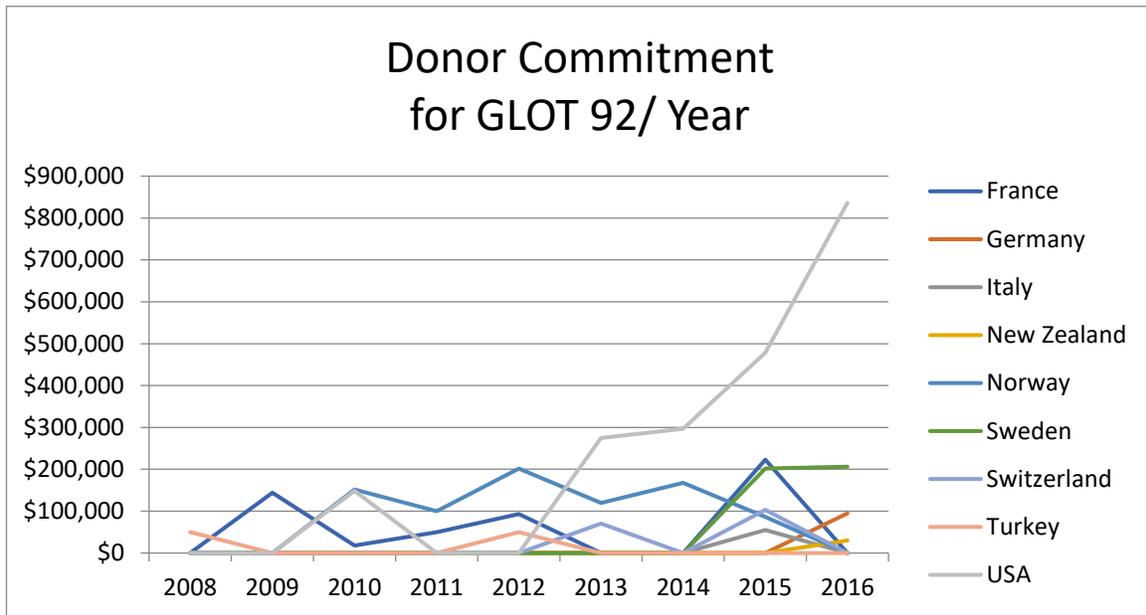
have provided funds to both programmes; the USA invested in the two programmes through different governmental agencies INL<sup>78</sup> and JTIP<sup>79</sup> – both have their own mandate and objectives and funding interests. The charts highlight potential opportunities where donors could allocate their funds to one programme addressing TIP and SOM but also shows the interests of some others who are more concerned about one crime over the other.



<sup>78</sup> Bureau of International Narcotics and Law Enforcement Affairs.

<sup>79</sup>The department of State to Combat and Monitor Trafficking in Person.





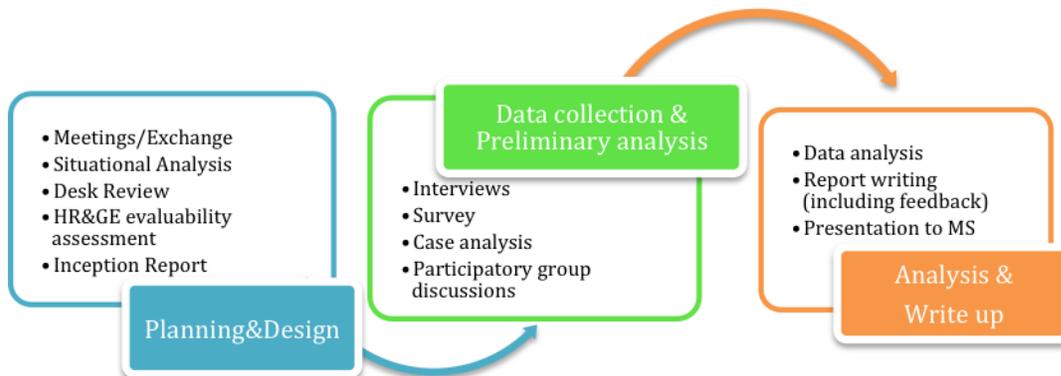
## Evaluation scope and objectives

The evaluation of GLOT59 and GLOT92 took place between September 2016 and February 2017. The main objective of the evaluation was to generate and facilitate learning for the future of the programmes as well as for future UNODC’s programming on TIP and SOM. Moreover, the purpose of the mid-term cluster evaluation was to assess the achieved results of the two programmes and gauge their relevance, efficiency, effectiveness, impact, partnerships and sustainability as well as the integration of human rights and gender aspects/approaches. In addition, lessons learned and best practices were drawn from the analysis of these programmes. The evaluation also assessed the possibility of merging these programmes together into one global programme on TIP and SOM. The evaluation will be used by HTMSS to improve programming and decide on whether to merge or not. The final report will be distributed to key stakeholders (donors and implementing partners) for review and discussions.

The evaluation team was composed of three independent consultants and one member of IEU, all of them were female. The team of evaluators was selected based on evaluation experience, thematic expertise, gender and human rights expertise and language skills.

## Evaluation Methodology

The evaluation was based on a phased approach, as seen on the graphic below, that enabled the evaluation team to answer the questions from the TOR and triangulate key findings. Accordingly, recommendations were drawn from the analysis to support HTMSS improve these two programmes also based on lessons learned and best practices.



**Desk review:** The evaluation team reviewed selected project documents provided in the TOR. Additional documents were requested to complement the data collection process. The desk review was extensive and included over 200 documents (refer to Annex II for the complete list of documents reviewed). The desk review informed the Inception Report as one deliverable for this evaluation.

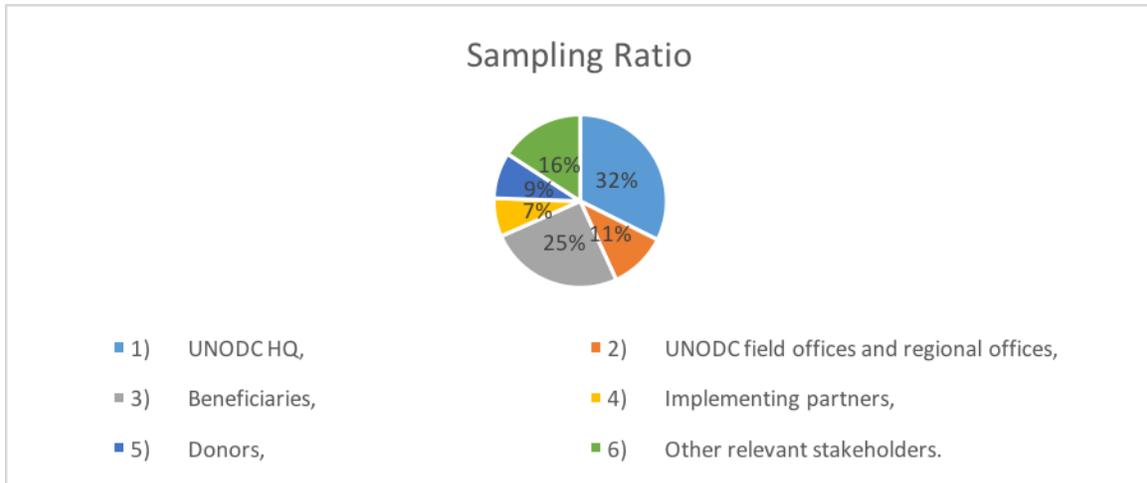
**Data collection:** Five field missions were planned for the field data collection: the whole evaluation team first met at UNODC HQ in Vienna (Austria). The team split to visit Morocco, Panama, Moldova and Bosnia and Herzegovina. The mission in Vienna enabled the team to finalise the Inception Report and agree on the field mission objectives, focus, methodology and finalise the data collection tools, in particular the semi-structured interview guide as well as the survey. A ToC was developed in order to try to understand the rationale and justification of the HTMSS' activities proposed under each programme. This was an internal exercise that was not shared with the HTMSS team as it was a retrospective ToC rather than forward looking. Despite the short time frame, the evaluation team managed to collect the needed information by extending the data collection phase and being flexible to stakeholders' time zones and rescheduling interviews. Some additional information was provided to the evaluation team after the data collection was closed in November 2016. The evaluation team incorporated the latest donors' pledges and budget disbursements for 2016, so the report is as updated as possible.

**Interviews:** In total, 135 stakeholders (71 male, 64 female) were interviewed. Overall, the evaluation team was very pleased with the commitment and the number of stakeholders interviewed. Most interviews were conducted in person during the field missions. The remaining interviews that could not be conducted in person were conducted via Skype or phone calls in order to reach a higher number of relevant stakeholders.

The sampling of interviewees, as shown in the chart below, was divided into 6 categories<sup>80</sup> to represent a mix of stakeholders: 25% were members of recipient governments and law enforcement agencies; 43% were members of UNODC at HQs and Field Offices (FO); 9% donors and, 16%

<sup>80</sup> UNODC HQ, UNODC field offices and regional offices, Beneficiaries, Implementing partners, Donors, and Other relevant stakeholders.

other relevant stakeholders<sup>81</sup>. The interviewed Core Learning Partners (CLPs) included UNODC staff and the main donors (US INL, US J/TIP, Norway, Sweden, France and Switzerland).



The selection of the respondents was based on a purposive sampling methodology. This sampling methodology was considered as most fitted for this evaluation in order to understand nuances of the programmes' achieved objectives from a set of identified stakeholders rather than draw generalizations from a random set of respondents. Moreover, according to UNODC's evaluation guidelines, relevant stakeholders have to have been involved in the programme so they can provide informed and experienced information. With that purposive sampling process, a list of stakeholders was proposed by HTMSS in the TOR - that was complemented when deemed relevant and necessary by the evaluation team and communicated to HTMSS and the IEU. A snowball sampling process during the field missions was acceptable (as long as the suggested new stakeholders had been thematically relevant and/ or directly connected to the programmes). Additional stakeholders on gender equality and human rights experts, representatives from other relevant UN organisations as well as respected CSOs and academics working on TIP and SOM were suggested. They enabled the evaluation team to meet the objectives of the evaluation as per the TOR (see Annex 1).

**On-line survey:** The evaluation team developed an online survey to explore the differences among and between data types (qualitative and quantitative) as well as to validate findings. The detailed survey was translated from English into Arabic, French, Spanish and Russian in order to collect information from a global set of respondents. This global reach was one of the main reasons to administer a survey instrument in the first place. There was a total of 16 questions; 5 additional questions were only applicable if the respondent had participated in a training workshop. HTMSS provided email addresses of 765 potential respondents for the survey. However, at least 150 of these email addresses were out of order and resulted in error messages. In general, the evaluation team had no possibility to check if all provided email addresses reached a potential respondent. In total, 236 persons followed the link to the survey. However, only 143 were completed responses, which yielded a response rate of approximately 23%. The respondents were predominantly male (68.53%) and were mostly (51.75%) law enforcement officials (including police officers, judges and prosecutors). The low response rate of 23% is certainly one of the limitations regarding this survey. As a result, the survey data was only considered as an additional source of information for

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<sup>81</sup> Including experts, trainers and other international agencies operating in the same space but not acting as implementing partners such as UNHCR or UNICEF.

the analysis to verify findings and mitigate the low ratio of field visits compared to countries targeted by both programmes (120)<sup>82</sup>.

**Case study:** During the first phase of the evaluation, it was decided to pay special attention and analyse more in-depth the UNODC Case Law Databases (CLDs). This decision was based on a number of reflections: a) HTMSS's CLD work has been on-going during the timeframe covered by the evaluation; b) the CLDs are relevant to both programmes GLOT59 and GLOT92 and aim at providing in-depth information for both thematic areas to cross-fertilize all seven work streams of the programmes; c) the work on Case Law and the CLDs is an opportunity for HTMSS to bridge gaps and establish links between the global and the local – in terms of norms, their interpretation and stakeholder cooperation; d) importantly the CLDs also allow work, conducted locally at MS levels, to feed back into and inform global efforts. Besides, the online CLDs – in particular the longstanding one on TIP – fulfil a flagship function for UNODC. Finally, the CLDs are unique. The case study followed the same phased methodology as the overall evaluation exercise. The data collection and analysis included a desk review of relevant documentation, semi-structured interviews and direct observations, including the use of both CLDs. In addition, a focus group meeting on the CLDs was held with HTMSS' staff members that have been involved in activities related to the CLDs. Triangulation of the information available ensured objectivity.

**Human rights and gender-sensitive approach:** The inclusion of a gender expert as requested by the evaluation TOR, put a clear focus on a human rights and gender-sensitive approach during the evaluation. During the inception phase, an evaluability assessment on human rights and gender aspects was conducted. It concluded that information regarding the two issues was scarce because such criteria had not been specifically included in the logframes of the programmes. Nevertheless, the evaluation included specific evaluation questions and indicators on human rights and gender aspects and more specifically on the integration of a Human Rights Based Approach (HRBA) and gender perspective in the programmes. Therefore, questions on human rights and gender were formulated under the different evaluation criteria (specifically relevance, efficiency and human rights and gender criteria), and human rights and gender-sensitive methods<sup>83</sup> as well as tools were developed to ensure an inclusive and focused process. The analysis was done in an integrated way, which is enumerated in the findings section for the human rights and gender criteria.

## Limitations

The evaluation had several limitations. The evaluation team implemented and followed several mitigation measures in order to ensure a sound evaluation process and methodology.

### Budgetary and time constraint

Six days for each programme were planned for the inception phase of the evaluation, which was limited time for the team to work remotely, review the relevant documents, provide a preliminary analysis, organize kick off and follow up meetings and get the work plan started. In order to mitigate this lack of time, the team leader divided the documents and the work load amongst the team according to specific tasks, deliverables, team members' expertise and organized several Skype calls to discuss preliminary findings, methodology, discussion points and bottlenecks.

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<sup>82</sup> For instance, a field mission to Algeria was originally planned as part of the field missions for this evaluation but it did not take place. However, Algerian counterparts responded to the online survey.

<sup>83</sup> UNEG's Guidance document on "Integrating Human Rights and Gender Equality in Evaluations (2014)" and the "Guidance Note on Gender Mainstreaming in UNODC (2013)" were provided as key background documents.

Time constraints and limited funds allocated to this in-depth mid-term cluster evaluation also affected fieldwork coverage - only 5 countries were visited (including UNODC HQ) within a short period of time (15 days), with the field missions divided between the team members according to language skills and ease of travel (visas). The evaluators were divided into two teams to cover travel to the 4 selected countries. The evaluation team did not visit additional countries covered by the programmes, which would have improved the geographical representation of field missions. To counterbalance the inability to travel to additional beneficiary countries, a survey targeting national workshop participants was developed to expand the geographic outreach. The team also managed to conduct additional phone and Skype interviews to complement any missing information or collect supplementary data from relevant stakeholders

Although the TOR was agreed upon by the members of the evaluation team, it is suggested to the IEU and the Programme Management (PM) team that for future evaluations, additional days at the inception phase and the fieldwork should be considered in order to allow time for the team to regroup after the field missions to debrief, discuss and agree on preliminary findings without additional interviews or events to attend to.

### **Planning of field missions**

At per request of the evaluation team and as per the ToR, HTMSS tried to obtain field mission authorizations from different geographic regions (Asia, North Africa, Central America, South America, Central Asia, Central Africa, Eastern Europe and South-East Asia). Originally, the missions were foreseen for Algeria, Morocco, Moldova, Bosnia & Herzegovina (BiH) and to UNODC HQ in Austria<sup>84</sup>. HTMSS had anticipated some potential delays in obtaining governmental counterparts' responses so several simultaneous requests were sent out to different MS (including the Philippines<sup>85</sup>). Last minute changes to the itineraries were feasible as HTMSS followed up very closely with national authorities and the evaluation team members were flexible and multi-lingual, which allowed for a last-minute reshuffling of team members. However, the last-minute authorization from certain countries for the missions to take place affected the schedule and the preparation of the evaluation team members, who did not always have sufficient visibility on the agenda prior to the arrival in country. Moreover, additional stakeholders from civil society in targeted countries would have also been beneficial to the evaluation. For instance, the team leader managed to organize two additional meetings with international organizations established in Morocco but did not have time to meet with civil society organizations (CSOs). However, as these are global programmes and not country programmes, the evaluation team agreed that this missed opportunity did not dramatically impact on the data triangulation process.

### **Baseline information**

It was difficult for the evaluation team to gauge the intended and unintended positive and negative long-term impact/benefits of the two programmes, as limited baseline<sup>86</sup> information was available,

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<sup>84</sup> The Mission to Austria was to UNODC Headquarters (HQ), not Austria as a country to meet national stakeholders/implementing partners and conduct direct observations as with regard to the other countries mentioned as missions.

<sup>85</sup> The Philippines' governmental officials sent a response welcoming the evaluation team for a field mission in November 2016. However, the field missions were over and the data analysis had already started and needed to continue without disruption. As a result, the field mission to the Philippines did not take place. Algeria did not respond to the mission request to participate in this evaluation; as a result, the team members went to Panama and Morocco instead.

<sup>86</sup> As for instance the baseline was 117 State Parties as of January 2008 and now they are 170 out of 193 UN Member States to have ratified the TIP protocol. See:

especially at the outcome level. The link between objective, outcome, output and indicators was not always clear in the programmes' logical frameworks. Nonetheless, the evaluation team attempted to capture impact through preliminary findings, a detailed analysis of the results chain as well as through a comparative analysis of key set of data (national strategies, domestic legislation, tools developed and launched before and after the programmes' inception, in-depth analysis of the national contexts in the countries of the field missions as well as of the international agenda and strategies on TIP and SOM).

There were also challenges at the level of "attribution" and the evaluation team decided to use a "contribution" approach. For example, as one of the major outcomes is on legislative assistance in adopting the UNTOC Protocols, it was critical to consider during the evaluation process that un/intended results of such legislative reforms are difficult to be solely attributed to GLOT92 and GLOT59 as other international actors support MS to fight and combat TIP and SOM. The evaluation team also tried to draw comparative perspectives from other similar projects and programmes to more properly benchmark the potential impact of GLOT92 and GLOT59.

Finally, many activities are reported quantitatively (number of trained judges, tools developed or press releases issued on TIP and SOM) rather than qualitatively, which hindered the team to assess the level of achieved and unachieved impact at the national and global scale. The forward-looking recommendations were also developed in order to support HTMSS improve these monitoring activities.

### **Gender and Human Rights**

The IEU and the TOR reflected the commitment of UNODC and HTMSS to consider gender and human rights issues and approaches and obtain recommendations for future programming. From the onset of the evaluation HTMSS, the evaluation team and the IEU members had different understanding on what integrating a HRBA and gender mainstreaming in programming and evaluation entails. Furthermore, there were serious limitations to assess programmes contribution to human rights and gender equality and the different benefits for women and men due to lack of practical integration of these aspects in the programmes' logframes, limited sex-disaggregated data and lack of human rights and gender related baseline. To mitigate some of these limitations, specific measures were put in place during the evaluation exercise: a) additional gender and human rights key informants were consulted during the field missions; b) gender and human rights in TIP and SOM literature was identified and reviewed; c) data collection tools were reviewed to ensure human rights and gender related information was captured; d) analysis focused on the programmes' efforts in gender mainstreaming and HRBA was conducted trying to understand the good practices and limitations; and e) recommendations for future programming were drafted (see annex VI and annex VII).

### **Low rate of response to the on-line survey**

In order to capture and consider the views and opinions of those who could not be accessed through interviews, an electronic survey was sent out from October 18th to November 15th 2016. The

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[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en)  
The baseline for SOM was 122 state parties of December 2009 and the programme aimed at reaching 130 by the end of its implementation. They are now 142 state parties and 112 signatories as of December 2016. Refer to programme GLOT92 document. <sup>1</sup> Status of States Parties to the SOM Protocol, Refer to [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-b&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&lang=en)

survey targeted technical assistance beneficiaries at the national level (police officers, prosecutors, judges, CSOs and government officials that benefitted from UNODC's technical assistance and normative support since 2014 until September 2016).

It is important to highlight that expectations regarding the substantive data, likely to be generated through the survey, were limited as the evaluation team had been informed by HTMSS of the low response rate to trainings' follow-up surveys implemented throughout the programmes. However, the evaluation team in consultation with the IEU agreed to try as an additional tool to support the triangulation and validation of findings. Furthermore, the evaluation team was concerned about the time required to manage a sufficient level of response to the survey, in order for the data to add relevant value to the preliminary findings. In order to mitigate these challenges, the survey and all information as well as follow-up messages were translated into 5 languages (English, French, Russian, Spanish and Arabic). The survey was distributed to 765 contacts (150 emails failed) and 143 complete responses were received. Beside the efforts deployed by the evaluation team, the IEU and PM team/HTMSS to motivate the respondents through periodic reminders, the final response rate was around 23%. This very low response rate raised concerns about the representation of the full sample of national stakeholders benefitting from technical assistance activities. In addition, it has been cautioned that some questions seemed to show a very positive response pattern that might be explained by a social desirability bias as well as the more general wording of the questions. However, it was decided to include the findings of the survey as additional information to triangulate since it complemented the limited geographical representation during the field missions. In addition, the results were considered as some recipients might not have easy access to the internet nor the authorization from their superior to respond to such survey.

## II. EVALUATION FINDINGS

### Relevance

**To what extent are the programmes the appropriate mechanism to prevent and combat trafficking in persons and smuggling of migrants as well as protect the rights of all victims of trafficking and smuggling, irrespective of their gender, age, origin, etc.?**

GLOT59 and GLOT92 are still relevant and appropriate mechanisms as TIP and SOM persist, MS still need support to fight both crimes and both programmes' objectives and programmatic focus areas have been and remain relevant. Also, UNODC, as the Guardian of the UN TIP and SOM Protocols is ideally positioned to work with MS and other key stakeholders towards universal ratification and implementation of the Protocols to continue the fight against both crimes. However, the design of the two programmes did not sufficiently benefit and leverage UNODC's niche on TIP and SOM. As highlighted in the introduction of this report, both TIP and SOM remain on-going threats to human rights, sustainable development, the rule of law and justice globally. There is no indication that either crimes are decreasing, and MS still face substantial challenges in trying to fight them<sup>87</sup>, which justifies HTMSS' support and focus.

Different levels of reporting and tools alignment to the TIP and SOM Protocols were found such as: a) TIP is aligned and data collection and reporting instruments exist at national, regional and global levels while b) SOM's tools are rarely aligned and the reporting is seldom at national and regional levels and non-existent at global levels.<sup>88</sup> Furthermore, desk research and interviews confirmed that the two programmes' objectives remain contemporary. The following reasons support the on-going relevance of both programmes include:

**a) Vehicles to UNTOC:** GLOT59 and GLOT92 are viewed as vehicles to implement UNTOC and the TIP and SOM Protocols. Both programmes are also well positioned within UNODC's Comprehensive Strategy to Combat TIP and SOM (2012).

**b) Guardian of UNTOC:** UNODC, as Guardian of UNTOC and its supplementing TIP and SOM Protocols, has a unique mandate and role in the fight against all forms of transnational organized crime, including the fight against TIP and SOM. As a result, UNODC staff – across branches, including HTMSS – are perceived as key experts in these fields and best positioned to support MS in the implementation of UNTOC and its Protocols. The current discussions of establishing a Review Mechanism of the implementation of UNTOC and the Protocols thereto<sup>89</sup> should strengthen UNODC's unique role and mandate in this context, which will also have

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<sup>87</sup> Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, Doha, 12-19 April 2015, Background Paper, Workshop 2 '*Trafficking in Persons and Smuggling of Migrants: Successes and Challenges*'. A/CONF.222/11.

<sup>88</sup> According to Interviews and desk review.

<sup>89</sup> UN Conference of the Parties to the United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, Mechanism for the review of the implementation of the United Nations Convention against Transnational Crime and the Protocols thereto, CTOC/COP2016/L.5, 3 October 2016 (adopted during the Eight session of the Conference of the Parties, updated resolution text not yet available online).

programmatic and management implications (still unclear in nature and specificities) for HTMSS and the two Global Programmes.

c) **Ratification and Implementation of UNTOC and the Protocols:** the ratification of both Protocols is not yet universal. Since 2008 additional 45 states have ratified the TIP Protocol, which now has a total of 117 signatories and 170 parties, and additional 19 have ratified the SOM Protocol, which to date has 112 signatories and 142 Parties.<sup>90</sup> Although sole attribution of these results could not be verified as there are many other players involved (IOs, CSOs and the national and local governmental authorities), but respondents consistently referred to UNODC as the Guardian of UNTOC and its Protocols and the best-positioned agency to raise awareness on the Protocols and provide technical assistance to MS. These different actors, UNODC included, have nonetheless contributed to highlighting progress, existing challenges and gaps in the implementation in relation to the fight against trafficking in persons and – albeit to a much lesser extent so far – in relation to the fight against smuggling of migrants.

The two programmes are designed according to seven programmatic focus areas (‘work streams’) as outlined in the programme documents. The graphic below was designed by the evaluation team based on the logframes of the programmes’ documents.



Source: evaluation team

Documentation analysis and interviews showed that the two programme documents were drafted nearly a decade ago, with little baseline information, no needs assessment, no external stakeholder consultation nor a meaningful internal project design process (e.g. development of a clear Theory of Change (ToC) or pathways to change). Respondents reported that both programmes were developed in order to respond to MS’ requests, fit funding sources under certain financial mechanisms that are either projects or programmes, rather than develop a strategic approach and then raise funds and implement on these two themes. The programmes’ design was thus chosen to reflect the pillars of the Protocols<sup>91</sup> and to satisfy donors’ requirements (logical framework) first.

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<sup>90</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en)

<sup>91</sup> The basic purposes of the TIP and SOM Protocols are laid out in their respective Art 2 as prevention and

The desk research highlighted and interviewed stakeholders confirmed that neither GLOT59 nor GLOT92 have been reviewed thoroughly since, nor have the logframes been adapted to new realities and management processes when the Comprehensive Strategy was adopted and HTMSS was created in 2012. The only substantive revision relates to an additional task that was added under GLOT59: the establishment of a small grants facility for grants to NGO/victim support providers for direct assistance to victims of trafficking (output 6.2. under outcome 6). The explanation given for this revision in the programme document is ‘to respond to the need to improve selected countries’ establishment of formal mechanisms for the protection and assistance of victims of trafficking’<sup>92</sup>.

In addition, the desk research and interviews corroborated that the programmes’ documents, including the logframes, and the ‘Comprehensive Strategy to Combat Human Trafficking and Smuggling of Migrants’ have less significance in the implementation of all activities undertaken by HTMSS. Moreover, these documents do not and are not being used to guide nor monitor all activities that have been implemented around the world through these two programmes.<sup>93</sup> Instead these programmes are rather used as umbrellas under which projects have been retrofitted under relevant outcomes according to earmarked funding requirements, MS’ requests and geographic outreach. This finding was triangulated through the desk research but also through interviewed stakeholders who were not aware of neither programme per se, nor of an overarching strategy implemented by HTMSS on TIP and SOM. Most respondents, including donors referred to specific projects, activities or tools, such as issue papers that were developed and budgeted accordingly. According to progress and donor reports, HTMSS retrofitted activities under different outcomes to report results in the annual and semi-annual report on each programme.

As highlighted earlier, a tool that has not yet been developed for both programmes is a Theory of Change (ToC) that would have supported the development of the programme logframes, highlighted pathways to change from input to output and outcome. It could have helped measure more effectively results and impact of the programmes. In addition, a) thorough and inclusive stakeholders’ mapping and regular engagement with relevant authorities is needed; as well as b) a systematic follow up with mentoring activities or other targeted outputs; c) strategic partnerships<sup>94</sup> with key players on the ground; d) strict lines of engagement with MS; and in particular e) the development of SMART<sup>95</sup> indicators and targets; f) and systematic monitoring processes to follow through on progress and attribution of results to these programmes and HTMSS. Some of these

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combating TIP/SOM, protection of the rights of victims of trafficking/smuggled migrants and the promotion of cooperation between States parties. These pillars have been translated into the following key areas within the respective International Framework for Action to Implement the TIP/SOM Protocol developed by UNODC in cooperation with other international actors in 2009 (TIP) and 2011 (SOM) respectively: Prosecution, Protection, Prevention, Cooperation.

<sup>92</sup> See GLOT59 Project revision and GLOT59 progress reports 2015 and semi-annual 2016.

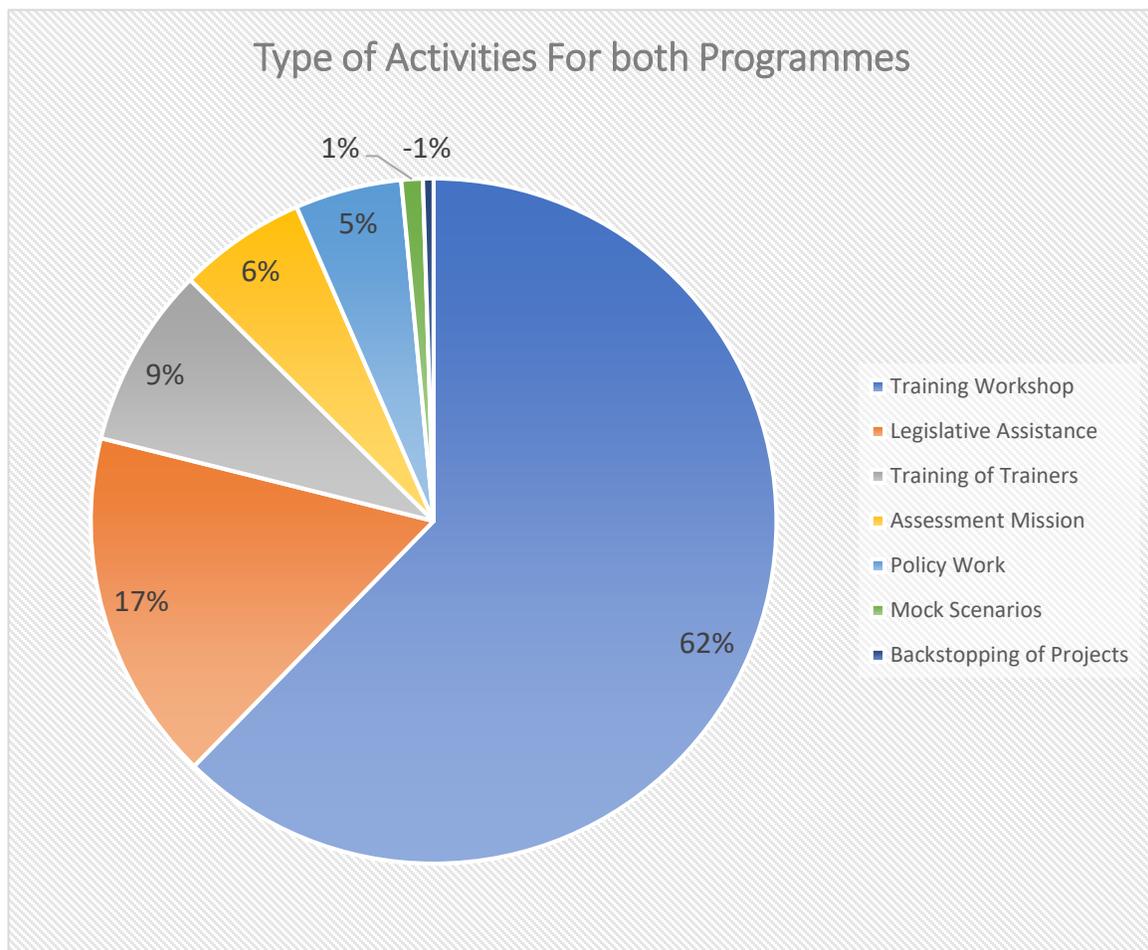
<sup>93</sup> According to HTMSS' monitoring data, activities were implemented in 85 countries. However, over 120 countries were reached by these activities since they included regional workshops as well as for instance training courses such as the NATO courses, which included participants from different countries.

<sup>94</sup> Strategic partnership refers to one where HTMSS complements or the other party adds value to HTMSS’ activities on the ground; where both parties can leverage their niche for more visibility, more effectiveness and impact as opposed to duplicating activities or competing against each other for funding. Should such partnership be agreed upon, each entity could divide the funds according to each partners’ budget. Such strategic partnership could be beneficial for the partners and most importantly to the beneficiaries who would be obtaining a cohesive response and support from international organizations as well as other players such as CSOs, private sector or academia. These partners cannot be recommended as it depends of context, outputs proposed and who already operates on the ground. However, a closer coordination or partnership with regional and international organisations present in some countries could be beneficial to both and would avoid duplication of normative support and technical assistance. each entity should leverage their respective mandates and assets in the field for instance.

<sup>95</sup> Specific Measurable Achievable, Realistic and Tractable.

requirements have been described as challenges during interviews with HTMSS staff that need to be addressed as part of their on-going tasks.

Nonetheless, despite these challenges, and as shown in the graphic below ‘Type of activities’, numerous activities (226 in total) have been reported under both programmes (165 on TIP and 61 on SOM). Training workshops (70.85% combining training workshops and training of trainers) dominate the programming. As such, the evaluation team questioned whether this predominance was relevant or not to the two programmes’ overarching objectives and to responding to MS’ needs. The evaluation concluded that building capacity of MS and key partners was relevant but the format should be reconsidered. Further consideration on the effectiveness and sustainability of these activities has been developed in the sections below. In addition, the graphic below does not reflect the normative and inter-agency<sup>96</sup> work carried out by HTMSS. These two activities are more difficult to quantify and until now have not yet been properly monitored and reported to. However, the evaluation team obtained further information from HTMSS to showcase their normative and inter-agency work, which consumes time and human resources.



Source: The graphic is based on the list of activities per country funded by GLOT 59 and GLOT92 provided by HTMSS to the evaluation team.

<sup>96</sup> Inter-agency work applies to global fora where HTMSS ensures institutional coordination and joint policy work amongst parties (e.g. work in ICAT or GMG).

The evaluation team has received an overview of normative work conducted by HTMSS in 2016. Unlike the list of activities per country, which served as basis for this chart, there is no overview of activities in the area of normative work and inter-agency work funded by GLOT59 and GLOT92. This list and therefore, also the chart, do not reflect the normative or inter-agency work funded or partly funded by GLOT59 and GLOT92. The following sub-section on Normative Work as well as the sub-sections on Partnership and International Cooperation try to capture and analyse these two areas of work in more detail.

### **HTMSS' Normative work<sup>97</sup>**

An important part of UNODC's mandated core work as Guardian of UNTOC and its Protocols consists of providing substantive support to the Security Council, the General Assembly, the Commission on Crime Prevention and Criminal Justice as well as to the Conference of Parties (COP) to the UNTOC Convention and its Working Groups. UNODC's HTMSS takes primary responsibility for the Organized Crime and Illicit Trafficking Branch's<sup>98</sup> intergovernmental work relating to TIP and SOM, including functioning as the Secretariat to the Working Groups of the UNTOC Conference of the Parties.<sup>99</sup> HTMSS<sup>100</sup> leads UNODC's normative work on TIP and SOM and supports UNODC's governing bodies through technical and substantive inputs.<sup>101</sup> For instance, HTMSS's normative work has facilitated the adoption by States parties to the Protocols of recommendations on TIP and SOM during the meetings of COP's working groups for TIP and SOM.<sup>102</sup> This work strengthened UNODC's relevance, visibility amongst MS and other participating stakeholders.

According to UNODC's Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants<sup>103</sup>, HTMSS is to provide substantive input on matters of TIP and SOM, that includes background papers and reports, as well as Secretariat support to the Conference's Working Groups on TIP and SOM.<sup>104</sup> HTMSS also provides strategic and substantive support on TIP and SOM to the Commission on Crime Prevention and Criminal Justice (CCPCJ), the UN Crime Congress, the UN General Assembly and other UN bodies and institutional processes as needed.<sup>105</sup> Based on

<sup>97</sup> Documentation review and interviews have shown that normative work is not always defined the same way within HTMSS and UNODC. Sometimes policy work and technical assistance are sometimes referred to as 'normative'. For the purpose of this section, the term normative work follows the definition included in HTMSS' Comprehensive Strategy, the progress reports under GLOT 59 and GLOT92 as well as HTMSS' briefing on Challenges, Activities and Way Forward, September 2016. For a definition of normative work in a wider sense see UNODC, Annual Appeal 2016, General Purpose Funding, p. 81.

<sup>98</sup> UNODC's Organized Crime and Illicit Trafficking Branch is comprised of three sections, which are to mutually reinforce each other: The Conference Support Section (CSS), Implementation Support Section (ISS) and the Human Trafficking and Migrant Smuggling Section (HTMSS). See <https://www.unodc.org/unodc/en/organized-crime/about-us.html>, accessed on 27.3.2017.

<sup>99</sup> *ibid.*

<sup>100</sup> And the unit working on TIP and SOM prior to its establishment

<sup>101</sup> UNODC, HTMSS Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants, February 2012. Donor reporting for grant award S-SGTIP-11-GR-2000 (US/JTIP) and quarterly reporting for US/INL funded projects under GLOT92. Progress reports under GLOT 59 and GLOT 92, 1.1. Sub/Programme/Project Summary.

<sup>102</sup> The evaluation concluded that it would be important [for the Working Groups] to review how these recommendations are being followed up and how they can be implemented more effectively in the future. According to interviews, working groups do not always issue a set of actions for MS to implement the recommendations but HTMSS has sought to promote knowledge and reflection on the recommendations by MS, including relevant recommendations in its normative materials and technical presentations.

<sup>103</sup> Adopted February 2012

<sup>104</sup> UNODC, HTMSS Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants, February 2012.

<sup>105</sup> UNODC, HTMSS Briefing on Challenges, Activities and Way Forward, September 2016.

interviews, and observation during the latest COP in 2016, HTMSS' contribution to these events (COP, SC, CCPCJ) or to papers such as the latest SG Report on Large Scale Movements of Refugees and Migrants and the related Summit for instance, are time consuming and not properly monitored and accounted for in the workload of the section.

For example, HTMSS coordinated UNODC's contribution to the first meeting of the UN Security Council on human trafficking<sup>106</sup>. This resulted in a first-time Presidential Statement focusing on TIP in conflict ridden areas, calling on non-signatories MS to consider ratifying UNTOC and the TIP Protocol and calling on all states to increase their efforts to implement these international standards effectively. HTMSS also led the drafting of the report on the implementation of the Presidential Statement at the Security Council (which contributed to the adoption of the first ever Security Council resolution on trafficking in persons in December 2016)<sup>107</sup>. Furthermore, HTMSS has been significantly involved, on normative related issues regarding migration and refugees as well as, especially on TIP, on discussions on the Sustainable Development Goals (SDGs).<sup>108</sup>

Although demands for HTMSS' contribution and support on TIP and SOM have increased over the years, little regular budget is allocated to HTMSS' mandated normative work. Out of 15 staff members<sup>109</sup>, only one staff (P4 position) is funded by regular budget.<sup>110</sup> In absence of such RB, HTMSS successfully lobbied for extra-budgetary funding for normative work under GLOT59 and GLOT92 over the last years. As of September 2011, the Government of the United States of America contributed to normative work on the implementation and interpretation of the TIP Protocol by funding a P5 post to head HTMSS<sup>111</sup> and by supporting the creation and co-funding of a P4 position to lead HTMSS's normative, policy and technical assistance work on SOM.<sup>112</sup> This, however, as highlighted in the 2012 HTMSS Comprehensive Strategy and also recognized by numerous interviewees, is rather an interim or emergency solution, and cannot be on-going and sustainable. In reality, nearly all HTMSS staff members are required to contribute to normative work in one way or another.

During the evaluation HTMSS staff have voiced their concerns that the section does not have adequate core funding for normative work at its disposal while the workload related to normative work has been constantly increasing and is expected to continue to intensify (in the context of the creation of a Review Mechanism of UNTOC). Furthermore, it is likely that extra-budgetary funding for normative work is not guaranteed in the coming years. HTMSS staff have also expressed their opinion that between normative work and the Section's other tasks (such as technical assistance,

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<sup>106</sup> Adopted 16 December 2015

<sup>107</sup> UN Security Council Presidential Statement 2015/25, available at: [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_prst\\_2015\\_25.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_prst_2015_25.pdf), accessed, 27.3.2017. For the implementation report see UN S/2016/949, 10 November 2016. See list Normative and interagency work from 1 January 2016 to 31 December 2016 provided by HTMSS.

<sup>108</sup> GLOT59 and GLOT92 annual reports, refer to list on Normative and interagency work from 1 January 2016 to 31 December 2016 provided by HTMSS in March 2017.

<sup>109</sup> HTMSS Matrix of Responsibilities, 2016-2017, status 29 February 2016.

<sup>110</sup> The P4 regular budget post (Crime Prevention and Criminal Justice Officer) was allocated to HTMSS in 2013. GLOT59 2013 Annual Report. The Unit preceding HTMSS had lost previously allocated core funding to TIP and SOM through shuffling of core posts between sections/branches within the Division of Treaty Affairs. Interviews.

<sup>111</sup> This funding, which supports the funding of a P5 manager of HTMSS, has been used to benefit of all HTMSS work on TIP and SOM, not just GLOT59, under which it was allocated. See progress report Financial Year 2016, Q2 (1 April – 30 June 2016).

<sup>112</sup> See for instance UNODC Quarterly Progress Report, US/INL Funded Projects, Financial Year 2016, Q2 (April –June 2016).

ad hoc administrative duties from management), the workload has been extremely high with over-stretched human resources. UNODC as guardian of the TIP and SOM protocols, HTMSS also fulfils an advisory function that comes randomly from MS and other partners and that cannot easily be measured nor quantified. As a result, HTMSS carries a significant load of normative functions that is not sufficiently accounted for and budgeted for. This normative function is critical for HTMSS responsibilities but should be better considered and reviewed by donors and MS.

Furthermore, the evaluation findings underlined that HTMSS and UNODC in general did not sufficiently capitalize and focus its expertise, technical assistance and capacity building on specific activities in relation to the UN TIP and SOM Protocols rather than branching out into all areas of work, including prevention or direct assistance to victims of trafficking for instance. According to GLOT59 progress reports, the small grants facility so far only extended a small grant to one NGO in one country (Congo) and the strategic, institutional added value of the small grant remains unclear<sup>113</sup>. Although this small grant was donor driven and represents an exception to the normal work that HTMSS implements, it is critical for the programme teams to consider the relevance of such grant within their mandate and their workload and what impact it can generate over time if not followed by additional funding. Furthermore, administering grants is time consuming and could take over the amount awarded to effectively monitor and support its implementation.

The evaluation team does not refute the need to work on protection and assistance as well as on prevention and awareness raising, but argues that these areas should be well thought out elements of both programmes. In the context of small grants for direct assistance providers/NGOs, one condition to receiving such grant, for instance, could be that the direct assistance project also includes an element that contributes to the improvement of MS' legal provisions on victims' assistance for instance. This condition is founded on the premise that HTMSS' primary stakeholder is the MS as key signatory of UNTOC and its Protocols.

It is important to highlight that the evaluation team reviewed other global programmes<sup>114</sup> from both HTMSS and other branches (justice<sup>115</sup> and corruption) as well as other regional programmes (Regional Programme on TIP and SOM for the Middle East and North Africa, and the Arab Initiative to Build National Capacities to Combat Human Trafficking in Arab States). This comparative exercise aimed to compare the programmes' documents in order to better understand how UNODC global programmes operate. In addition, the evaluation team discussed questions on UNODC's general management structure and financing model to better appreciate the funding modalities of UNODC global programmes. Most programmes dating from that period (2008-2010) were designed as large umbrellas to retrofit past projects or integrate upcoming ones in order to quickly respond to donors' priorities while enabling UNODC to operate in countries where local offices or regional offices did not have a local anchor nor reach. As a result, GLOT92 and GLOT59 were designed within that same process and same matrix as other global programmes at UNODC. However, internal reforms across UNODC on programming and strategic frameworks have taken place over the years. Such reforms were based on lessons learned, best practices, donors' requests and trends. Such changes gave birth to a new generation of programmes such as GLOZ67 known as GLO.ACT<sup>116</sup>, which is now being implemented through an inter-agency cooperation and data-

<sup>113</sup> See GLOT59 progress reports 2015 and semi-annual 2016.

<sup>114</sup> Refer to documents reviewed in annex

<sup>115</sup> [https://www.unodc.org/documents/justice-and-prison-reform/20120702\\_-\\_Thematic\\_Programme\\_Crime\\_Prev\\_and\\_Criminal\\_Justice\\_2012-2015\\_FINAL.pdf](https://www.unodc.org/documents/justice-and-prison-reform/20120702_-_Thematic_Programme_Crime_Prev_and_Criminal_Justice_2012-2015_FINAL.pdf)

<sup>116</sup> The Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants is a four-year (2015-2019) joint initiative by the European Union (EU) and the United Nations Office on Drugs and Crime (UNODC) being implemented in partnership with the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF). <https://www.unodc.org/unodc/en/human-trafficking/glo-act/index.html>

driven programming. GLO.ACT is a joint UNODC program with IOM and UNICEF funded by the European Union. It was designed based on a consultative and participatory process amongst agencies and the donor. It was also based on thorough MS' needs assessments, stakeholders mapping and MS' consultations for clear programmatic and data driven activities to address TIP and SOM in each targeted recipient (13 countries<sup>117</sup>). Lessons learned and further assessment of achieved results are yet to be observed for such programming. However, according to interviews, this process is viewed as a positive step and recognised as good practice for a more integrated inclusive design although GLO.ACT is another global programme working on the same thematic issues as GLOT59 and GLOT92 and under HTMSS' management. Hence, it also raises the question of the section's efficiency and effectiveness with respect to time management, and overlap between programmes. GLO.ACT only focuses on 13 countries versus the 120 countries covered by the other two programmes. GLO.ACT will contribute to testing how a closer engagement with local stakeholders, a thorough stakeholders mapping, an effective monitoring process to report on, can help highlight attribution and contribution of each implementing partner as well as yield measurable impact.

From a thematic perspective, the TIP programme is aligned with other key international and regional stakeholders' priorities, such as the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE). Moreover, national stakeholders, including the US Department of State, have based their TIP programs on the UNODC framework (the Protocols) – with the key 3Ps prosecution, protection and prevention reflected in most national Action Plans and policy documents, which should be conducive to closer cooperation. The gaps and recommendations from the ICAT's analytical review<sup>118</sup> highlighted each agency's strengths and weaknesses and areas of action with regards to the TIP protocol.

On SOM however, as the desk research and interviews have confirmed, less international and regional stakeholders have developed frameworks and have been involved in setting standards and technical assistance. Although, the UN SOM Protocol has been ratified progressively, a common understanding on what constitutes migrant smuggling is yet missing. A consistent, uniform criminalization and punishment framework and one for the protection of the rights of smuggled of migrants are also pending.

While the EU frameworks differ from the UN SOM Protocol and harmonization on the ground remains uncertain, the Council of Europe<sup>119</sup> has only recently started to look into possible activities in this field to promote harmonization and effective cooperation amongst its MS<sup>120</sup>. IOM's strategy to fight smuggling of migrants evolves around migration (as does its TIP strategy) and has four key components: legal migration options, practical protection for migrants, interdiction and prosecution of smugglers (with a focus on law enforcement and border agencies) and the development of durable solutions in countries of origin<sup>121</sup>. According to interviewees, UNODC's

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<sup>117</sup> Brazil, Colombia, Morocco, Mali, Egypt, Niger, South Africa, Belarus, Ukraine, Nepal, Laos, Kirgizstan and Pakistan

<sup>118</sup> [http://www.unodc.org/documents/human-trafficking/ICAT/ICAT\\_Background\\_Paper.pdf](http://www.unodc.org/documents/human-trafficking/ICAT/ICAT_Background_Paper.pdf) (funding for which came from GLOT59)

<sup>119</sup> The Council of Europe includes 47 members amongst which 28 are also EU members. The others are in Central Asia and include the Federal Republic of Russia and Turkey amongst others.

<sup>120</sup> A/CONF/.222/PM.1, Center for European Policy Studies/CEPS, Irregular Migration, Trafficking and Smuggling of Migrants, Policy Dilemmas in the EU, 2016. European Committee on Crime Problems (CDPC). Working document: Preventing and suppressing the smuggling of migrants in CoE member states – A way forward, 70th Plenary Session, 27-30 June 2016, CDPC (2016) 4 Rev.

<sup>121</sup> <https://www.iom.int/counter-migrant-smuggling>

SOM global programme plays a substantial role in harmonizing the provisions and the common definition amongst MS and other international actors.

From a donor perspective, the topics of both TIP and SOM remain highly relevant to all interviewed donors<sup>122</sup> but the two programmes' logframes were found to be viewed as a 'shell' or an 'umbrella' rather than a strategic or programmatic framework. SOM has lately gained more attention from donors, due to the recent migration crisis in Europe and from the increasing fluxes of migration throughout the world. Moreover, donors are interested in cross-thematic programming (e.g. counter-terrorism and smuggled migrants; trafficking and money laundering) to tackle organized crimes more holistically and to enable MS to cooperate and address these different crimes (e.g. terrorism, trafficking, smuggling, money laundering) through a comprehensive and integrated approach. An integrated approach would enable MS and other players to combat and prevent these criminal activities from different angles but through a unified and clear strategy. With respect to both programmes, some donors were concerned about the overlap and the confusion of having one single programme to cover these two crimes while others saw it as a viable solution to ease the complicated programming approval process<sup>123</sup> and reporting demands.

Finally, the design of the two programmes also raised the question as to whether it would make sense to merge them into one from a programmatic perspective as well as from an administrative one. This question will be addressed at the end of the findings based on the comprehensive review of other criteria.

### **To what extent are the programmes the appropriate mechanism to promote international cooperation to prevent and combat TIP and SOM?**

GLOT59 and GLOT92 are appropriate and useful mechanisms to promote international cooperation to combat TIP and SOM. Both programmes support MS through technical assistance/capacity building on international cooperation standards and tools that facilitated exchange of experience/networking amongst MS as well as between MS and regional/international cooperation mechanisms.<sup>124</sup> To a lesser extent, both programmes have been involved in international cooperation issues in the context of prevention. However, in as far as the promotion of effective prosecution and criminal justice systems contributes to deterrence (and victim protection helps prevent re-trafficking), GLOT59 and GLOT92 have also been relevant in this context.<sup>125</sup>

As highlighted in the introduction of this report, smuggling of migrants and – to a large extent – also trafficking in persons are transnational crimes, as such they require coordinated national and

<sup>122</sup> See annex IV for list of interviewees.

<sup>123</sup> From design to reporting, each programme needs to go through several hierarchies of clearing and that takes time and resources. Should it be one programme, time would be saved and so would staff time, especially when two programmes are so similar in design, such as GLOT59 and GLOT92.

<sup>124</sup> In the context of UNODC, HTMSS and GLOT59 and GLOT92's work in particular the term 'international cooperation' has a number of facets, including formal and informal cooperation, such as operational cooperation in criminal matters, informal exchange of experience, For an outline of the core activities that are understood to fall under the heading of 'international cooperation' see UNODC, International Framework for Action to Implement the TIP Protocol and UNODC, International Framework for Action to Implement the SOM Protocol. Regional/international cooperation mechanisms in this context include, for example Europol, Interpol, the West African Network of Central Authorities and Prosecutors (WACAP), the Network of Prosecutors against Organized Crime (REFCO), In the annual reports under GLOT59 and GLOT92, the term international cooperation mechanisms is also used in a more informal way, referring to the participation in workshops of international or regional nature in cooperation with other international organizations or other UNODC programmes, such as – on SOM - the Global Maritime Programme.

<sup>125</sup> See GLOT59 and GLOT92 project documents and progress reports.

transnational responses. UNODC and HTMSS are well placed to promote international cooperation. International cooperation is one of the key features of UNTOC and of the TIP and SOM Protocols. They all include provisions aiming at facilitating and promoting formal and informal international cooperation in several ways, including but not limited to cooperation in criminal matters. Promoting international cooperation between MS, between MS and international organizations as well as facilitating regional networks are central to UNODC's mandate.<sup>126</sup> UNODC's normative framework, institutional partnerships and in-house resources relevant to international cooperation go beyond TIP and SOM.<sup>127</sup> This represents an added value as other international organizations that work on TIP and SOM do not have this mandate. HTMSS should leverage that added value to strengthen its international cooperation as both TIP and SOM need to address broader issues of rule of law, effective criminal justice, corruption and economic crimes.<sup>128</sup>

### Technical assistance and capacity building

HTMSS implemented over 200 activities under both programmes – amongst which the majority (70.85%) are capacity building workshops for law enforcement agencies and governmental authorities on both TIP and SOM (sometimes combined and other times tackled separately). Amongst these workshops 17% were regional as they invited different players from neighbouring or relevant countries.

Capacity building events bridging the national, regional, trans-regional and international contexts are perceived as good practice and relevant to try to foster closer international cooperation to fight both crimes. Both GLOT59 and GLOT92 include a work stream (7 in the chart on page 18- the work stream is called 'regional and international cooperation' in their project documents) – with some related activities focused on specific standards, mechanisms and tools to enhance international cooperation, such as mutual legal assistance or joint investigations while other activities are more general fora for networking and sharing of experience amongst participants.<sup>129</sup> Some of the activities under this work stream are planned and implemented



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<sup>126</sup> For an outline of the relevant provisions in the TIP and SOM Protocols see UNODC, International Framework for Action To Implement the Trafficking in Persons Protocol, 2009 (in particular Table 5), and UNODC, International Framework for Action to Implement the Smuggling of Migrants Protocol, 2012 (in particular Table 4) See also <http://www.unodc.org/unodc/en/organized-crime/international-cooperation.html> and [www.unodc.org/unodc/en/organized-crime/international-cooperation-tools.html](http://www.unodc.org/unodc/en/organized-crime/international-cooperation-tools.html), accessed on 22 October 2016.

<sup>127</sup> In terms of in-house resources within UNODC's Organized Crime Branch alone, both the Conference Support Section (CSS) and the Implementation Support Section (ISS) have a role, additional resources and specific expertise in terms of international cooperation that can add value and impact to GLOT59 and GLOT92's related efforts.

<sup>128</sup> The fact that there is growing recognition within MS for the need to undertake cross-sector work can also be seen in the fact that on two occasions, in 2012 and 2014, the Working Group on International Cooperation under the COP to the UNTOC met back to back with the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption. See <https://www.unodc.org/unodc/en/treaties/CTOC/working-group-on-international-cooperation-2016.html>

<sup>129</sup> See GLOT 59 and GLOT92 progress reports under objective 7 (International cooperation). The Standard indicators for projects addressing TIP and SOM, produced by HTMSS in September 2016, include a section on regional and transregional cooperation focusing on cooperation in criminal matters.

in cooperation with relevant stakeholders from other UNODC sections, branches and divisions; the desk review and interviews confirm that such cross-sector, in-house cooperation remains nonetheless an exception. This practice requires managerial directives and clear tasks division.

Opportunities for cooperation are needed and appreciated. According to the desk review and interviews, HTMSS' capacity as an organiser and a convener is effective in bringing together the right set of stakeholders to foster multi-agency exchange, networking and cooperation. However, in the absence of longer-term engagement with stakeholders and impact assessments, it is difficult to draw conclusions at the outcome and impact level as well as in relation to sustainability.<sup>130</sup> This observation also applies to the GLOT59 and GLOT92 progress reports, which are output focused rather than on outcomes. Outcome and impact level results are rarely reported, which could help assess change and potential engagements through thorough risks and needs assessments.<sup>131</sup> Efforts to draw lessons learned, identify good practices within HTMSS and UNODC and to work towards more sustainability have been made within the section, in particular in past HTMSS cluster meetings on technical assistance, related wiki threats and individual mission reports.<sup>132</sup> Further efforts to this effect are to be upheld at all levels, including upper management within the OCB and HTMSS, in order to support the programme team through human resources capacities, tools and adequate budgets.

Interviews and the survey results highlighted promotion of international cooperation, especially the facilitation of networking and exchange of experience between participants, as a substantial HTMSS contribution in the fight against TIP and SOM. There is nonetheless still space to further refine both programmes' focus, outreach and impact in the context of international cooperation – particularly by systematically joining resources and efforts within UNODC, standardizing technical assistance on international cooperation (including needs assessments) and by investing in long-term engagement and sustainability.<sup>133</sup>

### **Inter-agency cooperation in regional/international fora**

HTMSS' activities are sometimes subsumed and reported under international cooperation within the framework of GLOT59 and GLOT92. These activities include interagency-cooperation in international fora (such as ICAT, GMG, OSCE Alliance) and the organization of joint regional/transregional/international events or HTMSS' participation in events of other regional or international actors (such as OSCE, IOM, IMO, Europol, Frontex, SADC). HTMSS supports these efforts by providing an expert to advise on application of some dimension of the international framework on TIP and SOM. These initiatives and fora are important for inter-agency coherence, coordination and visibility. In some of these fora, HTMSS is mandated as it is with ICAT for instance.

It is noteworthy that in the absence of regular budget funding, GLOT59 (TIP) and GLOT92 funds (SOM) helped HTMSS' continued engagement in some of these fora, in particular ICAT and GMG. It has been however highlighted that closer coordination for the programming of these could help streamline content, avoid repetition, enhance their outcome and boost participation.

<sup>130</sup> Interviews with HTMSS and other UNODC staff. HTMSS mission reports Suva/Fija 12-21 June 2013 and Podgorica, 25-28 November 2013 as well as lessons learned on Technical Assistance: Ideas from the HTMSS Wiki, July 2013.

<sup>131</sup> GLOT 59 and GLOT92 progress reports under objective 7 (International cooperation).

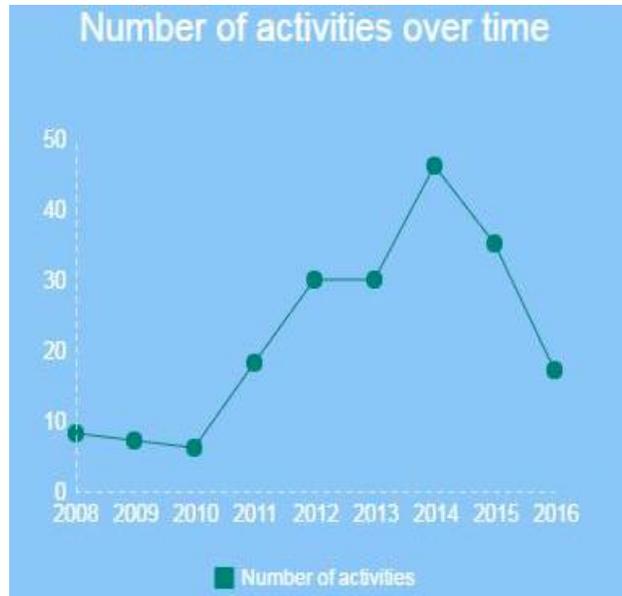
<sup>132</sup> See footnote below.

<sup>133</sup> See, for example HTMSS mission reports Suva/Fija 12-21 June 2013 and Podgorica, 25-28 November 2013 as well as lessons learned on Technical Assistance: Ideas from the HTMSS Wiki, July 2013.

## How are the two programmes responding to MS needs?

According to the desk review and interviews, the conclusions were mixed about the two programmes responding effectively to MS' needs. Indeed, based on this chart 'Number of activities over time'<sup>134</sup>, HTMSS has been rather active especially after its creation (2012) in implementing activities under the two programmes. As of October 2016, when data collection for the current evaluation concluded, 226 activities<sup>135</sup> were implemented across 85 countries, reaching over 120 countries<sup>136</sup> since the two programmes' inception with a peak in 2014-2015.

In theory, UNODC, as the Guardian of UNTOC, responds to MS' requests for technical assistance (TA) support and should therefore be responding to their needs. However, interviews highlighted that MS do not always know their actual needs nor gaps to effectively implement the two Protocols within their own legal framework or do not have a specific priority/agenda in terms of technical assistance. In such cases, HTMSS – in their general approach that also applies to the implementation of these two programmes – offers their menu of services<sup>137</sup> or tries to match the request with donors' geographic and/or thematic interests to implement a set of activities in MS that request assistance.



Respondents also noted that MS do not always understand services that HTMSS offers or implements. Moreover, MS therefore sometimes send their request to embassies (US, EU, and other western countries' embassies established in the MS) to seek financial and technical support. In such cases, the embassies contact UNODC field offices (FO) or HTMSS at HQ. The FO or HTMSS then explore means to finance and implement activities and how to best respond to MS' requests. In addition, the evaluation concluded that with regional backstopping officers based in Vienna, HTMSS tried to maintain a regular engagement with MS stakeholders. While conclusions were rather positive, expectations and stakeholders' management could be more effectively managed and improved especially with regards to technical assistance support and timeframes of delivery. Such management could also help develop a more systematised response process that is properly reported on and monitored.

Another critical element of UNODC at large that has direct implications on how HTMSS responds to MS, is on the organisation's reliance for most of its budget on donor contributions (earmarked and general-purpose funds) as its regular budget (RB) varies between 3% to 11.4% (as for instance

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<sup>134</sup> Based on data received from HTMSS covering the time period until October 2016.

<sup>135</sup> Please refer to footnote on activities above that mention that not all activities were clearly funded by both programmes but no detail amounts were available and on the of cost-sharing amongst programmes.

<sup>136</sup> According to HTMSS' monitoring data, activities were implemented in 85 countries. However, over 120 countries were reached by these activities since they included regional workshops as well as for instance training courses such as the NATO courses, which included participants from different countries.

<sup>137</sup> [http://www.unodc.org/documents/human-trafficking/2016/HTMSS\\_Menu\\_of\\_Services\\_SOM\\_2016.pdf](http://www.unodc.org/documents/human-trafficking/2016/HTMSS_Menu_of_Services_SOM_2016.pdf)

for the biennium 2014-15<sup>138</sup>). This donor dependency has an impact on geographic and activity prioritizations. HTMSS tries to respond to MS 'requests as much as possible, but had to decline requests in the past for lack of resources. Equally, not all MS request assistance, even if the national situation would warrant it. Particularly on SOM, there have been few MS requests for assistance and engagement has been mainly initiated by HTMSS. Soft earmarked funds, which are more difficult to raise than earmarked funding, help UNODC be more responsive to MS' needs by implementing activities that fit MS' priorities rather than implementing a set of workshops on certain topics.

With regards to MS' general satisfaction with HTMSS' work, the evaluation findings underlined that on the one hand and based on the survey<sup>139</sup> that in-person trainings were perceived as most useful in order to gain more expertise and new skills (75.52%). On the other hand, and based on interviews, the set of capacity building activities is not always most fitted to beneficiaries' levels, or can be a duplication of trainings already conducted by other international agencies. This content misalignment also comes from MS' authorities that sometimes send out participants' names and ranks only a few days before the start of a workshop. It is also correlated to the current monitoring system that keeps track of trainees' names but that does not cross-reference them after they have attended several workshops.

Finally, one of the key challenges for HTMSS is the lack of field presence that could help the section better respond, gather sufficient data for programming and monitoring as well as engage with local governmental stakeholders more closely. In order to compensate for that lack of worldwide field presence, 'segments'<sup>140</sup> of the two programmes' budgets are sent to field offices to implement activities under the guidance of HTMSS regional backstopping officers who fly in and out of countries to support MS and implement workshops. This challenge affects HTMSS' visibility amongst key stakeholders, potential partners as well as their ability to monitor trends and engage more closely with MS. Furthermore, the team concluded that closer local engagement, needs' and gaps' assessments, thorough stakeholders' mapping and clearer and more strategic dialogue with local authorities would strengthen HTMSS' capabilities to better identify and respond to MS' needs for both programmes.

Further analysis of the level of activities, prioritization and implementation will be carried out under effectiveness and efficiency sections. It is, however clear, based on interviews and desk reviews of budgets, organigrams and prior evaluations, that HTMSS and UNODC at large do not have the human and financial resources to offer (and implement) a menu with as many services as those currently offered for TIP and SOM. To conclude, the two Programmes are still relevant as MS still need support to implement TIP and SOM Protocols. Both programmes could benefit from being more anchored in countries' most urgent realities and needs. They also need to incorporate at the activity, output and outcome levels (rather than just cross-referencing) other relevant frameworks on human rights, gender, organized crime, corruption and terrorism. Finally, HTMSS needs to improve its monitoring process, stakeholders' engagement and be more inclusive and participatory in the programme cycle.

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<sup>138</sup> <http://www.unodc.org/unodc/en/donors/index.html>

<sup>139</sup> Please refer to the limitations for the survey response.

<sup>140</sup> A segment is portion of budgets from global programmes sent to the country or regional offices to implement a set of activities – often workshops

## Efficiency

### **To what extent have programmes' resources been managed in an efficient manner? To what extent have they been managed in a transparent and accountable manner?**

The evaluation team reviewed budgets disbursement vs. pledges and reviewed donor reports, interviewed project managers, and relevant stakeholders (donors, HTMSS members, FO, implementing partners, and beneficiaries) to gauge the level of efficiency and transparency in managing available resources (financial and human). The evaluation team concluded that the two programmes have been ambitious to implement across 85 countries, reaching beneficiaries from over 120 countries<sup>141</sup> with a rather small team and a budget (USD 15,750,355 (79%) for GLOT59 and USD 4,250,478 (21%) for GLOT92) to fulfil the large array of activities<sup>142</sup> (refer to effectiveness section). The large scope of activities and the wide geographic coverage of the two programmes complicate their implementation and reporting process. The HTMSS team managed nonetheless to mitigate challenges and implement within budgetary and personnel constraints as further developed in the following section.

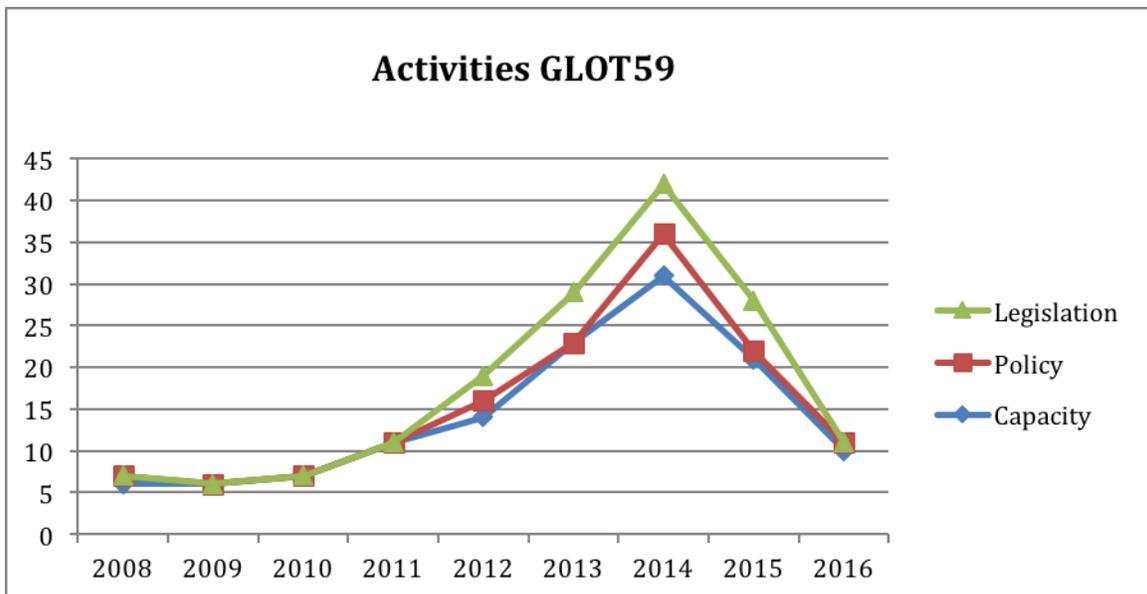
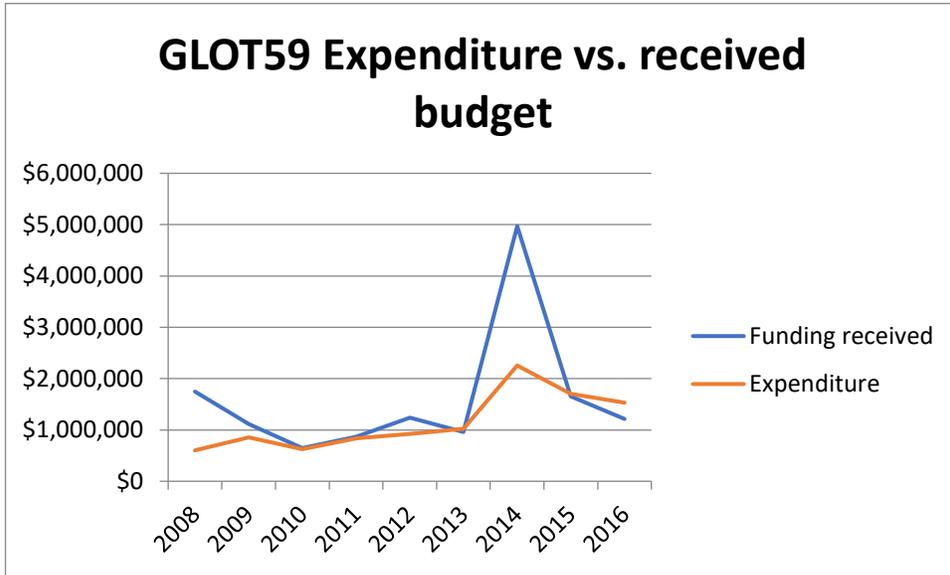
According to the budgets reviews, the evaluations findings and as seen in the charts below<sup>143</sup> (expenditures vs. approved budgets for GLOT59 and GLOT92), the two programmes have kept the expenditure rate close to the approved budgets, which shows a rather fair pace of implementation rate of activities implemented per year. The drop and surge of expenditures are mirrored in the level of activities per year, which underlines proper financial reporting and management. For TIP, the surge in 2013-2014 corresponds to the increased donor funding in 2012-13-14 as seen in the chart 'expenditures vs. approved budgets' with relations to the number of activities implemented per year as seen in the charts below 'Activities GLOT59' and 'Activities GLOT92'. For SOM, the expenditures also mirror the level of activities implemented per year but not as closely as for the TIP programme due to a lack of MS' requests and lack of staff on SOM at HTMSS. In addition, the considerable drop in SOM activities in 2013 was due to the fact that this period also corresponded to the last year of GLOT55, a major EU funded project implemented by HTMSS, which was prioritized to channel all SOM related activities before its closure.

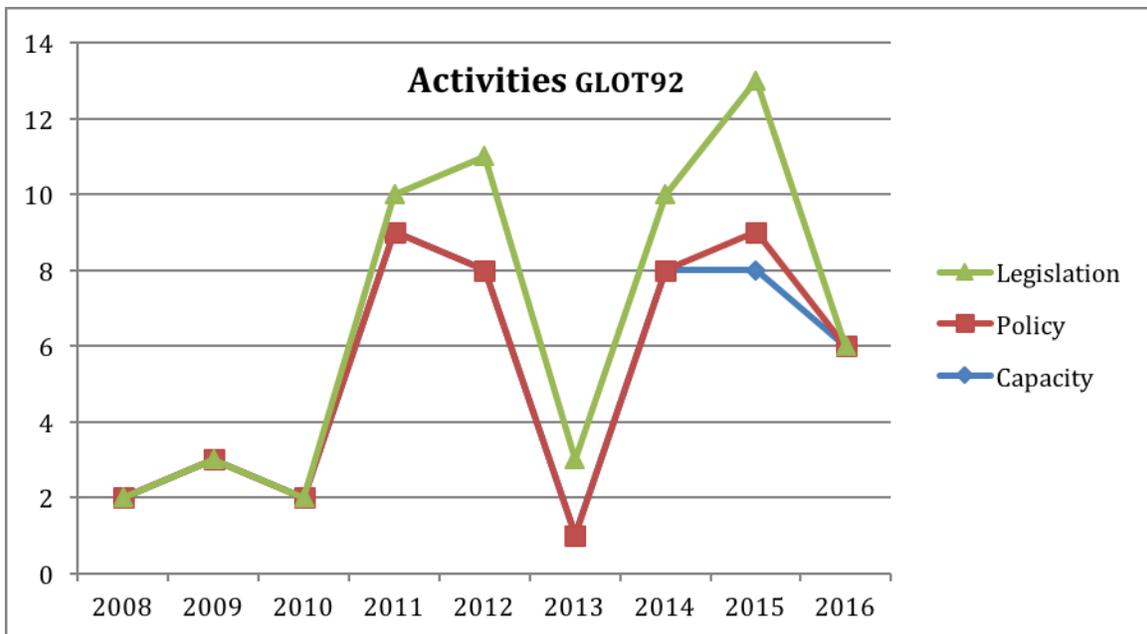
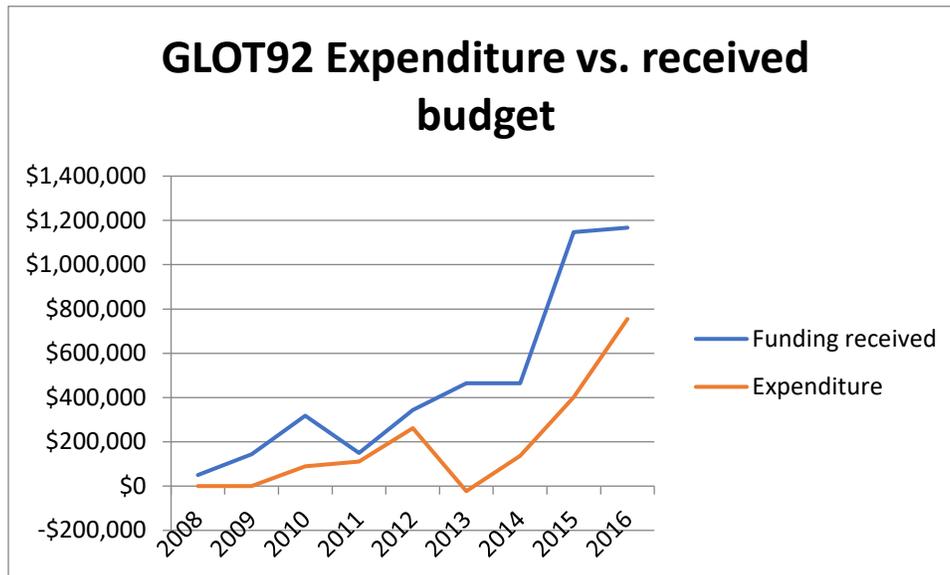
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<sup>141</sup> According to HTMSS' monitoring data, activities were implemented in 85 countries. However, over 120 countries were reached by these activities since they included regional workshops as well as for instance training courses such as the NATO courses, which included participants from different countries.

<sup>142</sup> Technical assisted has been provided in 85 countries so far under the umbrella of these two programmes reaching over 120 countries as beneficiaries (status October 2016).

<sup>143</sup> Based on information available in ProFi and Umoja until end of 2016. The data has been confirmed by HTMSS.





One of the key evaluation findings was that cost sharing takes place across these two programmes and is a common practice at UNODC at large. As UNODC's RB<sup>144</sup> is minimal (often less than

<sup>144</sup> The Fifth Committee (Administrative and Budgetary) sets the Regular Budget every two calendar years. The Regular budget funds UN core activities, including staffing costs, in eight headquarter locations in the US, Europe, Asia, Africa and Latin America. Among other things, the Regular Budget covers international conferences, public information work, human rights promotion and special UN missions to conflict areas. The budget is financed through assessments to all UN member states. Countries pay according to their economic capacity, but the Fifth Committee has set a "ceiling" rate of 22% to prevent the UN from becoming overly dependent on any one-member state. The US, the only country that meets this ceiling, consequently pays much less than its share of the global economy. Over 80% of all member states fail to pay their dues to the UN in full and on time. Failure to pay can

10%<sup>145</sup> of the total budget), the HTMSS team has to be resourceful to pay for staff time across different programmes. With the exception of one HTMSS staff, salaries are paid through extra budgetary contributions, which means that all other staff, including large parts of its management, have to be paid through extra-budgetary funding coming from donors willing to fund a particular post (very rare and limited in time) and/or sourcing staff salaries from multiple projects under both programmes. This challenge can invite staff members to be creative, seek funding regularly and remain on top of trends and donors' requests. However, it also generates competition amongst sections and branches going after the same donors without a clear fund-raising strategy and without effective internal consultations. Furthermore, although some level of cooperation was found within the OCB, cross-thematic fertilization and integrated programming to combat and prevent more efficiently and effectively organized crimes (e.g. money laundering, trafficking of goods and people, kidnapping, smuggling of goods and people, terrorism and security) was yet to be fully proffered amongst staff members.

From a donor perspective, the reporting and the frequency were considered satisfactory. However, it was suggested that HTMSS shares and further highlights the challenges – done but not sufficiently underlined- and time delays the programme teams faced during the implementation phases of both programmes.

A clearer picture can only strengthen the relationship with the donors and have them understand implementation difficulties rather than depicting only results and successes. Moreover, there are multiple reporting formats (field mission report, HTMSS database, donor report, annual reports etc.) with significant human and financial resources dedicated to preparing and maintaining this information. The completeness, usefulness and added value of the information collected remained moderate, especially with regards of qualitative information. Currently, all staff contribute to the various reports while the monitoring tools are serviced and updated by two staff only. There is a big variety of reporting formats and monitoring tools/databases. Documentation review and interviews confirm however that the current efforts are not able to capture quality information as needed/wished.

This reinforces the disconnection between the (non-stop) implementation of activities by staff on one side and the monitoring and reporting by other staff and contributes to reports that are not owned and/or seen as useful tools by staff and management.

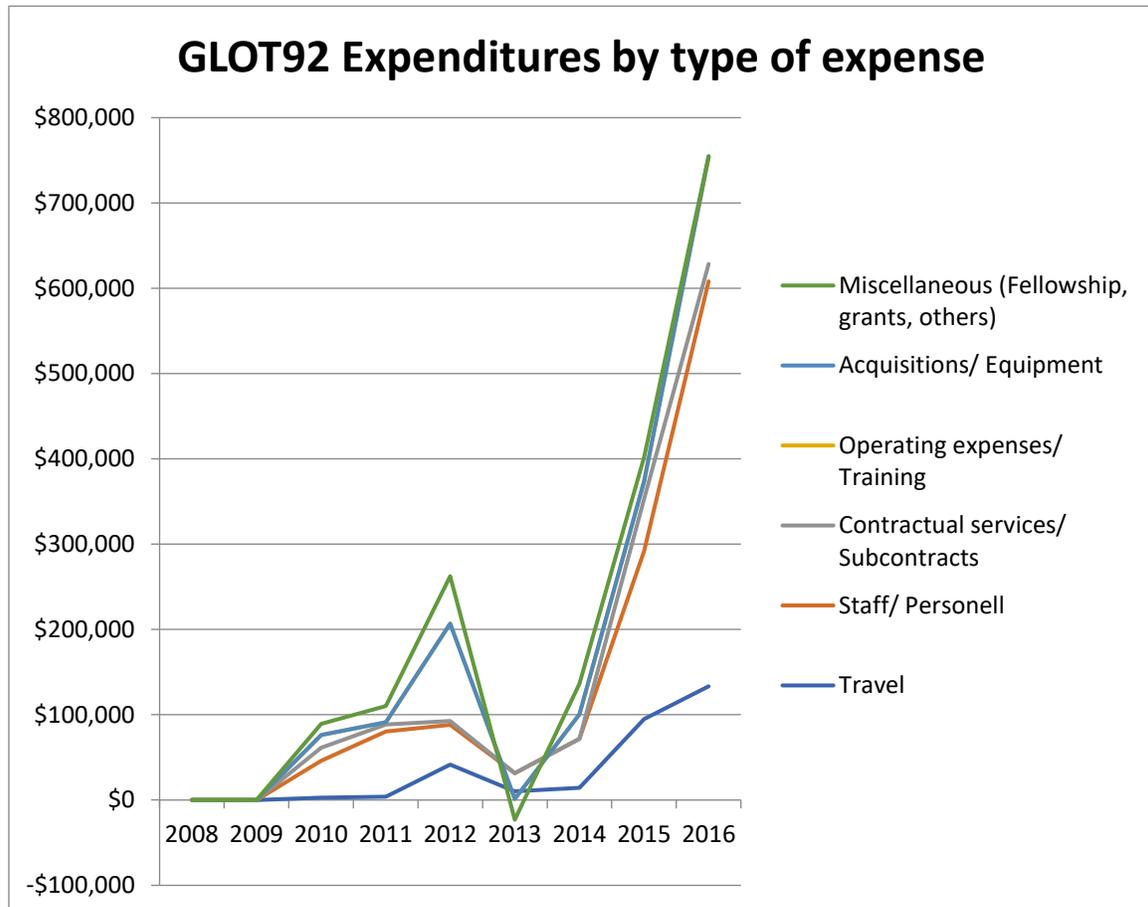
From a financial perspective, the programmes were both efficiently managed and HTMSS and FO maximized the budget whenever possible through tight procurement procedures. As highlighted in the graphics above called 'GLOT59 Expenditures by type of expense' and below 'GLOT92

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lead to losing one's vote in the General Assembly. According to Article 19 of the UN Charter, a country loses its vote if the amount of its arrears equals or exceeds the amount it was billed in the preceding two years. The US, the largest debtor to the UN, pays just about enough to keep its vote in the assembly. Its debt to the Regular Budget has since the beginning of the 1980s averaged around US\$200 million by December 31 of each year, i.e. 11 months after the payment deadline. This has caused serious financial difficulties for the organization.

<sup>145</sup> [https://www.unodc.org/documents/donors/Fundraising.Strategyv.\\_final\\_print\\_version.5\\_Sep.2012.pdf](https://www.unodc.org/documents/donors/Fundraising.Strategyv._final_print_version.5_Sep.2012.pdf)

Expenditures by type of expense<sup>146</sup>, with staff costs being the highest. At UNODC, they represent the resources allocated to central administrative and programme management functions at

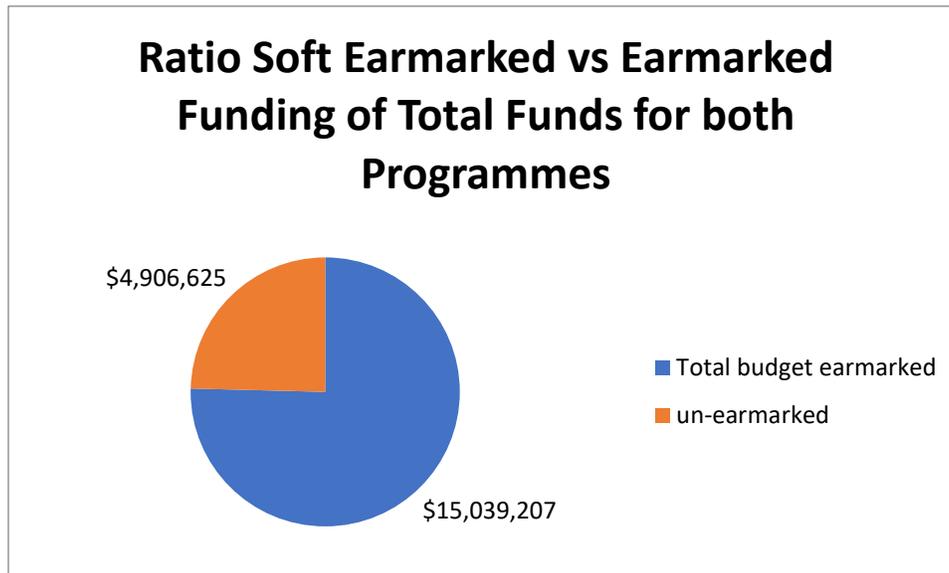


headquarters and project management functions in the field offices. ‘Segments’- budget segments- sent to different regional offices to implement activities also cover administrative and managerial functions in the field. GLOT59 sent segments to financial support especially towards ROMENA, LPOMEX (Liaison & Partnership Office in Mexico), ROSEN & and the Programme Office for Serbia (PROSB). GLOT92 sent segments to ROMENA, LPOMEX, ROSAF, ROSEN and ROPAN. These segments helped implement a set of activities – including workshops and high-level events in the field.

From a managerial perspective, while there is an organigram stating everyone’s responsibilities, geographic scope and ‘expertise’, there is room for improvement to maximize everyone’s skill set and increase everyone’s efficiency. This slight change could help HTMSS focus on tasks that are strategic and yield more visible results (funding, impact, MS requests and partnerships). Since HTMSS was created in 2012, there has been improvements (more visibility, more donor outreach, more staffing, an intent to monitor results) in how the programmes are managed. These improvements are reflected into the on-going funding from the same donors. However, staff members are working over their time capacity to respond to the overwhelming load of work that is

<sup>146</sup> Based on available data in ProFi and UMOJA until end of 2016. Data has been confirmed by HTMSS.

often rushed and added upon everyone's daily tasks as the section is under-staffed. Work tasks are organized around thematic expertise but this modality does not exclude TIP and SOM experts contribute to each other's workload to compensate the lack of staff. In addition, within HTMSS and OCB more generally, staff members often work in silos in order to cope with daily tasks. This conclusion is connected to the lack of funding and core RB for staff positions, which links to the fundraising strategy or lack thereof for these two programmes.



Data based on latest numbers received from HTMSS in March 2017.

HTMSS, jointly with the external relations office, drafts an 'annual one pager on donors' trends and interests' that serves as a base for fundraising. The two programmes receive pledges directly or through projects that respond to donors' calls for proposal or through concept notes approval. However, as highlighted in the chart 'Ratio Soft Earmarked vs Earmarked Funding of Total Funds for both Programmes', these two programmes also received soft earmarked funding (38% of the total budget), which gives some flexibility to HTMSS to respond to MS. The majority of the funding remains earmarked (62%) and dictates HTMSS' activities and geographic scopes. The reversed ratio would enable HTMSS to test donors with new strategic concepts and develop more locally rooted outputs. Soft earmarked funding was shown as yielding evidence based and locally anchored projects (c.f. evaluation of the regional programme for Arab States countries 2011-2015<sup>147</sup>).

Moreover, interviewees noted insufficient coordination amongst HTMSS, regional offices, local offices and regional desks in Vienna with regards to donors' outreach. UNODC does not have an updated fundraising strategy for the next five years and the latest one is more of a situational analysis than a strategy<sup>148</sup>. Understanding the need to seek external funding, the lack of coordination and strategy can lead to missed opportunities and send a negative image to donors who meet with several UNODC staff without themselves knowing from each other and their approach.

Considering UNODC's global, regional and office structure and the type of typical activities implemented across global, regional and country focused programmes, it could for instance be

<sup>147</sup>[http://www.unodc.org/documents/middleeastandnorthafrica//Regional-Programme-doc/RP\\_Arab\\_States\\_Final\\_Evaluation\\_July\\_2015.pdf](http://www.unodc.org/documents/middleeastandnorthafrica//Regional-Programme-doc/RP_Arab_States_Final_Evaluation_July_2015.pdf)

<sup>148</sup> [https://www.unodc.org/documents/donors/Fundraising.Strategyv.\\_final\\_print\\_version.5\\_Sep.2012.pdf](https://www.unodc.org/documents/donors/Fundraising.Strategyv._final_print_version.5_Sep.2012.pdf)

strategic to divide fundraising efforts according to strengths of each office – HQ normative and high-level meetings vs. regional and country offices for capacity building, stakeholder mapping and engagement. Legislative technical assistance can be funded at the regional and local levels but pay for HQ staff and external consultants as often the case, through segments paid to HQ from all field offices (both regional and national) having regional or national projects on TIP/SOM. This division is naturally already taking shape as country offices such as the UN Office of Mexico have a total budget of USD 14 million on TIP and SOM, Nigeria recently received a pledge for USD 9 million on TIP and ROMENA’s office got an extension on its project on TIP and SOM for the Arab region with a newly revised budget of USD 5 million. Such clear lines of responsibilities and expertise could help increase cooperation, streamline the fundraising efforts, and have HTMSS fulfil its HQ’s function – i.e. data coordination, normative tools development, issue papers, experts’ recruitment, guidelines development, high level meetings coordination, partnership managements (MoU), information dissemination amongst relevant stakeholders, including donors but no proposal submission from HQ. As the PSC goes back to HQ and pays for managerial functions, and backstopping administrative work, a new fundraising strategy should clearly state HQ’s functions for donors’ understanding and establish clarity on funds’ disbursement.

With regards to the disbursement of the funds of the two programmes, some activities were organized jointly (28 out of 226 activities were related to both programmes) but the great majority were focused on TIP and SOM separately. This division reflects donors’ priorities. However, there is an opportunity for HTMSS to potentially raise additional attention to SOM related activities considering the current migration issue that gathers a lot of political and donors’ interest.

Finally, documentation review and interviews showed that fundraising efforts remained donor based (traditional) and are not diversified enough. Within the new Sustainable Development Agenda, closer cooperation is required from all sectors including private corporations. At UNODC field levels and due to staff’s outreach efforts, some corporations started sponsoring, in kind, the awareness campaigns of Blue Heart on TIP in Central America and on SOM in Mexico. Further engagement and inclusion of private sector actors is important in the fight against these two crimes. For instance, this has been done in Central and Latin America through collaborating with a hotel chain and an airline company.<sup>149</sup> Corporations have the means through their CSR budgets to fund capacity building activities and to help raise awareness amongst their shareholders of the added value of an ethical and slave-free labour and supply chain.

## **Partnerships and Cooperation**

In order to gauge the level of cooperation and partnerships through these programmes between HTMSS and other entities, the evaluation team analysed existing MoUs, new members joining ICAT and other high-level meetings, in kind contributions (through experts sharing for instance) and coordinated activities.

The desk review showed that HTMSS, while implementing GLOT59 and GLOT92, has been involved in numerous partnerships within the United Nations and outside, globally, regionally and locally. These partnerships have been of different nature: implementing partners for specific activities (such as MS and for instance UNHCR, OSCE, IOM, Europol, Interpol or Eurojust),

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<sup>149</sup> The evaluation team is not mentioning them as they have not consulted them during this exercise and have not obtained prior authorization to mention their names.

interagency fora, such as ICAT, the Global Migration Group (GMG)<sup>150</sup> and the OSCE Alliance against Trafficking in Persons. Some of these partnerships are based on a formal cooperation agreement, such as a Memorandum of Understanding (MoU), with UNODC, others – more often – on informal institutional or personal contacts. Finally, partnerships and cooperation also exists amongst UNODC, at Head Office and in the field but gender and human rights focused entities are not systematically consulted nor included in the implementation of activities.

**What are the criteria and key indicators for success for partners’ selection considered within the programmes? To what extent have the activities and outputs benefited from the expertise of and cooperation with other relevant international/regional institutions and CSOs? Were partners able and/or willing to provide their financial, HR contributions and/or in-kind contributions? Did the programmes generate new partnerships and if yes, with whom and why?**

According to documents review and interviews, there are no indicators or criteria calibrating what success would look like when choosing a partner: i.e. what does HTMSS expect from that partnership and what kind of selection criteria are applied to choose amongst potential partners. So far collaboration and partnerships have been based on existing institutional relations or the common UN agencies tackling TIP and SOM such as IOM, UNICEF or UNDP. The following partnerships have been of different nature: implementing partners for specific activities (such as MS, UNHCR, OSCE, IOM, Europol, Interpol or Eurojust), interagency fora, such as the Global Migration Group (GMG)<sup>151</sup>, ICAT, and the OSCE Alliance against Trafficking in Persons.

The evaluation team found that cooperation with international organizations/agencies was most successful when each actor had a particular mandate, expertise and role, for example EUROPOL in the context of the technical assistance on joint investigation teams (JIT) or UNHCR and/or victim support organizations in the context of protection issues on SOM capacity building events. In this sense, complementarity, added value and clear division of tasks were important. Moreover, most of the established partnerships were short and concise engagements without long-term commitment required.

Indeed, cooperation ranged from mutual invitation to events, joint organization of events and/or contributions to events as well as information exchange and joint research (ICAT, the Global Migration Group- GMG). Some respondents have highlighted that cooperation often stands and falls with interpersonal relationships and that there is a climate of distrust and/or competition between counterparts working in the same thematic area, which prevents closer cooperation. Turf competition for funding, lack of visibility for joint work and incentives or/and pressure to cooperate (with everyone having full work schedules) have been mentioned as possible reasons for this by respondents. Most of them expressed a need to better cooperate to avoid duplication and enhance results/impact as well as the willingness to move from information exchange to more joint work, which aligns with the Secretariat’s ‘UN Delivering as One<sup>152</sup>’ initiative. Respondents mentioned that existing interagency fora or special interagency retreats could be used to plan joint programming and design partnerships that are a win/win situation for each organization.

<sup>150</sup> The Global Migration Group is an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relative to migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration. The GMS is particularly concerned with improving the overall effectiveness of its members and other stakeholders in capitalizing upon the opportunities and responding to the challenges presented by international migration.

<sup>151</sup> *ibid*

<sup>152</sup> <http://www.un.org/en/ga/deliveringasone/>

Data collection for UNODC's Case Law Databases, SOM data collection and analysis for the upcoming Global Report are areas that are strongly based on already established partnerships and cooperation. However, these areas still need further stakeholders' engagement and closer cooperation. Interviews and direct observation have also confirmed that interagency cooperation – particularly on TIP – is very rare at the local level where there is a lot of competition for funding and is seen to work best when it means joint work with joint fundraising and/or funding and a clear area of responsibility for each agency involved and taking a lead on their specific areas of expertise.

New programmes such as GLO.ACT are paving the way to a new type of engagements and shared responsibilities with relevant bodies. The EU funded this programme under the condition of the joint cooperation between UNODC and selected implementing partners, that became UNICEF and IOM. This programme defines each party's responsibilities, which are clear from the onset and manages their respective expectations during the programme implementation. Such cooperation is meant to leverage each other's added value, local anchorage, specific thematic expertise/ niches as well as the existing networks for impactful programming. The future evaluation of GLO.ACT will shed light whether these types of formal partnerships and programming are effective or not and what type of lessons learned and best practices can be drawn.

Furthermore, interviews, document review and direct observation highlighted a lack of systematic and inclusive stakeholder mapping as part of GLOT59 and GLOT92 in general and also prior to any kind of engagement to respond to a MS' request or implement activities based on donors' priorities in key geographic areas. Consultations with other organizations and agencies/programmes/funds such as UN Women, UNICEF, IOM and others have only taken place when there is a needs assessment or when field offices have formal acquaintances with them. The word acquaintance versus relations or engagement is used because often the collaboration with other UN agencies/programmes remains superficial. Moreover, and as a result of this lack of strategic cooperation, UNODC is often not sufficiently visible amongst MS' relevant authorities and other stakeholders (CSOs, private sector, other IOs.).

### **What have been the key challenges to ensure MS's full participation and engagement in combating TIP and SOM?**

As highlighted in the introduction, both crimes form part of highly complex criminal organized networks that feed off a country's and regional instability, financial and human capabilities, fragility and governance, corruption and high levels of impunity, as well as misunderstanding of the definition of both crimes. All of these factors affect the pace of implementation of both programmes and HTMSS needs to constantly ensure MS' 'buy in' and longer-term engagement. Moreover, desk research, direct observation and respondents have emphasised that MS' engagement can be affected by their national and international political priorities and sensitivities, limited human and financial resources, as well as little focus and investment into criminal justice and social protection generally. Competing international agendas (such as for instance counter-terrorism) and changing donor priorities add to this challenge of getting MS' long-term commitment. In addition, according to interviews and desk research, the evaluation team concluded that another challenge to get MS' full participation was their skewed expectations as to the level of support and engagement HTMSS can offer. Often MS expect much more than what HTMSS can offer in terms of financial and technical support due to its own limited resources. MS often believe that UNODC, as a UN agency, has unlimited financial resources and should be on the ground full time with the means to fully support reforms and invest in law enforcement's and judiciary's entire personnel.

Furthermore, HTMSS has developed capacity building and legal tools to support MS implement the TIP and SOM Protocols but there is not yet any formal Review Mechanism (RM) in place as there is with the UN Convention Against Corruption (UNCAC) for instance. Such RM should help gauge the level of readiness of MS and encourage them develop an action plan to integrate a set of suggested reforms as well as help MS benchmark against each other. Such process should generate further ‘buy in’ and self-motivation of the MS.

HTMSS needs to clearly communicate its role, its capabilities as well as limitations to MS in order to maximize their engagement and manage expectations. MS need to understand that HTMSS’ role is one of ‘a guide’ offering technical expertise but that their own participation and engagement is a sovereign decision that has a direct consequence on progress and impact, which both depend on long-term commitment and appropriation of the reforms.

### **How was the communication between Field/Regional Offices and the Programme management?**

The evaluation team concluded that the level of communication between HTMSS HQ and FO was generally positive; there is nonetheless room for improvement. The communication is based on individual relations rather than through systematic updates, monthly calls or even monthly updates via email between HQ and FO. HTMSS’ backstopping officers for certain regions/countries are seen as a good practice to engage with focal points in key ministries as well as engage with UNODC field offices or NPOs. Closer engagement through information sharing should however not be limited to requests for activities’ logistical implementation but rather for concept note development and fund-raising efforts.

The recently introduced HTMSS annual meetings for field staff was highlighted as a good practice towards forging connections and building bridges between FO and HTMSS for better communication and working relations; more consistent follow-up was nonetheless mentioned as needed to keep reinforcing the fabric of the team. So far, however, only GLOT59 has had regular annual meetings due to funding restrictions/priorities, whereas such meetings would be needed also in relation to SOM. It has to be noted however that most focal points are responsible for TIP as well as for SOM. Funding would be needed to cover both topics equally during those meetings. Moreover, FO-HTMSS engagement’s is more regular when there is a set of activities to implement in the field; it is less frequent for strategic programming purposes. Respondents highlighted that communication is less regular especially when FO and HTMSS are competing for the same pool of funds and do not have a clear common strategy or concept notes to address these donors together. Such lack of systematized communication leads to missed opportunities especially on the fund-raising side where staff from the field and even amongst different desks from HQ could be meeting with donors or key stakeholders without informing each other. Consequences of such dynamics are several: a) slower process with regards content development as HTMSS has to approve on every developed document related to the programmes; b) a certain disconnection between country level operations and HTMSS’ planned activities; c) potential duplication of activities within a country.

## **Effectiveness**

### **To what extent have the programmes achieved their objectives and expected results (outcomes and outputs)?**

Based on a thorough review of programme documents, annual and semi-annual reports, and donor reports as well as triangulated with survey results and stakeholders’ interviews, GLOT59 and

GLOT92 have developed and implemented many activities<sup>153</sup> globally<sup>154</sup> and have met or exceeded their expected targets on some outputs while others have not yet been achieved. As highlighted in the donor reports, the HTMSS team faced many challenges<sup>155</sup> – structural, administrative, content, budgetary and security based – to implement activities, and deliver on outputs. Moreover, it is critical to highlight that the evaluation team could not properly assess the level of achieved or unachieved outcomes due to the lack of adequate monitoring and outcome indicators. It has been noted that since 2014, HTMSS has improved its monitoring mechanism but it remains quantitative rather than qualitative, which does not allow HTMSS team to extract success stories, and collect sufficient granularity on the impact of their activities amongst MS’ recipients. In order to mitigate this lack of proper qualitative and SMART outcome indicators, the evaluation team based its analysis on interviews, desk research and a thorough analysis of the results chain in order to draw conclusions.

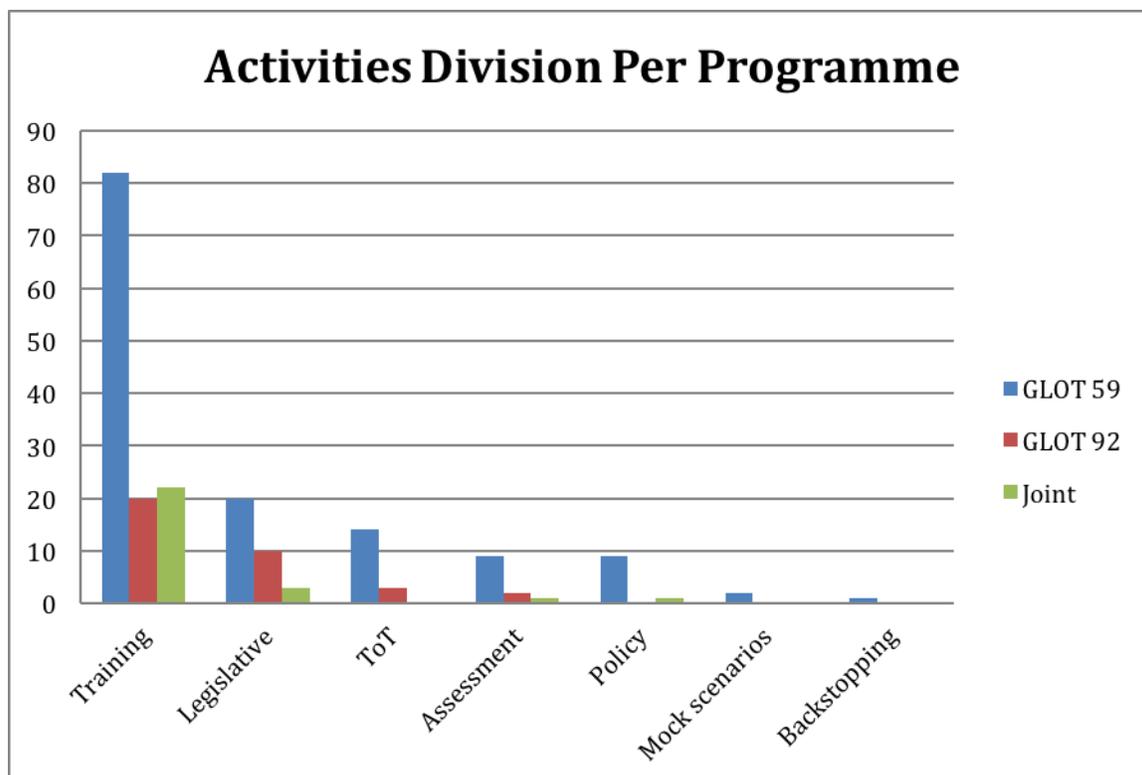
Accordingly, HTMSS exceeded targets on developing the normative tools that were translated into several official UN languages (Arabic, French, English, Spanish, and Russian) but further translation is required to continue their worldwide dissemination and usage. In addition, as seen on the chart below ‘Activities Division Per Programme’, the HTMSS team implemented- through their regional or local offices or NPOs in country 226 activities (over 160 for TIP and around 60 for SOM). Amongst those 131 were capacity building workshops for TIP as well as 47 for SOM. As demonstrated in the chart below, the level of activities undertaken by TIP is far greater than the ones for SOM. As training is by far the type of activities most implemented through both programmes, the need to measure trainees’ usage and the usefulness and relevance of these trainings is even more important to properly assess these programmes’ effectiveness. Recommendations to that purpose have been proposed to strengthen this process (see recommendations section).

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<sup>153</sup> For instance: training film such as ‘Ways and Means- Effective Actions Against Migrant Smugglers’; data collection and research; legislative assistance; or having trained 3000 justice practitioners and governmental officials since 2012. For SOM technical assistance was provided to MS mostly through regional capacity building activities (regional training workshop) where more countries were reached.

<sup>154</sup> However, based on the latest semi-annual donor report on 2016 on TIP, 90 countries have received technical support from UNODC since 2012 and more than 50 countries were reached through national and regional activities on SOM according to donor report 2016 on SOM

<sup>155</sup>One challenges of HTMSS is to keep a balance between TIP and SOM as both fall under their mandate. Umoja for instance has caused delays in responding to MS requests, especially delivering trainings is one administrative challenge faced by the HTMSS team. Lack of understanding of both crimes amongst MS. Budget constraints as earmarked funding does not enable the HTMSS team to fund activities outside of donors’ priorities often based on capacity building or technical assistance. Very little funding for protection of victims of trafficking and smuggled persons and normative work for instance.



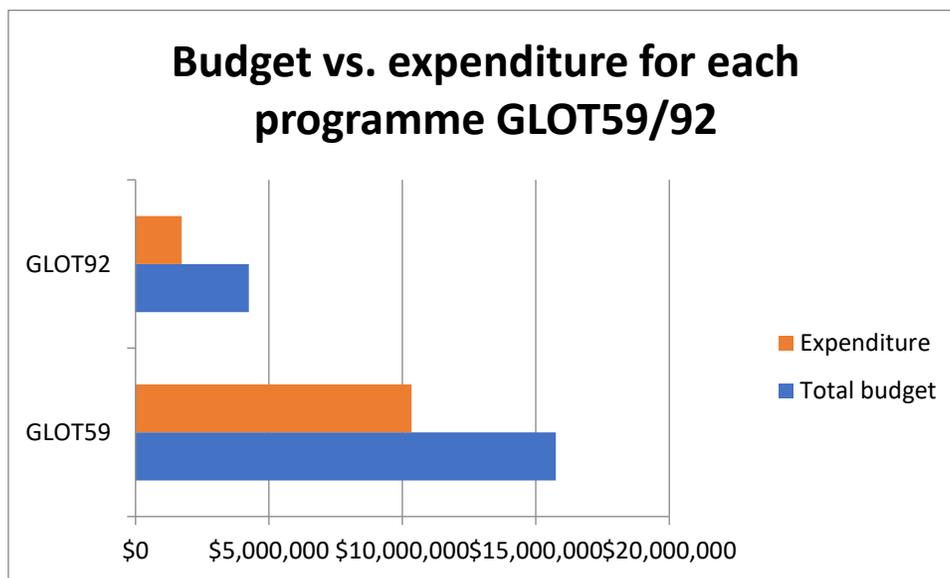
Source: evaluation team based on annual donor reports 2015 for both programmes.

The evaluation findings concluded that HTMSS managed to implement activities across most outcomes for both programmes at the exception of outcomes 1 and 2 for GLOT92. For GLOT59, all of the outcomes' targets were achieved. However, the evaluation team could not properly assess their effectiveness due to lack of SMART<sup>156</sup> indicators, and proper monitoring process and tools. As mentioned earlier in the report, HTMSS has taken steps to strengthen results-based monitoring since 2014. For instance, HTMSS designed and collects whenever possible feedback forms from capacity building activities and started gathering anecdotes and qualitative information from the field whenever possible. The collected data was recently analysed for the use of this evaluation and to inform future activities. It has to be stressed that the collected data might have biases in respondents' answers and needs to be complemented by qualitative analysis of the trainees' context, personal experiences and ultimately behavioural change. In addition, HTMSS is now conducting gaps and needs assessments in targeted countries to build its activities on reliable data and a baseline. However, with respect to these two programmes GLOT59 and GLOT92, reporting remains activity focused rather than impact and outcome oriented, reflecting quantitative rather than qualitative progress. Moreover, little monitoring has been done across all activities (except recently on trainings feedback forms) and this is the first evaluation to be conducted on these two programmes since their inception. It was observed that HTMSS staff did not have sufficient qualitative tools nor training to collect data for effective, systematic monitoring and data analysis. Finally, it is critical to underline that outcome indicators have not yet been designed across UNODC programmes. Outcome indicators require a longer time frame than the usual UNODC's project's cycle as well as detailed baseline information, which are limitations that have so far refrain UNODC from designing outcome indicators.

<sup>156</sup> SMART: Specific, Measurable, Achievable, Realistic and Time-bound.

Currently, a number of reports/databases exist (and need to be serviced, which takes financial and human resources), with little qualitative output. The evaluation team observed a disconnection between HTMSS staff’s field reports and other reporting mechanisms/databases, in particular at outcome and impact levels. In addition, the many analysed reports missed opportunities to include qualitative input that would more effectively translate challenges, pitfalls, and stakeholders’ impressions of levels of achievements and what remains to be achieved through HTMSS’ support. While some of the wiki files include qualitative analysis, it seems that this analysis is not reflected in the regular reporting and/or programming and monitoring of new/ongoing activities, but rather remains in the ‘internal wiki space’. The current programme documents and logframes do not allow the reporting officers within HTMSS to do otherwise than copying and pasting from different databases into donors’ report templates. Finally, the evaluation team recognises the efforts to collect sex-disaggregated data of training participants since 2014. However, this disaggregated data collection is not systematic at all levels (experts of the EGM, trainers, etc.) and specific human rights and gender equality indicators are missing at the monitoring level as well. Human rights and gender related indicators and the systematic collection and analysis of sex-disaggregated would allow to measure progress made towards gender equality, women’s empowerment and human rights of smuggled migrants and victims of trafficking and the sensitivity of the different interventions regarding human rights and gender issues.

Furthermore, as seen in the chart ‘Activities Division per Programme’ and the graphic below ‘the Approved Budget vs. Expenditure’ for 2011 to 2015<sup>157</sup>, funding levels and programme implementation differ from TIP and SOM. As mentioned under relevance, this difference is explained by interest of donors and MS, but does not reflect a less effective implementation nor fund raising effort from HTMSS on SOM. It has been reiterated many times during the evaluation by respondents, that both crimes deserve equal attention.



Another factor that affected project implementation was the lack of staff in the SOM programme. It started with no staffing budget, which delayed the implementation phase until a programme manager could be financed through different projects since 2015. Respondents

<sup>157</sup> This graphic only represents budget vs. expenditures until end of 2016. The data has been confirmed by HTMSS. The final total budget for both programmes as end of 2016 was USD 20,000,833, with USD 15,750,355 for GLOT59 and USD 4,250,478 for GLOT92.

confirmed that the rather common practice of cost sharing amongst the GLOT programmes for staff positions and cost sharing of funds is seen as a good practice in order to compensate for the lack of RB. Such practice requires nonetheless very good planning and demands continuous adjustments of staffing tables according to incoming grants. However, budget discussions are made at the section levels and not at the programme levels. While it has been critical to ensure HTMSS survival, the lack of budgetary decision making of the programme managers can negatively affect their ability to plan, implement and manage effectively programme activities. Hence, the disbursement rate is not under the total control/responsibility of the programme managers.

Furthermore, interviews and direct observations show HTMSS' staffing is not sufficient to respond to the heavy workload and allow for significant substantive engagement, contribution and country/regional backstopping. Logistics, funds management as well as normative work takes up the majority of HTMSS' time. HTMSS nonetheless receives substantial support from their field offices, to organize workshops and technical assistance activities. Otherwise, backstopping officers and the programme teams within HTMSS coordinate all activities with their counterparts from HQ and during multiple field missions. As a result, while HTMSS is a convener of high level consultants and normative experts, the field offices are perceived as the logistician/organizers. In order to better leverage FO and use them for their substantive inputs, the annual FO meetings have served to identify and build FO expertise so they can implement technical assistance, as in Latin and North America for instance.

The evaluation team understands that many of these activities (technical assistance, normative work and capability building especially) were and are donor dependent as HTMSS and especially the SOM programme have been underfunded over the years. It was observed that EGM and high-level meetings like the COP can help raise awareness amongst participating MS and donors about progress and the need for further support. However, it was also concluded, based on desk review and interviews, that these high-level meetings and 'ad hoc' activities (even up to three workshops in country) do not suffice to reform and enhance a MS' justice response system and that a clear road map to achieving the two programmes' objectives and a fund-raising strategy are yet missing and need to be a priority for the next programmatic phase.

With regards to the TIP programme, the evaluation team raised questions as to the presence and objectives of the following activities: 'the Victim Trust Fund', the small grant for victims' protection and the Blue heart campaign.

#### a) **The Victim Trust Fund**

GLOT59 also includes the provision of small grants to victims' support organizations/services through the Victim Trust Fund (output 6.2.), created by a UN resolution, as aforementioned, to offer CSOs small grants to protect victims of trafficking (so far USD 1.7 million disbursed across 28 organizations with a maximum ceiling of USD 25,000 per recipient) in different regions. This fund was retrofitted into the programme and is managed by one member of the CPS<sup>158</sup> in addition to her other responsibilities. The fund is managed under a different Global Programme GLOX42<sup>159</sup> but different grant cycles and awards to NGOs are reported in the GLOT59 donor reports<sup>160</sup> (2015). The evaluation team is not refuting the value of such fund and of the small grant output, but it has

<sup>158</sup> The CPS is responsible for high donor outreach and engagement.

<sup>159</sup> [https://www.unodc.org/documents/human-trafficking/Human-Trafficking-Fund/AnnualReport\\_UNVTF\\_2015.pdf](https://www.unodc.org/documents/human-trafficking/Human-Trafficking-Fund/AnnualReport_UNVTF_2015.pdf)

<sup>160</sup> For instance, the donor report GLOT59 2015 mentions a UNODC/HTMSS monitoring visit to the Vietnamese NGO "Blue Dragon Children's Foundation", selected as 2nd cycle grantee under UN Victims Trust Fund (29 April).

questioned its alignment with the programme's objectives with respect to enhancing MS' capacities of protecting victims as well as the purpose of reporting on activities when a separate trust fund report is produced each year<sup>161</sup>. The evaluation team concluded that the fund did not support the programme's objectives and that the HTMSS team should reconsider the positioning of this fund, in line with previously issued recommendations within the framework of the evaluation of the Fund<sup>162</sup>.

**b) Small grants to NGOs**

According to GLOT59 programme revision (2015), a small grant was being piloted within the framework of the Global Programme for Congo to provide support to two victims protection NGOs.<sup>163</sup> No further information was provided on this small grant outside of the donor report of 2015. This small grant was created to fulfill the objectives of the protection pillar of the protocol but considering the existence of the Victims Trust Fund, and the niche of the HTMS section and HTMSS' mandate to respond to MS, the evaluation team concluded that it was not an effective way to build on MS' protection capabilities. Moreover, the evaluation team concluded that such siloed granting process adds an administrative (NGO's selection, grant procurement and management) and reporting burden on HTMSS for little relevance and impact.

**c) Blue Heart Campaign**

With regards to the awareness pillar, the Blue Heart Campaign<sup>164</sup> was also retrofitted under the programme and is not managed by HTMSS. Regional and country offices when interested in pursuing it and when there is an interest from MS can decide to launch the campaign. The link between the campaign and the overarching objective of the programme could not be drawn because the evaluation team could not conduct focus group discussions with random sampled people within different countries where the campaign was launched. Stakeholders interviewed for this evaluation were purposive and directly implicated or affected by the programmes and therefore could not provide sufficient information about the impact of the campaign on the population. The evaluation team also questioned the time required to launch a campaign versus tight staff time in reaching out to MS, and private sector entities to endorse the campaign versus the results. Such campaign impact assessments are difficult to conduct unless through clear target audience analysis, a clear baseline, focus group discussions and a control group. Having the campaign as one of the outputs for the programme on TIP does not contribute to achieving the over-arching objectives of the programme as the key objectives are to build MS's capabilities whereas the campaign is targeted to a larger audience with a different purpose. Although the campaign is managed by the media and communication department at UNODC HQ in Vienna, HTMSS still reports on progress, endorsement and new launches. The impact of the campaign cannot be measured yet due to lack of budget, lack of target audience analysis and monitoring capabilities within the field offices and HTMSS team on such change behaviour process. Moreover, it is difficult to assess changed behaviours on victims' identification of MS' law enforcement agencies and governmental bodies

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<sup>161</sup> <http://www.unodc.org/unodc/en/human-trafficking-fund/annual-reports.html>

<sup>162</sup> [https://www.unodc.org/documents/human-trafficking/Human-Trafficking-Fund/GLOX42\\_Mid-term\\_Independent\\_Evaluation\\_Report\\_December\\_2014.pdf](https://www.unodc.org/documents/human-trafficking/Human-Trafficking-Fund/GLOX42_Mid-term_Independent_Evaluation_Report_December_2014.pdf)

<sup>163</sup> Output 6.2 according to the Programme revision GLOT59 2015: 'The main objective of the small grants programme (output 6.2) is to strengthen the capacity of non-governmental organizations/ specialized victim service providers to provide assistance to victims, including medical and psychological care, legal assistance, (temporary) shelter or accommodation support, (re)integration support and safe repatriation.

It is expected that through the provision of small grants to NGOs victim identification and protection will be improved in beneficiary countries. The small grants will be piloted in the framework of this Global Programme in the Republic of Congo'

<sup>164</sup> <http://www.unodc.org/blueheart/>

due to the fact that the key target of the campaign is the general public and not the more specific target audience of particularly law enforcement officials of the TIP programme.

With regards to raising awareness amongst the programmes' beneficiaries (MS and their criminal justice response and law enforcement apparatus), HTMSS has organised Expert Group Meetings (EGM) and high-level meetings, developed tools, and published issue papers. Most of the tools have been translated in 5 UN languages and further translations into less common languages are needed in order to maximise their distribution and outreach. Awareness and understanding of the Protocols' provisions and how to best integrate them into national systems is paramount to diligent implementation of the two Protocols and continuing the fight against TIP and SOM. The evaluation team does not refute the relevance of global campaigns but questioned the effectiveness of having these activities under such programmes. It is understood that for budgetary and administrative reasons some activities, such as the campaign or the trust fund, are added to HTMSS for administrative and reporting reasons. It is nonetheless critical for future fundraising efforts and programming to take into consideration these assessments so effectiveness can be strengthened.

Moreover, on SOM as well as on TIP, other activities, such as tool kits, training materials and check lists to help law enforcement agencies identify and provide assistance to victims, were developed and according to survey results, 48.25% of respondents viewed the tools as useful to support MS implement measures to assist victims and vulnerable groups. 50.35% found them helpful to assist in investigating and prosecuting cases. The survey replies show positive feedback. Interviews and the desk review also highlighted that the knowledge acquired during trainings was useful. However, they also emphasised that little knowledge transfer happened and that further capacity building and closer mentoring in particular for law enforcement agencies is needed.<sup>165</sup> Furthermore, the field missions helped the evaluation team verify the knowledge of and usability of these tools. Usually, the interviewees were aware of the tools. However, they were sometimes perceived as not accessible, but would have been welcomed if received and in a local language. HTMSS and UNODC have a wide range of publications, but there is no specific strategy to disseminate them and most importantly verify their usage (although HTMSS mission report template includes a question on whether publications have been distributed during a field activity or not).

Moreover, tools development and distribution do not necessarily translate into usage and knowledge transfer. The level of knowledge transfer from trainees to other staff was found to be based on trainees' motivation rather than institutionalized processes. As a result, when one trained law enforcement agent changes posts within its agency, there is little institutional memory left. Trainees also requested further trainings on investigation techniques, mock trials, international cooperation mechanisms and victims' protection. The evaluation findings concluded that 'ad hoc' workshops and activities in one country have limited impact and do not help build institutional memory of the targeted institutions. The evaluation findings underlined that trainings of trainers have proven to have limited impact if the trainers themselves do not have institutional back up or time awarded for this tasks by their administration. It is critical to build institutions' capabilities and not just build their staff's capacities. Such tasks require long-term engagement, gaps assessments of the institutions' curricula and funding. Thus, it might be interesting for HTMSS to search for closer engagement with development aid agencies such as GIZ, DFID and others that fund and support such long-term activities. Such engagement would most likely be feasible through strategic partnerships with other implementing agencies with more global presence. Finally,

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<sup>165</sup> This is also in accordance with UNODC's expertise in law enforcement and criminal justice aspects regarding organised crime such as TIP and SOM.

training materials should focus on how to transfer and apply knowledge, how to move from knowledge to capacity and beget change of behaviour and should be integrated within law enforcement schools' and judiciary's curricula. The workshops currently proposed could be more practical to complement the theoretical approaches taught in the different national institutions. Furthermore, workshops were rarely implemented outside of MS 'capital cities and often did not include CSOs as counterparts. Inviting trainees from provinces outside of the capital cities was referred as a start but not sufficient to beget behavioural and professional change.

### **What is the added value of the programmes vis-a-vis other actors?**

Respondents confirmed that UNODC's work on TIP and SOM and the Global Programmes fit UNODC's position as Guardian of UNTOC and the Protocols. Hence, HTMSS is seen as a legitimate authority to assist MS address TIP and SOM. Compared to other international actors, UNODC has in-house institutional resources and expertise on transnational organized crime and criminal justice. On SOM, HTMSS' added value has been less on the activities and engagement so far, but more on its comprehensive definition and its human rights based approach to SOM in the Protocol, which clearly distinguishes between SOM and facilitation of irregular migration as such and also promotes the protection of smuggled migrants. Furthermore, UNODC was praised to encourage the creation of networks (informal and formal) amongst trainees and beneficiaries to share knowledge, experience and real-time communication information. Such networks help build a net of trained practitioners across borders and reinforce international cooperation.

From a donor perspective, the clear normative framework and implementation support mandate of UNODC has been an important factor for awarding funding to UNODC on both topics. Both programmes have received regular large funds<sup>166</sup> from Norway, France, Sweden and the USA, revealing a certain degree of recognition and satisfaction with UNODC's particular expertise and role as Guardian of UNTOC and its Protocols. Donors have also expressed appreciation for the ability to implement their priorities and interests in terms of international cooperation through the Global Programmes, allowing them to identify priorities, stakeholders and objectives and have HTMSS take on the implementation.

From UNODC's perspective, such global programmes service MS in countries even if there are no UNODC field offices. This factor is critical in countries that do not receive international aid or are not among donors' highest geographic priorities.

In addition, HTMSS and UNODC at large are perceived as a pool of experts and as one of the relevant agencies focusing on TIP and SOM. UNODC stands out amongst others with regards to its normative work on TIP and SOM. Furthermore, HTMSS, TIP and SOM focal points in the fields are also viewed as organizers and conveners. As a result, such qualities could also backfire if not managed from the onset; MS and other beneficiaries (law enforcement agencies for instance) have high expectations on the level and consistency of support received by HTMSS.

However, the evaluation also concluded that HTMSS did not sufficiently take advantage of its positioning to clearly distinguish and brand its comparative advantage amongst other actors. It is also clear that UNODC's Global Programmes had multiple partners as per their programme documents but that only a few of them supported or collaborated in the implementation of some

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<sup>166</sup> Plus other smaller donors that did not provide regular donations.

programmes' activities in the field and at HQ. The two programmes would have benefitted from a closer cooperation with all these partners by implementing joint activities that are more locally rooted and implemented in cooperation with key stakeholders.

## Impact

**To what extent have the programmes pursued the possibility of assessing impact? What attempts were made to measure impact? Which provisions were made or could have been made, at the planning and implementation phase to assess change?**

With regards to measuring and assessing these programmes' potential impact, the evaluation team looked at how outcomes and indicators were formulated, what type of monitoring was in place as well as whether there had been any baseline information or a ToC developed at the design phase of the programmes. Documentation review and interviews showed that since the inception of the two programmes, monitoring was not systematically conducted until 2014, when a dedicated staff was hired to improve the monitoring of these programmes. The following section will highlight why these programmes were not designed to assess impact and what could have been done.

As mentioned under relevance, UNODC at large does not measure impact but is more focused on outputs based reporting (quantitative and not as much qualitative). These two programmes moreover, do not have SMART indicators at the outcome level. Considering that both GLOT92 and GLOT59 were part of the old generation of programmes at UNODC, which were traditionally drafted based on available data vs. the analysis of purposefully collected data and on the different international conventions, little baseline information (number of ratification on both Protocols) was available and no ToC was drafted to understand how the programmes envisioned to achieve change and impact. Besides, as already mentioned, normative support is difficult to attribute to one entity only, as many actors play a role in legislative reforms and in capacitating criminal justice response agents. Moreover, impact of the programmes on the advancement of gender equality and human rights could not be measured as no specific outcomes or changes at this level were explicitly stated.

In this regard, the evaluation team found a level of awareness within HTMSS that impact measurement has so far been neglected and that they needed to start developing indicators and targets in order to measure intermediate and longer-term impact more effectively. Monitoring and reporting mechanisms put in place so far, such as the field mission reports, pre-and post-training questionnaires, the HTMSS database or project reports have not been able to document and report on impact. This does not mean that there has been no impact, but it highlights that even if there was impact (positive or negative), it is not possible to easily detect it as there have been no resources invested to assess and report on it properly and effectively. So far, HTMSS has not yet conducted activity/project based or thematic impact assessments, for instance on JITs, the case law database or reference at national courts to the TIP/SOM Protocols and/or related HTMSS tools. However, quotes and references were occasionally mentioned in the donor reports.

Furthermore, the evaluation team could not get a clear definition and process on how impact (and different categories of impact) is measured at UNODC at large, which had a direct consequence on the level of efforts asserted to measure this 'undefined' impact. Some interviewees declared that impact was multi-dimensional and depended on how one defined impact. Impact can be defined differently and according to the evaluation findings, there is no clear definition of what is understood as impact within UNODC and HTMSS. Some understood impact<sup>167</sup> as something self-

<sup>167</sup> Impacts are usually understood to occur later than, and as a result of, intermediate outcomes. The distinction between outcomes and impacts can be relative, and depends on the stated objectives of an intervention. Impacts are sometimes defined

referential, related to UNODC and the international community, rather than actual change in a MS. Others found it difficult to differentiate between results and impact. This difference affects how monitoring and reporting are conducted by teams like HTMSS and constitutes a challenge for evaluation teams to assess impact more concretely.

**What are the intended or unintended positive and negative intermediate and long-term effects of the programmes on human trafficking and migrant smuggling?**

Although information remains anecdotal, some positive intended intermediate effects were shared with the evaluation team. Most interviewees mentioned HTMSS' support as having contributed, amongst other agencies, to their legislative and policy reforms. The protocol of the Dominican Republic was reviewed in accordance with the SOM Protocol after the regional training on SOM by sea organised in Panama in 2015. In addition, HTMSS's Model Law templates were mentioned several times as one base for MS' new law on TIP, specifically in Morocco.

Other positive intermediate effects that judges and prosecutors participating in trainings regularly mentioned during interviews were a broader vision of TIP and SOM crimes, an increased knowledge of TIP and SOM's legal provisions and enhanced capacity to properly conduct investigation on TIP. As one interviewee stated, trainings enhance expertise and reinforce operative work. Another example was the result of the joint investigation between France and Bosnia & Herzegovina (financed via EUROJUST), which helped build trust between French and Bosnian authorities as well as between authorities and NGOs. Following the joint investigation, both authorities noticed a change in the understanding and attitude of the investigators, police and prosecutors on how to work in such cases. Moreover, another result was that both countries' law enforcement agencies were encouraged to cooperate, which helped them better understand constraints and limitations of fighting organized crime and working with victims and families of very marginalized closed community within a particular culture. UNODC's role was important in terms of establishing the cooperation, implementation was very practical and the subject matter and participants very specialized.

Concerning un-intended effects of the two programmes, documentation review and interviews underlined a few negative and positive effects. The negative effects were the following:

- one-off activities (capacity building especially) does not help build UNODC's credibility and relationship amongst partners and key stakeholders as it showed no long-term strategy to combat and prevent these crimes;
- when MS send a request to an embassy in a country or to HTMSS directly, expectations can be raised that can affect HTMSS and UNODC's reputation if the response and engagement is not as rapid as expected;
- the UN blue flag is a double-edged sword; it can raise expectations as to the level of engagement HTMSS can offer MS, especially in terms of financial support; on the other side, it can be of great support by opening doors to focal points and key stakeholders in countries.

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quite differently. For example, the W.K. Kellogg Foundation Logic Model Development Guide (<https://www.btop.org/sites/default/files/public/W.K.%20Kellogg%20LogicModel.pdf>) distinguishes impact in terms of its spread beyond those immediately involved in the program. Specific changes in program participants' behaviour, knowledge, skills, status and level of functioning are referred to as "outcomes," and only changes to organizations, communities or systems as a result of program activities within seven to 10 years are described as "impacts."

With regards to positive effects, the creation of HTMSS in 2012 to support the implementation and guidance of the programmes – although not an effect of the programmes per se – was seen as constructive by most interviewees and peaks in activities were observed shortly after.

### **To what extent do the programmes contribute to the relevant Sustainable Development Goals (SDGs)?**

As already mentioned, it is not possible to assess whether the two global programmes contribute to achieving multiple SDGs directly as impact is currently not measured. It is clear, however, from the desk review and interviews that there is potential for both programmes to contribute to multiple SDGs and related targets, in particular:

SDG 5.2.	Eliminate all forms of violence against all women and girls in public and private spheres including trafficking and sexual and other types of exploitation;
SDG 8.7	Take immediate and effective measures to eradicate forced labour, end human trafficking and secure the prohibition and elimination of the worst forms of child labour
SDG 10-10.7	Facilitate orderly safe regular and responsible migration
SDG 16	Promotion of peaceful and inclusive societies for sustainable development to the provision of access to justice for all and to the building of effective accountable and inclusive institutions at all levels
SDG 16.2	End the abuse, exploitation, trafficking and all forms of violence against and torture of children

Some interviewees underlined that the SDGs seek to address all inequalities, including those based on gender, and constitute a basis for MS and UN entities, including UNODC, to address TIP and SOM through measures that take into account their global reach and by adopting a human rights and gender sensitive approach.

Moreover, the Crime Research Section is looking at how these two programmes will contribute to fulfilling the SDGs mentioned here above. However, the SDGs were adopted in September 2015 and it is therefore too early to measure impact or any measurable results. The collection of data especially for the upcoming Global Report on SOM, will help establish some baseline and assess SOM's programme's results and potential impact on the victims.<sup>168</sup> However, HTMSS staff and management have not yet engaged in a comprehensive discussion of all indicators related to the SDGs and how each global programme and each work stream could contribute to different SDGs' indicators and how these could be included into future planning and programming with donors and MS.<sup>169</sup> A final evaluation of these programmes should be able to assess some level of achievements on the SDGs if indicators and tools are designed and monitored.

## **Sustainability**

### **To what extent will the benefits generated through the programmes be sustained after implementation i.e. is there an exit strategy after implementation of the activities?**

<sup>168</sup> See UNODC Research Brief, Multiple Systems Estimation for estimating the number of victims of human trafficking across the world.

<sup>169</sup> For a list of all indicators see Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators (E/CN.3/2016/2/Rev.1), Annex IV

The evaluation was not conclusive on the level of sustainability fostered through the two programmes. Specifically, desk research, documentation review and interviews showed that there was no exit strategy defined in neither programme nor drafted by the HTMSS team. Furthermore, technical assistance projects, such as the ones on Training of Trainers, the development of training curricula or capacity building on joint investigation teams (JIT), did not include an exit strategy or a pathway to sustainability after UNODC support ended. Defining a clear exit strategy could help manage MS' as well as donors' expectations, strengthen their ownership and accountability of progress, spell out each party's responsibilities, including financial, human resource and institutional commitment, and benefit more focused planning after the activity ends. Such a strategy would not require much additional work and would not be a stand-alone document but would be included into the letter of agreement drafted upon concrete engagement with MS. This strategy could be adapted to specific context when needed.

Furthermore, interviews and desk reviews of budgets and donor reports indicated that many countries require financial support to continue implementing the reforms on both Protocols within their legal framework and criminal justice response. If a review mechanism on both Protocols is applied within the next two years, it will put a financial burden/obligation on MS to comply and start implementing reforms. Thus, the sustainability of reforms in each MS depends and will continue to do so on how the donor community prioritizes certain MS over others for geographic and strategic interests. According to interviews, the global programmes help fill in the donor gaps in non-prioritized countries that would otherwise not receive any technical assistance. While this objective has its merits and HTMSS managed to implement activities in 85 countries, reaching beneficiaries from over 120, a prioritization of countries based on their readiness and level of engagement could help generate greater impact over repeated activities and continuous process rather than just a few workshops now and then.

Finally, there is no fund-raising strategy as aforementioned, which creates uncertainty and a lack of strategic engagement from HTMSS, especially regarding technical assistance and capacity building activities in countries. Workshops were found to be very useful but too seldom and not sufficient to build long-term institutional memory. Hence, a concerted and common fundraising strategy amongst FO, HTMSS and other sections under the OCB could help secure funds for mentoring and longer-term engagements in countries.

**To what extent have the stakeholders and beneficiaries taken ownership of the results, activities and goals of the Programmes? Are they committed to continue working towards these results after end of programme activities?**

In some cases, the evaluation found individual commitment by stakeholders to continue working towards the programmes' results after the end of the activities, but rarely with institutional commitment and/or capacity to do so. However, certain factors observed during the field missions and as part of the desk review led to the conclusion that if a) there was a national commission in place on TIP as well as on SOM (sometimes both together), b) a budget line in the law of finance of the country that would be dedicated to financing TIP and SOM efforts, c) and a national action plan or strategy were in place, there were greater chances for continuity of actions after HTMSS ended its support.

At the level of capacity building activities and the Expert Group Meetings, evidence showed that knowledge transfer was not institutionalized but rather based on individuals' professional interests in an informal setting. Moreover, the high turnover of law enforcement and criminal justice agents

affects the training of trainers' strategy for internal capacity building. As a result, little institutional memory was observed and MS demand frequent basic trainings for new staff members.

## Human Rights and Gender

### **Are the programmes aligned with relevant normative frameworks and strategies for human rights and gender equality and contribute to their implementation?**

International human rights frameworks, the SDGs, the TIP Protocol (article 2b) and the SOM Protocol (article 2 and 16) call for human rights principles and standards to guide all responses, including to the different needs of victims of TIP and smuggled migrants and protect their rights, taking into account the needs of the most vulnerable such as women and children. Meanwhile, relevant normative gender equality frameworks recognize gender inequalities and gender based violence as underlying and contributing factors to TIP and SOM calling for interventions that take them into consideration while protecting women and girls' rights and responding to their needs.

Concerning human rights issues, the evaluation team and interviewees recognise the contribution of UNODC/HTMSS to expand the human rights engagement in TIP and SOM through specific tools, such as the International Frameworks for Action or specific ICAT/GMG papers. However, UNODC is still positioned (and seen as such) as a criminal law focused stakeholder and the Protocols as criminal law focused instruments – with all limitations this has for the wider human rights discourse. In this regard, during the evaluation process some interviewees expressed that assistance, rights protection and involvement with civil society are still seen as outside/not part and parcel of UNODC's role.

Concerning gender equality aspects, evaluation interviewees informed that the integration of gender issues is still very limited and not comprehensive in the organized crime sector, and specifically in TIP and SOM efforts, which among others would explain the shortcomings of the two global programmes at this level. Gender related data, analysis and research are also limited. Besides, the evaluation showed that not many actors, at the national, regional and international levels, have a focus and expertise on gender aspects of TIP and SOM; this seems to be more explicit in the case of SOM, which is a new area of focus for many organizations. In this wider context, interviewees do not see UNODC/HTMSS as an organization with a focus, expertise and practice on gender and women's rights. Besides, the existing gender equality frameworks and guiding documents relevant to TIP and SOM<sup>170</sup> seem not to be used and clearly guiding the global programmes.

Despite these shortcomings, there has been an important push in UNODC to embed human rights and gender equality in programming since 2011, emphasizing the need to develop human rights and gender sensitive strategic frameworks and guidelines for programming. Thus, UNODC's strategic frameworks guiding the global programmes<sup>171</sup> refer to the international human rights frameworks and have provisions on protection/assistance and victim rights and access to justice as

<sup>170</sup> Among others: Convention on the Elimination of All Forms of Discrimination Against Women (1979)- Beijing Platform for Action (1995); Recommendation No. 19 of the CEDAW Committee (1992); the Vienna Declaration and Programme of Action (1993); the UN Secretary General's in-depth study on all forms of violence against women (2006); the UN Resolution on Trafficking in Women and Girls (2005); and, the CEDAW Committee General Recommendation No. 26 on Women Migrant Workers (2008).

<sup>171</sup> UNODC Thematic Programme "Action Against Transnational Organized Crime and Illicit Trafficking, including drug trafficking" (2011- 2013), UNODC Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants (2012) and "UNODC Proposed Strategic Framework for the period (2016-2017)".

part and parcel of criminal justice (which is at the core of the Protocols) - these areas are also reflected, to some extent, in the programme documents. While the strategic documents consider women as a vulnerable group, it is only the strategic framework for the period 2016-2017<sup>172</sup>, which calls for gender concerns mainstreaming and the collection of gender-disaggregated data, in particular as it relates to human trafficking (SOM is not specifically mentioned). It is however Sub-programme 4 on Justice that has a stronger emphasis on human rights perspective and gender mainstreaming. Sub-programme 1, which includes TIP and SOM, is not that strong in its commitment and only mentions “protecting the rights of victims and witnesses of crime and smuggled migrants” while countering transnational organized crime. This proves that gender mainstreaming is not done equally across UNODC, which would call for cross-sector cooperation with more expertise and focus on gender.

Besides, UNODC has also developed guiding documents to integrate a Human Rights-Based Approach (HRBA) and gender mainstreaming in programming. The Position Paper “UNODC and the Promotion and Protection of Human Rights”(2012)<sup>173</sup> recognizes the need of adopting a HRBA in all development cooperation and technical assistance activities (including GLOT59 and GLOT92) and of ensuring that (a) they further the realization of human rights (goal); (b) human rights standards and principles guide all phases of the programming process (); and, (c) programmes contribute to the development of the capacities of MS to meet their obligations as duty bearers, and/or of rights holders to claim their rights (outcome). The “Guidance Note on Gender Mainstreaming in UNODC” (2013)<sup>174</sup> stresses that UNODC has the responsibility to understand how and where gender issues<sup>175</sup> are relevant to its different areas of work and to integrate a gender perspective (gender mainstreaming)<sup>176</sup> in all its practices, policies and programmes. However, these guidelines have no implementation mechanism attached and evidences show that human rights and gender equality have not been systematically reflected yet into both global programmes (see questions-answers below for more details on the specific evidences).

Finally, if UNODC has a clear vision to position itself strategically to respond to the present and emerging concerns on TIP and SOM, mainstreaming of human rights and gender equality principles must constitute a guiding principle for UNODC programming, with UNTOC as principal reference while recognizing the importance of all human rights and gender equality frameworks. Besides, many countries have endorsed some of the human rights and gender equality international commitments that can be used as tools to advocate for human rights and gender equality within the context of national priorities.

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<sup>172</sup> [https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_23/E-CN15-2014-CRP3\\_E.pdf](https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_23/E-CN15-2014-CRP3_E.pdf)

<sup>173</sup> [https://www.unodc.org/documents/justice-and-prison-reform/UNODC\\_Human\\_rights\\_position\\_paper\\_2012.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Human_rights_position_paper_2012.pdf)

<sup>174</sup> <http://www.un.org/womenwatch/directory/docs/UNODC-GuidanceNote-GenderMainstreaming.pdf>

<sup>175</sup> Gender issues are all aspects and concerns of how women and men, and boys and girls, interrelate, their differences in access to and use of resources, their activities, and how they react to changes, interventions and policies. (Source: UNODC Guidance Note)

<sup>176</sup> The Guide recalls that gender mainstreaming is a strategy for making rights holders’ -women and men, and girls and boys- concerns and experiences an integral dimension at every stage of the programming cycle. It aims at a more balanced and representative approach, thus a more effective response in all of UNODC’s thematic areas of work ensuring that women and men, and girls and boys, benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality, a crucial aspect of sustainable development and the achievement of human rights.

**To what extent was a Human Rights Approach adequately incorporated in the design and implementation of the programmes? What specific measures were taken? To what extent were efforts deployed to overcome any constraints at this level?**

Recognising that the UNODC Position Paper on Human Rights was not available when the programmes were designed, informants to the evaluation highlight the need to overcome initial shortcomings and reinforce human rights based programming in GLOT59 and GLOT92.

The evaluation identified positive indicators of human rights sensitivity within the two programmes: HTMSS staff understands and promotes the link between human rights and TIP and SOM; there is consensus about the importance of a Human Rights Based Approach (HRBA) as a guiding element within the programmes; human rights language and principles are found across all programmes' documents; and, both programmes are engaged with human rights mechanisms. Nonetheless, further capacity to fully integrate a HRBA is needed within HTMSS.

However, shortcomings were identified at the level of the practical understanding and integration HRBA in programming. In this regard, UNODC's Position Paper on Human Rights highlights that a HRBA is a way of working that requires specific expertise and capacities that go beyond an understanding and acknowledgement of human rights. Secondly, on TIP, there is a tendency to assume that human rights are taken into account by nature of the crime (human rights violation). Finally, on rights protection and victim support, there is a perception, on one side, that they are not relevant to or part of crime control and criminal justice; on the other hand, victim support/rights protection is seen as a responsibility of civil society organizations rather than the one of MS and that working on rights protection/victim support and with CSOs is not part of UNODC's/HTMSS' mandate, although UNODC's mandate through the provisions of the TIP and SOM Protocols includes a protection pillar.

Thus, while recognizing the efforts to position human rights in programming, the evaluation team concluded that the substantial shortcomings mentioned together with the ones identified in the practical integration of a HRBA in the programming cycle of the two programmes (see table below for more details)<sup>177</sup> show that a HRBA is not yet systematically applied in GLOT59 and GLOT92.

LEVEL	HRBA IN GLOT59 & GLOT92
Programme Development	<ul style="list-style-type: none"> <li>- Lack of a comprehensive analysis of the human rights issues related to TIP and SOM in the different contexts where the programmes operate and lack of a stakeholder map/analysis - including human rights organisations such as CSOs, Ombudsman, etc.- that could inform the understanding and the prioritisation of interventions</li> <li>- Objectives, outcomes and outputs are not clearly and explicitly informed by human rights considerations and specific human rights indicators to track changes are missing.</li> </ul>
Implementation / Monitoring / Reporting	<ul style="list-style-type: none"> <li>- At the level of capacity building, training materials developed within the framework of the two global programmes cover topics of international standards of human rights and present and describe relevant human rights instruments. In addition, human rights are systematically introduced during trainings. The victims' centred approach and focus on human rights issues of the capacity building activities is highly valued</li> </ul>

<sup>177</sup> The table presents the main findings of assessing the integration of a HRBA in programming against the key elements proposed by the Position Paper on Human Rights (pages 10–13). Findings are exclusively presented for those elements/levels for which relevant and consistent information was available while human and financial resources allocated for HRBA have been already analysed in this sub-section of the report (see specific question on resources).

	<p>among trainees. Most interviewed trainees confirmed having acquired a better understanding of human rights issues. The inclusion of practical cases on human rights, and specifically on women’s rights and indigenous’ rights, was identified as a good practice regarding human rights integration in trainings.</p> <ul style="list-style-type: none"> <li>- No specific strategies or tools have been designed and/or utilised to ensure a practical implementation of a HRBA in the global programmes to guarantee that all activities respond to the rights of the diversity of victims of TIP and smuggled migrants and enhance non-discrimination, participation, transparency and accountability. As aforementioned, the specific guidelines of the UNODC Position Paper on Human Rights seem not to be guiding the daily practice of the programmes.</li> <li>- Legislative and policy development assistance is guided by human rights principles and aimed at protecting the rights of victims of TIP and smuggled migrants (refer to the Model Laws and Frameworks for Action against TIP and SOM utilized for this purpose). Although representatives of CSOs are invited to national and regional trainings, dialogues and processes on TIP and SOM, several interviewees recommended a more systematic and strategic involvement of rights holders and CSOs, specifically human rights advocates, in the legislative and policy development processes supported by UNODC. In this regard, some HTMSS staff referred to the fact that the Civil Society Unit is responsible for engagement with civil society rather than HTMSS.</li> <li>- Human rights issues are part and parcel of the processes and spaces (EGM for example) facilitated to develop the tools, and representatives of CSOs and experts with a solid background in human rights are commonly involved. Documents analysed as part of the desk review and interviews both showed that the TIP and SOM tools take into consideration human rights issues and call for a HRBA when responding to TIP and SOM (such as the Model Laws, Framework for Action and Assessment Guides).</li> <li>- There are shortcomings at the level of monitoring: (a) the Monitoring Mechanism Document (August 2016) does not explicitly clarify the HRBA; and, (b) no specific human rights indicators are included in the logframes; and, (c) human rights sensitive and disaggregated indicators related to the rights of smuggled migrants and victims of trafficking and to the cross cutting human rights norms (inclusion-non-discrimination/equality, participation and accountability) are missing both at the process and the results levels.</li> <li>- Reporting does not focus on human rights aspects and efforts to identify and synthesize lessons on the application of a HRBA could not be identified. Different reasons may explain these shortcomings, among them: most donors do not ask for it; as mentioned, human rights specific indicators are missing from the M&amp;E system; and, reporting is mostly activity based with little focus on changes.</li> </ul>
Evaluation	<ul style="list-style-type: none"> <li>- This is the first evaluation of the two global programmes and the TOR were explicit on the commitment to respond to HRBA requirements. However, the human rights shortcomings at the level of design, implementation and monitoring (lack of specific outcomes and strategies, lack of baseline data, among others) hindered a systematic and comprehensive HRBA in the evaluation exercise that could help assess and report on the contribution of the programmes to the advancement of the human rights of victims of TIP and smuggled migrants (see the methodology section for more details on the shortcomings at this level).</li> </ul>

**To what extent was a gender approach adequately incorporated in the design and implementation of the programmes? What specific measures were taken? To what extent were efforts deployed to overcome any constraints at this level?**

The evaluation found that most HTMSS team is aware that gender inequalities and gender based violence are contributing factors and have to be taken into consideration to improve responses to TIP. Meanwhile, SOM gender related underlying factors were not that clear amongst the HTMSS team, interviewees and the documentation reviewed. The evaluation also showed a weak understanding of the implications of integrating a gender perspective (gender mainstreaming) into programming and that further clarifications to HTMSS and other relevant branches are critical at this level. It has been highlighted that the Guidance Note on Gender Mainstreaming in UNODC was not available at the programmes' design stage to guide programming. Once available, the lack of an implementation mechanism has not facilitated its integration in programmes.

Specifically, the evaluation identified specific misunderstandings and challenges that will require discussion and positioning within HTMSS, such as: (a) there is a tendency to assume that gender is taken into account by nature of the crime (majority of TIP identified victims are women); (b) gender equal to women and the vulnerabilities of women and/or left for women to deal with in part because of the limited approach of the Protocols with a focus on women as vulnerable and constantly associated with children. Thus, the many vulnerability factors affecting victims of TIP and smuggled migrants (gender but also age, ethnic origin, economic status, gender identity and sexual orientation, among others) are not considered, which entails that discriminated and marginalised groups such as for instance transgender persons or persons from the LGBTI community are not taken into consideration; (c) gender mainstreaming limited to gender balance (representation of women and men in the HTMSS teams and among beneficiaries-training participants) missing the transformative side of the strategy (transforming power relations, ensuring equal rights, positioning all short of discriminations at the same level); and, (d) contexts and cultures often used as an explanation for not addressing gender related issues when human rights and gender related issues are precisely about changes in culture and perspectives, among others.

These important shortcomings together with the ones identified and presented in the table below<sup>178</sup> in the integration of a gender perspective (gender mainstreaming) in the programming cycle show that GLOT59 and GLOT92 are not in a position to track if interventions are benefiting men and women equally and contributing to the advancement of gender equality.

LEVEL	GENDER MAINSTREAMING IN GLOT59 & GLOT92
Identification / Priority setting / Programme formulation	<ul style="list-style-type: none"> <li>- Lack of comprehensive analysis of the situation, needs and interests of the diversity of women and men, boys and girls, and other groups (i.e. transgender people) and of the key gender power dynamics, gender inequalities and challenges in TIP and SOM in the different contexts where the programmes operate to inform the understanding and the prioritisation of interventions.</li> <li>- Lack of stakeholder map/analysis including actors with mandate and capacity to</li> </ul>

<sup>178</sup> The table presents the main findings of assessing the integration of a gender perspective (gender mainstreaming) in programming against the key elements proposed by the Guidance Note. Findings are exclusively presented for those elements/levels for which relevant and consistent information was available while human and financial resources allocated for gender mainstreaming have been already. It is important to clarify that, based on the TOR of the evaluation, the focus of the analysis is on gender mainstreaming efforts and not in the targeted actions to address a particular disadvantaged group. In this regard, it is important to clarify that a two-pronged approach is usually necessary to effectively promote gender equality: (a) a gender mainstreaming strategy and (b) a strategy of targeted actions to address a particular disadvantaged group that has experienced discrimination. In many cases these actions will be targeted at women to level the playing field so that women can benefit from equal opportunity. However, this can also include targeted actions for males where they are discriminated against due to perceived gender roles. Both strategies should work in conjunction with the other. Interventions targeting only women often fail to change the underlying causes of gender inequality and are often too isolated to have broader impact. On the other hand, gender mainstreaming alone without any targeted actions specifically aimed at empowering women may dilute gender equality concerns to invisibility (Source: UNODC Guidance Note).

	<p>act for gender equality (gender/women’s organizations, organisations working with transgender people and LGBTI community, gender experts and advocates, gender/women national machineries, UN agencies and research centres, among others).</p> <ul style="list-style-type: none"> <li>- The Guidance Note on Gender mainstreaming is not guiding programming and there is lack of specific gender mainstreaming tools (gender analysis and gender sensitive performance indicators, among others) to ensure that interventions respond to the diversity of women’s, girls’, boys’ and men’s rights and contribute to gender equality.</li> <li>- Objectives, outcomes and outputs are not clearly and explicitly informed by gender considerations.</li> </ul>
<p>Implementation, Monitoring and Reporting</p>	<ul style="list-style-type: none"> <li>- Legislative and policy development assistance in the framework of the two global programmes is guided by the principle of non-discrimination and the gender-sensitive approach (e.g. “all victims of TIP, smuggled migrants, etc.” and “regardless of”) but non-discrimination and gender issues do not clearly stand in the negotiations and support to MS and they are forgotten when it comes to indicators, monitoring and reporting. Besides, gender focused CSOs and governmental machineries and anti-discrimination stakeholders (from civil society and Ombudsman, among others) at the national level are not systematically involved in these processes.</li> <li>- At the level of capacity building, training recipients and trainers interviewed agreed that gender equality was not, or only very partially, covered during the trainings. The review of HTMSS’ guidance, templates and tools for training<sup>179</sup> and a number of training agendas confirmed this appreciation. However, most survey respondents informed of a better understanding of gender related issues due to the trainings and only around 12 % found that the training workshops were not useful for this purpose. At the level of training recipients, although the disproportionate overrepresentation of men in the law enforcement and judiciary fields has been documented as a major challenge, it has not been decisively addressed by HTMSS – the only and not very successful mitigation measure identified is communicating the appreciation for female participants in the invitation letter to the regional/national authority when requesting for nomination of participants. Concerns about this under-representation of women among training recipients have been raised during the evaluation indicating that it is a human rights issue in two directions: (1) ensuring that both men and women benefit equally from programmes and (2) ensuring the right of TIP victims and smuggled migrants to be assisted by women or men as they decide.</li> <li>- Most tools acknowledge women and girls as particularly vulnerable and emphasize an age and gender –sensitive approach. However, this is not translated into a systematic age and gender-sensitive approach in the processes and spaces (EGM for example) facilitated to develop the tools with no specific expertise on gender has been convened for that purpose. Thus, most interviewees consider that the integration of gender issues is limited to presenting gender as a factor of the vulnerability of women.</li> <li>- Gender issues are not systematically positioned and discussed in internal or external coordination spaces (annual meeting of focal points, weekly and monthly meetings, clusters meetings, ICAT and GMG).</li> <li>- There are important shortcomings at the level of monitoring: (a) The Monitoring Mechanism Document (August 2016) does not clarify on gender mainstreaming in Monitoring and Evaluation; (b) No specific gender related indicators at the results and the processes levels (level and quality of participation of women and men, for example); and, (c) Limited sex-disaggregated data, only the gender of</li> </ul>

<sup>179</sup> Among others: Checklist for training implementation; collection of training curricula developed by UNODC; training presentations and trainers notes on TIP; and, mock trials and case studies for training workshops.

	<p>training participants (male and female) is available and tracked. While the evaluation team recognizes the availability of sex-disaggregated data amongst trainees and the efforts to collect disaggregated data of participants at workshops, trainings and other activities since 2014, out of all programme's activities (226) only 55 recorded sex-disaggregated data. All of these are major barriers to an accurate assessment of how programmes promote gender equality.</p> <ul style="list-style-type: none"> <li>- Lack of reporting on gender issues and no effort identified to document good practices and lessons on gender mainstreaming efforts. Different reasons may explain these shortcomings, among them: it is not an area of focus due to lack of capacity; donors do not ask for it; gender-sensitive indicators are missing; and, reporting is activity based with no focus on changes.</li> </ul>
Evaluation	<ul style="list-style-type: none"> <li>- This is the first evaluation of the two global programmes and the TOR were explicit on the commitment to respond to gender mainstreaming requirements. However, the above-mentioned gender mainstreaming shortcomings at the level of design, implementation and monitoring hindered a comprehensive gender-analysis in the evaluation exercise that could assess and report on the contribution of the programmes to the advancement of gender equality, the changes in gender relations and the differentiated, if any, benefits for women and men and other groups (see Methodology for more details on the shortcomings at this level).</li> </ul>

**Are there sufficient resources (human, time, financial) allocated to integrate human rights and gender aspects in the design, implementation, monitoring and evaluation of the programmes?**

In order to assess the extent to which sufficient resources were allocated to the integration of a HRBA and gender mainstreaming in the programmes, the evaluation team looked at the responsibilities of HTMSS' staff and consultants, the internal capacities and the budgetary contribution to the advancement of gender equality and human rights. The evaluation showed that there is a lack of resources (human and financial resources and time) for an effective HRBA and gender mainstreaming in all phases of the programmes.

While human rights and, to a lesser extent, gender are embedded in the discourse of HTMSS, they are not part and parcel of the practice of the staff working in the global programmes in HQ and FO. The evaluation showed that no specific expertise (consultant or staff or partner) has been mobilized during the implementation of the programmes to ensure the practical and systematic integration of gender mainstreaming and of HRBA in programming. Besides, no gender expertise is available within HTMSS to design training materials that are systematically gender sensitive and inclusive as well as fully integrate these critical elements in normative tools and awareness efforts.

Concerning responsibility amongst HTMSS' team, human rights activities are part of the many responsibilities of one full time consultant and women (not gender) fall under the many responsibilities of one P4 (programme manager on TIP) while another P4 (GLO.ACT manager) has children rights among its thematic responsibilities. According to HTMSS, all TOR include responsibility for incorporating gender perspectives and ensuring equal participation of women and men in all areas of work. However, there is no elaboration on what this entails and no performance assessment could be identified for these requirements.

Concerning gender balance, there is equal representation of women and men among HTMSS team. While senior management and decision-making positions are male dominated within the section, the four distinct portfolios, each headed by a P4, are staffed by 3 women and 1 man.

Concerning financial resources allocated for the integration of human rights and gender in the programmes, there are no budgetary contributions specifically dedicated to the advancement of gender equality and human rights. The evaluation team correlated this issue also to the absence of clear outcomes and outputs.

Finally, based on the desk review and the exchange with stakeholders, and specifically human rights and gender /women's rights actors involved in the evaluation process, the evaluation team considered that there is an interesting and stimulating process ahead to rethink the way human rights and gender aspects are addressed within the programmes. Thus, the evaluation team developed strategic recommendations for human rights and gender aspects (see specific section on Recommendations). Additionally, the evaluation team summarized important reflections and suggestions for most levels and components of the global programmes (see annexe VI for human rights, and annex VII for gender)<sup>180</sup>.

## **Merger of GLOT59 and GLOT92**

The evaluation team was asked to assess added value and risks of a possible future merger of GLOT59 and GLOT92. The evaluation did not reach a conclusive decision on a merger/non-merger due to the limited data in favour of one option or the other. The following section lays out the key issues for UNODC and HTMSS to be able to take an informed decision on how to move forward on this question.

To understand the institutional context, it is important to go back to February 2012 when UNODC adopted a Comprehensive Strategy on Trafficking in Persons and Smuggling of Migrants to strengthen the complementary nature of its work in preventing and combating TIP and SOM and to strengthen the office's capacity to respond to MS requests. The Strategy also laid the basis for the establishment of HTMSS later in the year, created mainly out of the then AHTMSU, to better reflect the coherence and complementarity of UNODC work on these issues. Besides ensuring efficiencies and synergies in the work performed by staff, the creation of HTMSS was also expected to allow for a coordinated strategy for fundraising and prevent internal competition for funding.<sup>181</sup>

A merger of the two longstanding Global Programmes on TIP and SOM – GLOT59 and GLOT92 – managed by HTMSS has been under discussion for some time within UNODC and HTMSS. This merger was to some extent also seen as a logical next step to the 2012 Comprehensive Strategy. There are precedents in unifying and harmonizing Global Programmes within different branches (justice and corruption) and in creating one global programme on both TIP and SOM (GLO.ACT). The experience and lessons learned from both scenarios can serve as guidance in deciding on an eventual merger of GLOT59 and GLOT92, while taking into context HTMSS' functions, staff capacities, funding pool and timeline of the two programmes (ending in 2018).

From an institutional context, it should also be noted that a merger of GLOT59 and GLOT92 would not mean a merger of all Programmes on TIP and SOM within UNODC's Division of Treaty

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<sup>180</sup> These reflections and suggestions are based on desk review, stakeholders' views and the experience of the gender expert as part of the evaluation team.

<sup>181</sup> UNODC, A comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants, 29 February 2012.

Affairs, where HTMSS is located, but would still leave the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants (GLO.ACT).

The evaluation team tried to scope opinions in relation to a possible merger amongst different stakeholders – UNODC and HTMSS, donors, partners and MS. There were no strong opinions against or in favour of a merger within UNODC and HTMSS. Nonetheless, there was a clear indication, that a merger was hoped for and/or expected to reduce the administrative workload for HTMSS. Such merger would be an opportunity to:

- get MS to strengthen their engagement on SOM considering the little progress observed so far on ratification and implementation of the SOM Protocol (especially in direct comparison with the TIP Protocol);
- systematically raise funds for both TIP and SOM more evenly;
- allocate financial and human resources more comprehensively to address cross-thematic and systematic issues (such as legal and policy reform, criminal justice capacity building, including relevant prosecution and protection issues, organized crime) jointly;
- work towards both TIP and SOM objectives more evenly.

From a donor’s perspective, there were different opinions voiced, from no particular standpoint on it to scepticism towards a merger, with an indication that some donors might prefer to pledge funds to TIP or SOM only and/or separately. Looking at HTMSS’ experience with GLOT59 and GLOT92 so far, the vast majority of longstanding donors have been funding both TIP and SOM programmes with a larger pool on TIP however. The GLO.ACT example shows that joint TIP and SOM fundraising works. Its implementation and results are yet to be observed. However, that specific programme is funded solely by one donor, which comes with its own challenges. For the funding already received under each separate Global Programme, the current earmarking would of course need to be respected or if agreed with a donor changed accordingly in case of a merger.

For MS and partners interviewed, a merger/non-merger did not seem to be relevant, in practice many of them had not been aware of the existence of one or separate Global Programmes. They only connected funded activities with HTMSS and proposals attached to the funding requests. As such some donors were funding either or crime, while others both. Hence, most donors would need to be informed of the changes and of the pros and cons of this merger.

From a stakeholder’s perspective, the desk research and interviews have clearly shown that most relevant national institutions are responsible for addressing both issues – ministries and/or parliamentary committees for drafting legislation, specialized law enforcement units, specialized sections in prosecutors’ offices, social protection bodies, professional training institutes for criminal justice actors, anti-corruption agencies, Ombudsperson and/or anti-discrimination bodies, legal aid bodies. Sometimes one person is responsible for TIP and SOM together within one administration while in other countries TIP and SOM functions are separated and given to several people. In addition, there are some national stakeholders which play a more formal role on TIP or on SOM, such as border agencies, asylum offices, migrant detention centres, victim shelters, CSOs, advocates. Thus, in practice they are all relevant to respond and be part of a comprehensive stakeholder mapping on both issues. This suggests that in terms of assessing needs, building institutional capacity, bringing about systemic change, targeted joint actions on TIP and SOM would very likely increase relevance, effectiveness, efficiency, impact and sustainability.

As highlighted above, from an institutional and programmatic perspective, a merger of GLOT59 and GLOT92 could be seen as a logical continuation of having a joint strategy and management process. Considering HTMSS’ level of efforts since its creation, it becomes clear that since the

adoption of the Strategy and the establishment of HTMSS, little emphasis has been paid to translating the rationale and objectives of the Strategy, in particular in terms of complementarity, synergies, efficiency and coordinated approaches across both topics. Neither the HTMSS work plans, specific project proposals, the HTMSS Implementation Reports nor the HTMSS TIP and SOM leaflets (menu of services) do reflect or elaborate on fulfilling the content of the Comprehensive Strategy. Hence, complementary and synergetic programming remains at an inception phase; in the eventuality of a merger, HTMSS would need to go back to the drawing board. Furthermore, the HTMS section needs to show a renewed commitment to work towards integrating the Comprehensive Strategy within programming but also to start giving equal importance and support to each topic. It entails identifying and working cross-thematically and systemically to bring about systemic change at the individual, institutional, governmental and societal level to address both crimes. For MS, such programing could potentially help them streamline resources (human, financial and time) by investing into one programme rather than several. It means less counterparts to manage; less reports to follow through and less procurement process to administer.

From a thematic perspective, a more comprehensive joint approach could strengthen the legal understanding of each crime and underline potential linkages between TIP and SOM (such as financial flows, organized crime and corruption or protection and access to justice issues). This would also clarify how each criminal offence is defined and prevent the confusion or interchangeable use of the terms smuggling of migrants and human trafficking. Moreover, such clarity could help MS better address personal/social/political/institutional reasons behind such an undifferentiated use of the terms. As aforementioned, such comprehensive joint approach would not necessarily mandate a merger; but a merger could facilitate and help institutionalize it. It is critical to underline that a merger of the two programmes does not necessarily imply that all activities should be organized and implemented together every time; some could and others could be implemented separately through earmarked funding. A merger would, however, provide a clear and visible framework and a starting point for closer engagement amongst responsible stakeholders. It is paramount for such merger to yield positive programmatic impact to develop of joint fundraising and programmatic strategy within HTMSS. Furthermore, HTMSS has managed to put SOM on UNODC's and MS' agendas. For a merger to be effective, efficient and impactful, HTMSS needs to build its in-house expertise on SOM and achieve a better balance amongst staff working on TIP and SOM.

From a financial, human resource perspective as well as programmatic perspective the merger could be an opportunity to materialize the 2012 Comprehensive Strategy and lay the groundwork for a more effective, impactful and sustainable roadmap for HTMSS (both internally and externally). To conclude, the evaluation team underlined the merits and downfall of a potential merger. Considering the short timeframe remaining (2 years until 2018) for both programmes, HTMSS has to ponder carefully about the needed time it would take to enact such process versus continuing implementation as it is until it is time to design a new programme which could be merging both TIP and SOM as GLO.ACT has done.

### III. CONCLUSIONS

The evaluation reported on all key criteria: relevance, effectiveness, efficiency, impact, sustainability, partnerships and cooperation, human rights and gender as well as presented two scenarios on the question of whether to merge the two programmes or not. The evaluation team was able to collect and triangulate the data to verify and confirm preliminary assumptions and refute others as well as concluded on a series of findings reflected in the matrix that led to key recommendations, lessons learned and best practices.

The two programme documents were found to be outdated in terms of their design and structure. However, all respondents agreed that from a thematic perspective, they both remained highly relevant as both Protocols were broadly ratified but their implementation remained challenging for MS. Moreover, the evaluation concluded that UNODC and in particular HTMSS were well perceived and well positioned to continue supporting MS to design national strategies, and integrate the Protocols' provisions on both SOM and TIP within their legal framework. This added value was stressed as strategic within the current migration crises and increased flows of trafficked as well as smuggled people today. However, the relevance of capacity building contents should be more locally anchored, gender and human rights inclusive and responding to trainees' needs. Moreover, many tools were developed by HTMSS, and for instance, the Model Laws were often cited by MS as being useful. The analysis concluded that most respondents knew some of the tools but their level of utility and usage could not be verified as their dissemination as currently reported, did not constitute sufficient evidence to support the assumption that usage followed dissemination. On that aspect, while some tools are available in the 6 UN languages, translating them in local languages would allow for a broader dissemination across the wide geography covered by these two programmes.

From an administrative and financial perspective, both programmes were managed rather efficiently despite budgetary and human resources constraints. The programme on TIP received a lot more funding than the one on SOM, due to donors' interests, which is also reflected in capabilities within the HTMSS team, which is more TIP focused. Cost-sharing amongst different HTMSS projects helped cover some staff salaries as only one person is covered by RB, which puts a lot of strains on the staff and creates uncertainty and changes across staff members who could be repositioned to other programmes for lack of funding in their previous posts. The lack of RB across UNODC at large, puts a lot a pressure on the programme teams to raise funding, which causes internal competition and by consequence a lack of integrated and cooperative programming across sections, field offices as well as within the same units.

On effectiveness and impact, it was found to be difficult to measure impact and report effectiveness on most activities for both programmes. Reports and indicators are results based and not focused on the change process wanted by the programmes. However, from a result- based perspective, the two programmes implemented over 220 activities across 85 countries, reaching participants from over 120 countries<sup>182</sup> and contributed to building the capacity of over 6000 law enforcement and

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<sup>182</sup> The number is taken from the excel sheet provided by HTMSS during the evaluation process. This excel sheet reports on all activities conducted by HTMSS within the two programmes up to September 2016.

criminal justice practitioners. Contribution to the overall objectives of the programmes was reported as positive although no direct attribution could be drawn. Furthermore, the programmes were found to be useful tools to promote international cooperation amongst stakeholders during high level meetings but that further south-south and inter-MS collaboration should be proffered by HTMSS and through programme activities (regional workshops vs. national ones for instance).

Part of the redesign process for future programming entails designing a clear ToC for the programmes, updating programmes' logical frameworks and developing SMART output and outcome level indicators. The new ToC will allow the team to prioritize outcomes, and outputs on both programmes or on one merged one if the HTMSS team chooses to do so before the end of the programmatic cycle in 2018. The evaluation team proposed two scenarios to that purpose. The team highlighted advantages and risks and recommendations for each solution so the HTMSS team can ponder over pros and cons and take a consensual decision amongst all members of the team. Moreover, while MS praised the expertise of HTMSS, their ad hoc activities (especially workshops) potentially jeopardized their good standing due to the lack of long-term strategies associated with these stand-alone workshops.

With regards to human rights, most HTMSS and FO staff have specific expertise on human rights and view human rights as being at the root of their work. However, shortcomings still persist to ensure a comprehensive operationalisation of a Human Rights Based Approach in the programme cycle of both programmes. The evaluation team recommends strengthening HTMSS and FO' teams' capacity for HRBA through training, engagement of consultants and recruitment of expertise among future staff and closer strategic partnerships with key human rights focused organizations.

On gender equality, while some HTMSS and FO staff understood gender inequality and gender based violence as underlying factors in TIP, no expertise, responsibility or resources for gender responsive programming was identified at HTMSS or FO levels. Consequently, gender mainstreaming is not operationalized in the programmes systematically. To mitigate such challenge, the evaluation team recommends conducting gender sensitive needs assessments and a thorough stakeholders mapping before the inception of a future programme; seeking closer strategic partnerships with key gender focused organizations; building HTMSS team and FO' capacity for gender mainstreaming through training, engagement of consultants and recruitment of expertise among future staff; and mapping and engaging potential donors with an interest on gender equality and women's empowerment.

With regards to partnership and cooperation, the two programmes collaborate with different international agencies but much less with CSOs that are critical for the vulgarisation of legal reforms, and for transparency and accountability of governmental bodies. As a result of a lack of a stakeholder mapping process at the design and revision of the programmes, there is no strategy within these two programming on how to build strategic partnerships with CSOs, academia or corporations of the private sector that could play a role in awareness raising, victim and migrant protection or funding of activities in targeted MS. At HQ level and as part of HTMSS functions, UNODC is part of ICAT and was the chair in 2016 (rotating process). Through ICAT, further cooperation and collaboration should be taking place and only few partnerships were developed through GLOT59. During ICAT meetings, COP of UNTOC and its working groups awareness is raised amongst targeted and common audiences about the latest developments on TIP and SOM but not necessarily about the programmes' results. The programmes do not have respective annual steering committee meetings with MS or other consultative fora, which could have helped get MS more engaged and own up to the challenges of implementing the Protocols. A steering committee

would also enhance the governance structure of the programme and furthermore adapt their activities and prioritizations based on recommendations from MS. Furthermore, the evaluation team observed a general collaboration amongst HTMSS and FO but based on personal acquaintances and ease rather than based on institutionalized communication Protocols. Such challenge leads to confusion and missed opportunities in terms of funding and MS' full participation.

Finally, the evaluation underlined a set of lessons learned that are useful for the programme team to take into consideration when redesigning the next programmes and finalizing the implementation phase until 2018. These lessons learned are: 1) The fight against these two organized crimes requires long-term commitment and engagement from donors, and local national authorities; 2) a better understanding of the intersections between gender, human trafficking and smuggling of migrants, enhanced capacity and adequate resources are necessary to prevent and combat the two organized crimes and protect and assist trafficked persons and smuggled migrants in their diversity; 3) ad hoc activities do not suffice to build trainees' capabilities and can negatively affect UNODC's reputation because of a lack of long-term strategy and therefore patience, repetition and time are prerequisites to building law enforcement and criminal justice response bodies' capabilities; 4) stretched out budgets do not necessarily achieve desired results and might negatively affect UNODC's reputation; 5); local presence through regional or field offices is critical to manage MS' expectations and nurture the relationship; 6) legal reforms take a long-time and cannot be attributed to a sole expert but are the result of multiplayers and therefore partnerships should be sought after more strategically; 7) ratification does not entail automatic implementation and without political will, no legal reforms will move forward.

In conclusion, the two programmes GLOT59 and GLOT92 have come a long way and have implemented many activities and reached a large myriad of stakeholders. UNODC's programming at large has also evolved since these two programmes were designed and the lessons learned and best practices should be considered for redesigning and starting back on the drawing board. The thematic focus was and continues to be very relevant and SOM is getting accrued attention due to increased awareness and interest of MS on the migration crisis around the world and with the recent migration flows in Europe and globally. As the programmes were extended for another two years, it is an opportunity for the team to prioritize on countries that could become 'role models' to follow; prioritize on activities and take time to design the next programmes through partnerships, stakeholders mapping, needs assessments, a HRBA and a gender sensitive lens as well as engage and have an open dialogue with donors on challenges and priorities.

## IV. RECOMMENDATIONS

The evaluation offers recommendations that will help improve the activities as well as the management of the two programmes for the next two years. Recommendations are structured according to **key** recommendations and **important** recommendations as reflected in the matrix.

### Key recommendations

- **Promote UNODC’s strategic positioning and niche through these two programmes** - Within the current geopolitical situation, both crimes persist and represent an increasing threat to people and security. Hence, it is critical for UNODC to emphasise its expertise and strategic positioning as Guardian of both Protocols on TIP and SOM and its normative expertise. To that purpose, HTMSS should strengthen its value proposition by clearly a) defining its niche; b) explaining the rationale for when and why it decides to focus on activities and in what MS versus others; c) strengthen its internal programming mechanism and strategy for cross-agency programming and for bolstering UNODC’s value proposition as a key player to combat TIP and SOM.

- **Strengthen the two global programmes’ management processes by creating a Steering Committee and working groups:** An annual or biannual steering committee could help report on intermediary results and impact, consult with MS and strengthen the governance, monitoring and engagement process as a whole. The steering committee could be organized amongst working groups and have a session with donors so they better understand the global picture as to where their contributions fit and what other donors’ priorities are. This steering committee would be an opportunity to share HTMSS’ action plan for the following one or two-year cycle with a list of selected countries and define key deliverables HTMSS will focus on that include normative work, technical assistance and capacity building. With this agreed upon work plan, it is easier to manage everyone’s (MS, UN Secretariat, and donors) expectations, get ownership and monitor progress.

- **Cross-agency programming** - HTMSS within OCB as well as UNODC at large and with FO needs to review their external cross-agency cooperation strategy by resorting to the technical committees that would be created for the Steering Committee for instance on critical cross-functions under UNTOC (e.g. security sector reform, criminal justice response, migration and protection of victims and of smuggled people, counter-terrorism across TIP and SOM) and on the TIP and SOM Protocols more specifically. Such technical committees would gather focal points within each ministry or specialized national commission addressing TIP and SOM from a different angle in order to discuss potential coherent joint programmes and activities in targeted countries. GLO.ACT and the Global Programme Against Money Laundering are paving the way of external and internal cooperation (DTA, OCB, ISS) but a formalized partnering strategy could benefit UNODC’s engagement with other agencies and strengthen its niche amongst other actors. It is also critical to highlight that formalized partnerships are yet to be assessed in terms of their relevance, effectiveness and efficiency for UNODC programming purposes. Future evaluations of these two programmes should consider this question for a thorough review.

- **Cross-section programming-** HTMSS, with FO could benefit from exploring cross-thematic programming, which could help raise funds and enhance collaboration amongst sections. For instance, trafficking in person and counter-terrorism or the connection between smuggling of migrants and victims of trafficking. Such cross-section programming could create more synergies and more visibilities amongst the different sections. Cost-sharing amongst them could help implement joint activities as well.
- **Develop theory of change and update programmes' logframes** – The programme documents for GLOT59 and GLOT92 are out-dated and were designed at HQ with no field consultation or detailed baseline information. As a result, the programmes are not as aligned with local stakeholders' gaps and needs as they should be. The two current programme documents served as 'umbrellas' to numerous 'sub-projects' inserted under relevant outcomes. Moreover, the lack of proper indicators, targets and monitoring hinder efforts to measure effectiveness and impact. Hence, it is highly recommended to re-design the documents of the two programmes – either as one merged programme or as two – developing a theory of change of the programmes and updated logframes. A theory of change can better highlight pathways for each stream of work as well as underline where HTMSS can exert better control as to beget changes and achieve the programmes' objectives.
- **Reinforce the internal capacity for HRBA in programming** - While human rights are commonly referred to in programme documents, the evaluation concluded that there was limited capacity (expertise, tools and resources) within HTMSS and FOs for an effective integration of HRBA in all phases and levels of the programmes. Hence, the evaluation team recommends that HTMSS resorts to external consultants for HRBA to facilitate any potential programme formulation, ensures training/tools/coaching for its team and TIP and SOM focal points on HRBA in programming; seeks for competencies in HRBA in future recruits; and, enlarges and reinforces partnership with relevant human rights stakeholders, including civil society organisations. (See annex VI for more suggestions on enhanced HRBA in programming).
- **Develop understanding on gender issues and capacity for gender mainstreaming in programming-** While gender inequality is recognised as an underlying factor on TIP and SOM, the evaluation concluded that there was a general lack of common and clear understanding, capacity (expertise and tools) and resources (financial and time) within HTMSS and FOs, and at UNODC at large, for an effective gender mainstreaming in all phases and levels of the programmes. Hence, the evaluation team recommends that HTMSS ensures training /coaching for its team and TIP and SOM focal points (facilitated by experts in gender mainstreaming and conversant on TIP and SOM); seeks for competencies in gender mainstreaming in future recruits; resorts to external consultants for gender expertise to facilitate programme formulation, implementation, monitoring and evaluation; and, establishes strategic partnerships with gender focused entities within the UN system and among civil society organisations and research centres. (See annex VII for more suggestions on enhanced gender mainstreaming in programming).
- **Design a combined strategy to reinforce gender mainstreaming and HRBA in programming.** The evaluation suggests that HTMSS discusses and agrees on improving the convening environment required to integrate systematically a HBRA and gender mainstreaming in the global programmes. This discussion and its agreements should be translated into a combined gender mainstreaming and HBRA strategy for programming with specific results, targets and resources and accountability mechanisms to strengthen internal capacity and commitment and to improve the impact of the programmes in advancing human rights and gender equality. External and/or internal expertise (if already recruited) should be engaged to guide this important effort. (See annexes VI and VII for more suggestions on enhanced HRBA and gender mainstreaming in programming).

- **Strengthen the Monitoring and Evaluation tools and process:** the two programmes aim at strengthening MS' criminal justice response through technical assistance and capacity building. Such objectives entail a change of knowledge, attitude and processes from MS recipients. As a result, and in order to assess intermediary impact, HTMSS needs a framework for changes in knowledge, attitudes and practices in order to guide them in monitoring in these efforts. This framework should include indicators to measure progress and changes at these three levels (this could be facilitated for instance through the commitment by national institutions/participants to report on progress, usage of specific tools -like daily diaries or sms feedback to facilitate response by participants). The closer engagement with MS recipients can be done through the following recommendations on signing a letter of intent and developing Key Indicators for Success (KIS) for prioritizing on some countries over others. Furthermore, the monitoring process will be more effective if a stakeholders mapping is conducted prior new activities are implemented. Such process will ensure consultation. Human rights and gender aspects also have to be discussed and integrated in the new theory of change. Based on this theory of change, updated logframes with SMART indicators at output, outcome and goal levels should be developed for greater monitoring and impact measurement.

Regarding further examples for strengthened monitoring practices, in general, monitoring tools can be defined with the assistance of an external consultant working along with the programmes' team so the tools are aligned with the ToC, the challenges of the programmes' thematic (TIP and SOM) as well as administrative limitations (budget, staffing and time). However, there are currently monitoring and management tools that enable real time monitoring to take place. For instance, a management tool that might be useful especially amongst teams across geographic areas is the use of Smartsheet that is accessible from everyone, enables the collection and the reporting of feedback according to outputs and outcomes as well as the collection of all relevant tools, studies, and stakeholders' map. It is one common tool that enables everyone on a team to upload, download, edit and copy information so the monitoring and the reporting are systematic, continuous as well as relatively easy.

In terms of monitoring tools: HTMSS may for instance ask trainees to keep journals for a period of 6 months (through rewards- guaranteeing they will receive additional trainings for instance or be featured in the programme reports for instance); distribute these journals with key questions and milestones every two or three months- give them access to a code where they can upload pictures of their journals.

Within the current settings, the HTMSS team could use shorter questionnaires with two questions and follow up. Based on the current rate of response from the survey sent out during this evaluation, HTMSS could identify some 'stars'<sup>183</sup> out of the sample and use them to identify links from your support to a country action plan; the application of investigation processes and resort of tools in an investigation on trafficking routes and networks for instance. Another tool that could be used to triangulate the information obtained from trainees, is the use of media monitoring – google alerts (TIP+ UNODC or SOM+ the name of a tool+ a country or region).

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<sup>183</sup> For instance include the following two questions: how do you use your training in your daily work? Can you give us concrete example of how you used the training? Follow up through email and through phone calls – HTMSS can identify those that have responded with more details during the immediate feedback after the trainings are over, and then follow up via email and via phone calls. Out of these 'stars', a pool of trainers could be created that serve as 'experts' in other neighbouring countries and could help institutionalize the trainings through specialised institutes (LE and Magistrates specialized institutes) or for the academic institutions across a country. These pools of trainers could become experts and do not have the same travelling restrictions that foreign trainers may have in some countries. Hence, they can help deliver the trainings to other recipients in other MS as well as adapt content to local contexts.

- **Stakeholders mapping for successful partnerships** - HTMSS needs to conduct thorough stakeholders mapping before they respond to MS' requests for technical assistance or capacity building activities. This mapping will identify key governmental counterparts, civil society organizations and other international agencies relevant for TIP and SOM in targeted countries. That includes identifying and engaging with human rights and gender related stakeholders. From there, HTMSS can be more strategic<sup>184</sup> with partners in the field. Indeed, the evaluation findings underlined that cordial partnerships exist with 'other international agencies working on TIP and SOM' but that there was a lack of effective collaborative partnership and visibility on stakeholders in the field.
- **Obtain MS' signatures or stamps on a work plan moving together on an agreed roadmap.** The evaluation findings underlined significant challenges in implementing these two programmes but recipient MS have high expectations (ongoing support and funding) regarding the support they should obtain from HTMSS. Furthermore, MS do not always have a clear strategy for engaging with international organizations. Although, it is understood that HTMSS cannot operate without the consent or invitation of a MS, this recommendation refers to the steps after HTMSS has already been invited or received the MS's request for technical assistance. This stamped or signed work plan or road map can help clarify as well as manage MS' expectations and foremost get MS to own their change process.
- **Develop and regularly review a comprehensive fundraising strategy-** HTMSS, and the Division for Treaty Affairs (DTA) should first agree on a fundraising strategy based on the merger decision and then agree with the Organized Crime Branch (OCB), the Co-financing and Partnership Section (CPS), the regional sections and thematic sections at HQ. Based on this strategy document, a work plan across all above departments can be agreed upon for greater cohesion of a fundraising approach between UNODC's players on TIP and SOM. Such strategy could help cross-fertilize and strengthen internal cooperation as well as communication. The fundraising strategy should consider mapping and engaging of donors for a HRBA and gender mainstreaming in programming. Indeed, the two programmes were implemented through individual projects funded by pledges from different donors, ranging from small to larger contributions. Missed opportunities, for the two programmes and at UNODC at large occurred due to a lack of fundraising coordination between regional, field offices and regional sections at HQ.
- **Consider pros and cons of a merger** - HTMSS together with the financial team, DTA's and OCB's directors, should carefully ponder over the two scenarios considering the short-time frame left in the implementation cycles of the two programmes against the time required to reflect and design such a merging process. Should they consider the merger, the intent of changing how HTMSS works on such global programmes should be a priority; adding one outcome on SOM under one large umbrella logframe would otherwise not change anything.<sup>185</sup> Indeed, the evaluation could not conclude on any strong positioning on the options of merging or not the two programmes together. The two programmes' logframes are large and acting as more of an umbrella than a strategic programmatic tool. As such, it is difficult to report on and very demanding on the finance team to manage due to numerous projects fitted under the different outcomes. Although there was no conclusive evidence that the merger was the solution, some respondents were in favour with the objective to streamline administrative tasks and leave more space for more substantive work.

It would be preferable for the two programmes to close and have HTMSS design brand new programmes that are:

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<sup>184</sup> Strategic means that the partnership is based on mutual benefits where each partner's mandate and scope of work are mutually beneficial.

<sup>185</sup> Adding one outcome on SOM under one programme would not change the way HTMSS works at the moment as it would not entail cross-thematic TIP/SOM programming but simply writing concept notes to raise funds for activities under this Outcome on SOM as it is currently done under the current programme on SOM.

- a) Geographically focused,
- b) Covering both crimes from an administrative perspective,
- c) Designed through local consultation,
- d) Based on thorough data and collaboration with strategic partners as well as
- e) Designed with measurable indicators and monitoring tools.

The new programmes should take HTMSS' current new programmatic developments (e.g. GLO.ACT) as a leading example that is based on a Theory of Change with a clear logic.

## **Important recommendations**

- **Design strategic communication and positioning tools-** HTMSS together with the Advocacy Section should utilize the collected data from training feedback but also more actively seek feedback on their engagement to design strategic communication tools to better explain HTMSS' areas of priorities and limitations in order to better communicate and leverage its niche expertise. Indeed, feedback on HTMSS' work and expertise was generally positive, but there are no tools to report and translate this feedback into strategic communication and dissemination tools (e.g. branding strategy, a business plan that sets out HTMSS' value proposition and intervention logic justifying actions and areas of actions as well as a social media campaign.) Make HTMSS' normative work more visible to MS and donors (e.g. better integrate in GLOT 59 and GLOT 92 progress reports as well as HTMSS Implementation Report (leaflet) – key achievements should be included in the highlights, e.g. number of governing bodies serviced, number of recommendations adopted by working group etc.). In addition, link the normative work and its outputs more consistently and visibly to the technical assistance work.
- **Develop Key indicators for success on country's readiness** to move forward on implementing the Protocols- HTMSS with OCB and relevant sections in the DTA should draft a set of Key Indicators for Success (KIS) in order to assess at what stage a particular country stands on the implementation of the Protocols. This assessment or readiness analysis can help design a work plan and help HTMSS be more strategic in its planning. HTMSS was found to be understaffed and to be responding to MS requests as they come and according to availability of funding and priorities of donors. Moreover, the list of HTMSS activities is very large and does not support the team prioritize their work plan effectively and focus on countries that could yield results within specific targets and according to the programmes' outputs.
- **Foster institutionalized communication and reporting lines** amongst UNODC offices and key counterparts - HTMSS, the Regional Sections, the Regional and FO leverage each other's positioning and expertise for enhanced, coordination and evidenced based programming. Furthermore, institutionalized communication Protocols could be established and clear Letter of Intent between MS and HTMSS clarify roles and strengthen local ownership and accountability as well as explain HTMSS exit strategy. Indeed, the evaluation concluded that relations amongst HTMSS and other field offices were generally positive, but were found to be more often personality based than institutionalized. In addition, such processes were also missing when engaging with MS. Thus, roles and responsibilities were not always clear and leading to skewed expectations.
- **Increase distribution and translation of tools:** HTMSS should try to raise further funding to allocate for the translation into different UN and local languages. In addition, HTMSS needs to identify key distribution points where these tools can be distributed for greater impact.

## V. BEST PRACTICES & LESSONS LEARNED

Several best practices and lessons learned were noted by this evaluation and should support the HTMSS team for future programming design and activities implementation.

### **Best Practices - What good practices in general emerged from the implementation of the Programmes that can be replicated in other programmes and projects?**

The evaluation concluded on a set of best practices established and applied during the implementation of GLOT59 and/or GLOT92. These best practices can guide and support the future work of the HTMSS team as well as UNODC.

1. **Annual meetings with all HTMSS field focal points.** They are an important platform for networking, capacity building and knowledge sharing and HQ-field cooperation. It is recommended to be budgeted annually, cover both TIP and SOM focal points and issues and that follow-up to the meetings is further formalized and strengthened.
2. **Facilitating national and transnational inter-agency cooperation** by bringing together practitioners across the relevant professional groups, such as law enforcement, prosecutors, judges, social services and victim support organizations, has strengthened cross-sectoral contacts, knowledge about the other's field of expertise and way to work, trust and cooperation.
3. **Facilitating/providing support for operational work/case work**, such as in relation to joint investigation teams (JIT) is important with a view to effective implementation of the Protocols and the translation of a normative framework into practice, in particular across borders, through the promotion of international cooperation.
4. **Use of case law, case studies and mock trials** have helped stakeholders better understand the realities of TIP and SOM and discuss issues and approaches in and across jurisdictions. In addition, this can be seen as an innovative approach by grounding capacity building activities in actual cases.
5. **Feeding work into different work streams**, such as the case law collection for the CLDs feeding into research/publications/trainings/meetings and vice versa. This helps maximize resources and output and also creates a basis for a cross-fertilization of policy and practice.
6. *Link normative work with capacity building at policy and operational level to promote a better understanding of and increase MS capacity to combat both phenomena. For example, through presentation and discussion of issue papers or the case law databases within the framework of COP.*
7. **Soft-earmarked funding allows for some flexibility in developing activities in MS that are necessarily covered by donors' earmarked funding. As a result, the two global**

**programmes managed to cover 85 countries and implement some activities across 120 countries.**

### **Lessons Learned - What lessons can be extracted from the implementation of the programmes in order to improve performance, results and effectiveness in the future?**

The evaluation allowed identifying learning experiences and insights gained throughout the implementation of GLOT59 and/or GLOT92. These lessons learned, summarized below, can guide and support the future work of the HTMSS team as well as other UNODC as a whole:

1. **Hard earmarked and low regular budget:** minimal regular budget resources combined with mostly hard earmarked funding make it very challenging to design and implement needs based, comprehensive programmes and projects, which can generate impact and bring about sustainable change. Further soft-earmarked funding, such as the ones given by Sweden, is critical for HTMSS and UNODC' functioning at large and that message and exchange with the donor community should be argued based on data and analysis of what the funding has managed to yield with concrete examples.
2. **Cost sharing** between GLOT59 and GLOT92 has helped both programmes and HTMSS to survive. It has proven to help acquire and retain staff but is difficult to report on. Currently cost-sharing amongst programmes is a funding mechanism applied across all programmes and all sections at UNODC. However, it is at the moment for these two programmes limited to sharing staffing cost across different programmes in order to ensure core staff's salary and not over-burden one programme over another. Further cost-sharing on activities should be implemented so budgets are maximized and activities are not duplicated.
3. **Umbrella programme documents:** programme documents, including log frames, that are not evidence based nor participatory and measurable through SMART and qualitative indicators are not useful and do not generate an effective implementation plan and cannot be effectively measured. Moreover, outcomes and impact cannot be assessed if comprehensive and measurable indicators are not developed at the design stage and monitored and reported on during and after implementation.
4. **A Human Rights Based Approach (HRBA) and gender mainstreaming** in programming are a way of working that requires commitment, expertise, tools and resources from all and each staff. Without this they remain marginalized, subjective concepts and not implemented.
5. **Publication does not equate to widespread distribution:** the development and publication of tools does not mean tools are available, known, understood or being used by the target group. A lot of human and financial resources go into tool development. Strategies and plans to disseminate and use them locally should be part and parcel of any tool development process.
6. **Training of Trainers (ToT) alone does not suffice to build institutional memory:** training of trainers or/and the development of training curricula can be part of institutional capacity building, but alone they do not suffice to build capacity. Institutional capacity building takes long-term engagement, local ownership and sustainable resources.

7. **Key stakeholders require enduring management and nurturing:** A meaningful, permanent local presence and interaction is critical to manage MS' expectations, nurture the relationship and keep abreast of local developments. If adequately resourced and assisted, regional or field offices can play an important role in this context.
8. **Normative reforms are time consuming and multi-party:** reforms and change take time and are the result of the cooperation of and contribution from multiple stakeholders across disciplines and professional groups at the national and international level rather than amenable to single attribution. This makes multidisciplinary cooperation and responses as well as strategic partnerships to this effect, crucial.
9. **Evidence based, participatory and inclusive programming is realistic:** It is possible – in a concerted effort of donors, international stakeholders and MS - to fund, design and implement a programme jointly with other key actors (each leading their niche work stream), based on needs assessments and with a longer life span and engagement at country level.
10. **The challenge of measuring impact and long-term impact during short-term funded programming cycles.** Donors and beneficiaries expect impact and results within a short time frame when measuring change and behavioural change requires to look at a longer-time frame. Furthermore, a set of indicators (outcome levels and SMART indicators, with measuring tools) need to be defined, agreed upon and harvested during the implementation of activities. Such process will help assess impact over time.

# ANNEX I. CASE STUDY CASE LAW DATABASE

## UNODC Case Law Databases on Human Trafficking and Smuggling of Migrants

### METHODOLOGY

This case study followed the same phased approach as the overall evaluation exercise. The data collection and analysis included a desk review of relevant documentation, semi-structured interviews and direct observation, including the use of both CLDs. In addition to including Case Law Database specific questions into the general stakeholder interviewees, as relevant, special in-depth interviews on the CLDs were held with HTMSS staff currently involved in the work on the CLDs and a criminal justice practitioner/government stakeholder with significant experience on national jurisprudence as well as HTMSS' related work in order to be able to gain a deeper understanding of related work, good practice and challenges. Objectivity was built into the evaluation by triangulating the information available and ensuring sufficient variety amongst stakeholders (not just HTMSS).

Sixteen years after the adoption and progressive ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children [thereinafter Trafficking in Persons Protocol] and the UN Protocol against the Smuggling of Migrants by Land, Sea and Air [thereinafter Smuggling of Migrants Protocol], implementation is still weak. Albeit anti-trafficking legislation in line with the Trafficking in Persons Protocol is in place in many states, there have been few prosecutions and convictions of traffickers globally and impunity for traffickers still prevails while victims of trafficking rarely see their rights protected and are unable to access justice. With regard to Smuggling of Migrants there is little, if any, knowledge on how states have implemented the Smuggling of Migrants Protocol and in particular how they have transposed and interpreted the Protocol provisions at the national level. Discussions around challenges in relation to definitions, investigation, prosecution as well as rights protection – be it in relation to victims of trafficking or smuggled migrants – have often remained on the surface with little detailed and publicly available information about how justice is served at the national level.<sup>186</sup>

The objective of the Human Trafficking CLD and the Smuggling of Migrants CLD, established by UNODC in 2011 and 2016 respectively, is to promote access to, understanding of and knowledge about TIP and SOM cases and increase and disseminate knowledge on how both crimes are being dealt within national criminal justice systems with a view to furthering criminal justice responses and the implementation of the Trafficking in Persons and Smuggling of Migrants Protocols. Through making court decisions publicly and globally available, the databases aim at helping criminal justice practitioners better understand facts, evidential and procedural issues as well as legal reasoning in relation to TIP and SOM prosecutions and court decisions and, as a consequence,

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<sup>186</sup> United Nations, Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, 12-19 April 2015, Discussion Guide, Workshop 2, A/CONF.222/PM.1, 19 July 2013. Council of Europe, European Committee on Crime Problems, Preventing and Suppressing the Smuggling of Migrants in Council of Europe Member States, A Way Forward, CDCP (2016) 4 Rev. 19 April 2016. Interviews.

facilitate prosecution and adjudication of cases at the national level. Access to and in-depth knowledge of concrete cases is also thought to help policy makers better identify and address gaps in law and policy. The databases are also meant to be of value to researchers, the media and the public by increasing understanding and awareness. Finally, the CLDs also aim at fulfilling an in-house function for UNODC, that is, to have at its disposal a case law repository from which to draw on for the preparation of research and capacity building tools, such as the case law digest on TIP cases exploring evidential issues, launched by HTMSS in October 2016.

During the first phase of the evaluation, it was decided to pay special attention and analyse in more depth the Case Law Databases (CLDs). This decision is based on a number of reflections: HTMSS's case law database work has been on-going for the whole duration of the timeframe of this evaluation (and is planned to be continued); the CLDs are relevant to both GLOT59 and GLOT92 and aim at feeding into and cross-fertilizing all seven work streams of the two Global Programmes; and by nature, the work on case law and the CLDs is an opportunity to bridge gaps and establish links between the global and the local – in terms of norms, their interpretation and stakeholder cooperation and, importantly also allows local work to feed back into and inform global work. The online CLDs – in particular the longstanding one on TIP – also have a flagship function for UNODC in as far as, at the global level, they are unique. Finally, it is hoped that some of the reflections, findings and recommendations of the in-depth analysis within this case study will also be useful for HTMSS' future work on tools within GLOT59 and GLOT92 and the Section more broadly.

## CASE LAW DATABASES

Both GLOT59 and GLOT92 include references to case law databases in their programme documents: GLOT 59 mentions the development and promotion of an online case-law database as an activity under Outcome 5: Criminal justice actors in selected countries develop an effective response to TIP, albeit without indicators, baseline or target. The semi-annual and annual reporting on the Human Trafficking Database under GLOT59 was initially done under Outcome 5 and since 2012 is done under Outcome 2 [...] countries improve their ability to sustainably collect, store, analyse and report data[.]GLOT92 mentions the planned expansion of the online CLD to include SOM cases, subject to availability of funding in relation to Outcome 2 – Data Collection and Research. The semi-annual and annual reporting on the Smuggling of Migrants Database under GLOT92 only started in 2014 and under a different outcome than the one foreseen in the Programme document, Outcome 3 Legislative Assistance and the indicator of [...] stakeholders have increased knowledge on anti-migrant smuggling legislation. Reporting in the semi-annual and annual reports in relation to the CLDs is very basic, at output level and on quantitative results only (number of cases, number of jurisdictions covered, number of access clicks online).

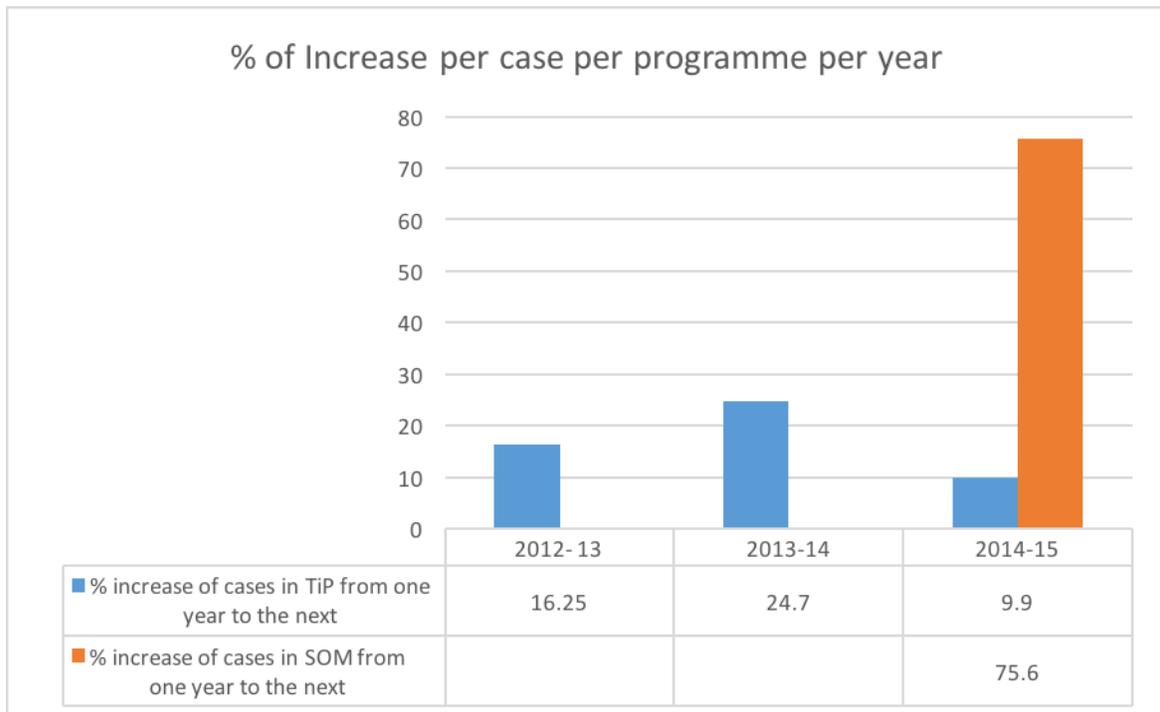
The work on the Human Trafficking and Smuggling of Migrants CLDs currently follows the respective 24 months project proposals, which were developed during 2015 by HTMSS; the related grants are running until mid-2017. The design of the project proposals is not harmonized, both of them include indicators at activity/result level, mainly of quantitative nature, but – in particular the proposal on the Smuggling of Migrants CLD – also includes qualitative indicators<sup>187</sup>. Indicators on the impact level are either not existing or very basic (usage statistics, training questionnaires, Expert Advisory Group, EGMs). Neither the project proposals nor the donor reporting under them refer back to the CLD specific outcomes under the GLOT59/GLOT92 programme documents. Both

<sup>187</sup> Such qualitative indicators include, for example, that land mark case included and completed and that challenging legal issues are addressed in the Case Briefs.

project proposals include a simple reference to the respective Global Programme (the SOM CLD Database proposal in the heading and the TIP CLD proposal under the section on evaluation).

Besides in-kind contribution through one core funded staff (working time) within the Human Trafficking and Smuggling of Migrants Section (HTMSS), the CLDs have been funded from extra-budgetary resources. So far, the United States of America (USA) has been the sole donor for the CLDs since their inception with an approximate overall funding of USD 800,000 for the Human Trafficking CLD and USD 281,600 for the Smuggling of Migrants. Italy has also been seconding a Junior Professional Officer to HTMSS since 2015, who is partly working on the SOM CLD.

As of October 2016, the Human Trafficking CLD contains 1,350 cases from 94 countries and two supranational courts – an increase from 800 cases from 75 jurisdictions at the end of 2012, 930 cases from 78 jurisdictions in 2013, 1160 cases from 89 jurisdictions in 2014, 1275 cases from 93 jurisdictions in 2015 (figures for 2010 and 2011 were not included in respective annual reports). The Smuggling of Migrants CLD contains 541 cases from 28 countries – from 308 cases uploaded since 2014 (more details not available in the annual reports 2010-2014). As shown on the graphic below, and based on available data, the percentage of increase of cases between one year to another had increased between 2012-2014 but decreased from 2014-15 on TIP while it surged on SOM. Until 2015, there was no funding was dedicated to the SOM CLD and work on it could only start consistently with earmarked funding and human resources (both staff and consultants) – it is arguably both a reflection of MS and donors’ increased interest in the issue and also UNODC’s enhanced fundraising on SOM.



The CLDs are freely accessible, online databases that do not require user registration and which are located within the UNODC Sherlock Portal. The Trafficking in Persons CLD can also be accessed from a second webpage (its original location, pre-dating the Sherlock Portal). So far, both CLDs are in English, with few case summaries and judgements available also in Spanish and/or French. Efforts to have the CLDs also available in Russian (and other languages) are on-going.

Cases included in the CLDs follow a case template developed and used for all cases uploaded on Sherlock, including information on the type of criminal offence, the facts of the case, the accused, victims, witnesses, the procedural history in relation to the case, case source, case reference and attachments (such as court decisions). The template also includes a section for comments and analysis. It also provides nationality, gender and age disaggregated information in relation to the accused and victims and witnesses (in case of child victims or witnesses, gender is not disaggregated). The case information collected, the case summarized as well as the related documentation uploaded sometimes provide personal details on the defendant(s), victim(s) and/or witness(es).

HTMSS' work in relation to the CLDs consists of three core functions: 1) data mapping and collection, 2) quality assurance and 3) constant exchange with internal and external stakeholders and partners regarding criminal cases. In addition, IT maintenance – even though mostly outsourced from HTMSS– is part and parcel of the work related to the online tools. All three key functions are time consuming and need substance and familiarity with the software to upload information, continued engagement and clear priorities, methodologies and deadlines to be followed adequately and efficiently. Also, since HTMSS has been working on a Case Digest (so far on TIP only), the analysis of cases for such digest has become an additional task. If such digest were to become a regular, updated feature, this function will become permanent and will require dedicated human resources.

HTMSS suffers, across the whole section, from a lack of human resources to manage the workload that includes the development of the CLDs. Despite these challenges, HTMSS tries to accommodate to its best capability to continue advancing the CLDs in addition to other programmes' scheduled activities and implementation plans.

In relation to the Trafficking in Persons CLD, HTMSS, interviewed stakeholders and desk review still note challenges with respect to quality assurance that includes standardization, accuracy, completeness and relevance of cases as well. The database does not yet include landmark cases from each jurisdiction; many countries are not yet covered while others are over-represented and the vast majority of case law is from 2011 or older. As the CLD on Although it has been more difficult to conduct an in-depth assessment on the SOM CLD as it has only been recently operational, interviews and the desk research indicate that it shares some of the TIP CLD's challenges.

In terms of human resources at HTMSS - with the exemption of a few months some years ago, there has never been fully dedicated staff for the CLDs. At present, four HTMSS staff members are regularly involved in working on the CLDs, but none of them is exclusively dedicated to this task. Occasionally, other HTMSS staff hear about new cases during their field missions and help in the collection process to add them to the CLDs. Within the framework of the current project proposals, HTMSS has also acquired funding to hire consultants to systematically collect, analyse and submit new case law. In relation to the SOM Database, a consultant (a five-months contract) was responsible for identifying potential contributed in selected countries, collect, analyse, update, summarize and submit cases. As a result of this process, 129 new cases were uploaded to the CLD in a five-months-timeframe (on average 6-8 cases a week). Although judges and prosecutors are often difficult to reach due to their workload, they remain the most relevant and resourceful for the collection of case law. Hence, having a dedicated consultant helped push forward the engagement with relevant stakeholders to continue populating the CLDs.

External case law collection for the CLDs occurs through multiple sources, including member states (who are formally solicited for submissions via the Permanent Missions in Vienna once a

year). The TIP CLD over the years has generated a wide network of contributors, including academia (five universities), the law firm White & Case LLP in collaboration with Lawyers Without Borders, a variety of states and non-governmental organisations as well as individual contributors, UNODC FOs and the United Nations Volunteers. Cooperation with field offices on case collection has mainly materialized through small grants provided by HTMSS to field offices for case law field research by local consultants. National stakeholders have so far contributed to the CLDs to some extent - not in a regular, systematic manner, but rather ad hoc, if and when solicited personally by HTMSS staff. So far, it is not possible for a public user to directly submit cases online, but this is planned for the future in order to make the tool interactive and in the long term less dependent on pro-active HTMSS outreach. Currently, interested people have to contact HTMSS or Sherlock or directly by email to get information and guidance on how to contribute cases to the CLD and case selection, review and upload is done by HTMSS.

HTMSS has undertaken numerous initiatives over the years to enhance case collection, quality assurance and database usability. In particular, Expert Group Meetings (EGMs) have been organized in relation to both case law databases - three on TIP (2011, 2012 and 2015 respectively) and one on SOM (2015) – and these have produced numerous specific recommendations and action points. It is however, recommended to expand the group of experts and tasked them to specific deliverables between each EGM for greater efficiency and results.

Efforts to establish a formal Expert Advisory Group for each CLD have so far failed; furthermore, contacts and the involvement of experts has rather been on an individual basis and not regularly and institutionalized. HTMSS has also taken steps to build partnerships to contribute and promote the CLDs to key international (UN and non-UN) and regional partners, such as the United Nations Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE) and EUROJUST. These efforts have so far been either unsuccessful or have yet to show fruits, i.e. result in actual case sharing.

The CLDs have been used by UNODC – HTMSS, other sections and branches at Headquarters and Field Offices - for capacity building activities or to feed into secondary products: case studies for training sessions, a case digest on evidential issues in TIP cases (launched in October 2016), as source of information for research, such as Issue Papers, the Global TIP Report or a preliminary analysis for the upcoming Global Study on SOM. Equally, case law gathered by other UNODC activities, such as the case law digest or the Global TIP Report, is also being fed into the CLDs.

According to Resolution 7/1-2014<sup>188</sup>, the Conference of Parties (COP) ‘invites states parties, and signatories (on a voluntary basis), to provide information on the relevant legislative tools to be included in the knowledge management portal known as Sharing Electronic Resources and Laws on Crime’<sup>189</sup> (Sherloc). This resolution shows institutional commitment to CLDs and to the knowledge portal Sherlock more broadly. Moreover, the Resolution Mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto adopted by the COP during its Eight Session in October 2016 will task the relevant working groups under UNTOC and the Protocols thereto, ‘to define and adopt a short, precise and focused self-assessment questionnaire, to be completed by all state parties to each relevant instrument on an incremental basis, in accordance with the multi-year work plan’<sup>190</sup>. In

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<sup>188</sup> Resolution 7/1-2014 ‘Strengthening the implementation of the United Nations Convention against Transnational Organized Crime’ and the Protocols

<sup>189</sup> CTOC/COP/2014/13, Resolution 7/1, para 9.

<sup>190</sup> CTOC/COP/2016/L.5, para 7.

this respect, it also encouraged all States concerned ‘to provide updated information, through the comprehensive self-assessment software (“omnibus survey software”) and the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, which shall be adjusted to meet the requirements of the review process’<sup>191</sup>.

## MAIN FINDINGS

### Relevance

- Data as well as stakeholder interviews confirm that there is still little knowledge about how UNTOC and the two Protocols thereto are being used and interpreted in national jurisdictions as well as few prosecution and convictions at the national level and that case law and related analysis are a valuable tool for data collection, the identification and sharing of good practices and challenges as well as for capacity building.
- So far, CLD indicators in the respective project proposals have focused mainly on quantity and not on the quality of information and cases, their relevance for the jurisdiction in question, a specific judicial interpretation or other added value. This does not adequately reflect and support the purpose and objective that UNODC and HTMSS have set themselves for the CLD’s: building knowledge and expertise (as opposed to hosting the biggest number of cases globally).
- The stakeholder interviews and survey also find that there is little knowledge about who uses the CLD and for what purpose. In particular, even within the direct HTMSS counterparts on GLOT59 and GLOT92 a significant number is not familiar with the CLDs. The lack of information about and use of the CLD affect its relevance negatively.

### Efficiency

- HTMSS has invested significant human and financial resources into establishing and maintaining both CLDs, but rarely in a comprehensive, dedicated and strategic manner. When it has done so, this has yielded positive results as can be seen in relation to research grants for field offices, a research consultancy to jump start the Smuggling of Migrants CLD or intensive, continued work of HTMSS staff on the CLD.
- Against the background of still unrepresented jurisdictions, overrepresented jurisdictions as well as the fact that landmark cases are still not systematically identified and included and the relevance, quality and accuracy of all cases is still not fully guaranteed, there seems to be space for improvement in how existing resources are managed efficiently.
- EGMs have been useful, but have not (yet) managed to make maximum use of the capacities of the individual experts in contribution to the case law collection, quality assurance and promotion of the CLDs. There is no mid- to long-term strategy on how to obtain the resources (staffing, financial, expertise, technical) needed to maintain and update the CLDs.

### Effectiveness

- This question can only be partly answered, as GLOT59 and GLOT92 did not include any expected results or indicators in relation to the CLDs, but only aim at the existence of such CLDs.

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<sup>191</sup> CTOC/COP/2016/L.5, para 7.

- In relation to the targets and indicators set by the current project proposals within the framework of which both CLDs are being implemented, there are mainly quantitative indicators (usage statistics).
- HTMSS can access information on the number of CLD users and there is an online feedback form (survey) for users, but respondents highlight that these have not yielded much response and little knowledge about the background of the users and/or purpose of use remains minimal (except in cases when direct inquiries are received, such as from students doing research).
- Both CLDs include a high number of case law, in particular the TIP CLD, which has been in operation for five years. It is still early to assess meaningful qualitative results as both projects are still under implementation – in particular recent work on the Smuggling of Migrants CLD, however, suggests that efforts are made to be more strategic in the case law collection and to pay more attention to the quality of case law, which will increase its added value for practitioners.

### **Impact**

- Neither GLOT59 nor GLOT92 include impact measurements related to the two CLDs.
- The project proposals on the CLDs refer to the independent evaluation foreseen under GLOT59 and GLOT92 respectively and to the general HTMSS monitoring and evaluation mechanisms for measuring impact. In addition, they refer to usage statistics. In relation to qualitative data, they refer to end of training and follow-up questionnaires as well as to Sherloc and other user feedback.
- In practice - as in other work spheres and in relation to other tools and activities - there has been no meaningful impact documentation and reporting. The existing feedback mechanisms have provided little information in relation to external CLD use and users (relevant so far mainly to the Human Trafficking CLD, which has been online for a significant period of time).

### **Partnership and communication**

- So far institutional partnerships with other international stakeholders have not been realized or have not yet yielded results in terms of case submission or cross-referencing.
- It is not fully clear what the reasons for this are, but competition, lack of visibility and a too high burden on potential contributors linked to the current case template as well the lack of a concerted and well-developed idea for a partnership with benefits for all sides, have been mentioned in this context by interview stakeholders.
- The cooperation within UNODC on case collection with the Research Department has worked well. Equally, the cooperation with Field Offices, where small grants have enabled significant local research.

### **Sustainability**

- So far, HTMSS has not developed a mid- to long-term strategy or implementation plan (including a fundraising strategy or an exit strategy) in relation to the CLDs. It seems taken for granted that the CLDs will continue over the next years, albeit there is awareness that without a more regular and full-time dedication to the CLDs, the quality and added value might be put in question. Member States – at the level of permanent missions - have accepted the CLD as part of HTMSS work, although their active contribution with case law so far has been rare. In

a few, exceptional, cases, HTMSS encountered from MS to have a specific case uploaded in the CLD for political reasons.

### **HUMAN RIGHTS AND GENDER EQUALITY**

- In terms of gender, the template for the CLDs includes sex-disaggregated data on victims, defendants and witnesses, but only for adults; minors are only referred to as child (gender not identified in CLD). The TIP CLD has nearly exclusively cases with female victims (146 female, compared to 9 male victims). This, to a certain degree, also reflects the fact that the CLD mostly covers cases of TIP for sexual exploitation (around 150 cases on TIP for labour exploitation).
- In terms of human rights, the template for the TIP CLD has a section on victims and witnesses. While under the heading of witness protection, there is reference to the relevant Article of the Organized Crime Convention (UNTOC), the sub-section on information about victims, including compensation, does not reference the relevant articles of the Trafficking in Persons Protocol (Art. 6-8). There are key search functions for the articles relevant to victim protection; a key search shows however that very few cases (around 30) include relevant information and even in these cases it is not always clear from the case summary and information what this information refers to. Interviews have shown that HTMSS is aware of this gap of information in relation to victim protection in the Human Trafficking Database, but has so far not been able to address it.
- A human rights issue that has been raised and discussed in the context of both CLDs within HTMSS and also with the EGM is how to guarantee data protection (to offenders, victims, witnesses) in the context of personal information related to them contained in the case law database. Several suggestions have been made on the issue, but there is no conclusive policy or guidance yet.

### **KEY RECOMMENDATIONS (listed in order of priority under each criteria)**

#### Relevance

- Greater and systematic focus on quality of cases: Reflect this also in future project documents and project reporting. While certain quantitative indicators might be valuable ('at least two cases per jurisdiction unless no cases have been prosecuted'), the focus should be on qualitative indicators – only the good quality of entries will allow a meaningful analysis which in turn will allow exchange of good practice, guidance/capacity building (including the development of secondary products), for example: 'Most significant two cases in each national jurisdiction'.
- Review all existing CLD entries in terms of relevance, quality information, and completeness and take cases that are incomplete and that could be misleading off the databases until information is clarified/completed (deactivate or delete). Specific measures would be: (a) Develop a completed model case template as guidance for future case contributors in order to standardize case entries; (b) Systematic review of the new cases to identify sources which have not been satisfactory and decide on how to proceed on how to engage with them in future to ensure quality control; (c) Ensure that links to court decisions are working (ideally upload from UNODC server to be able to control accessibility of links), removing links that do not work.

#### Efficiency

- Conduct an in-house review of recommendations and lessons learned, identify priority issues and resources needed in order to ensure more efficient and strategic use of resources in relation

to the CLDs – this can include a CLD team retreat and a follow-up retreat with the whole HTMSS with the aim to develop a realistic mid- to long-term strategy and related work plans with qualitative and quantitative indicators, clear deadlines and regular follow-up.

- Dedicate one staff within HTMSS full-time to work in relation to the CLDs and complement their work with consultants, partnerships and voluntary contributions.

### Effectiveness

- Enhance engagement with criminal justice practitioners and their networks/associations (police, prosecutors, judges, victim advocates, protection and assistance service providers, including CSOs) as well as with relevant coordination/rapporteur functions at the national, regional and international level for the collection of cases. Map key stakeholders for each country/region/globally and then decide on most effective strategy for collection of cases.
- Define target users, indicators and pathways to assess the use and usefulness of the CLDs, with focus on key stakeholder groups (such as justice sector officials, legal practitioners, victim assistance providers, law and policy makers).

### Impact

- Use the fact that significant funding is still available for the next nine months or so to make a qualitative and quantitative jump in relation to both CLDs: Identify and collect landmark cases which are not yet included.
- Develop systematically workshops and expert meetings around case law for criminal justice actors, such as prosecutors, judges, lawyers in order to exchange experience and knowledge. This will help case collection and also allow to test the usability of the databases and to help identify gaps and strengths.
- Engage participants of capacity building events/workshops systematically in the submission of case law, e.g. each participant is asked to bring two cases from his/her country and share them with the group. These cases can then be discussed in a specific session during the event (UNODC HTMSS would have a role in collecting the cases and facilitating the discussion session).

### Partnership and Communication

- Review and update the structured network of contributors (priority: receive quality case information).
- Clearly define tasks for each contributor and engage regularly with the network of contributors (phone, email, Skype conference). Use the ICAT forum as a platform for case collection, either in the plenary or through a working group on data, that could be established.
- Enter in partnership relations with bodies that already collect cases with a partnership agreement that is beneficial for both and does not put a too heavy onus on the contributor. Enhance easy ways to contribute cases, without having to fill in the complex case template, with HTMSS taking on that function in-house or through consultants, which also allows better quality assurance.

### Sustainability

- To strengthen institutional commitment and MS ownership to collect case law, ensure that there is a related reference to forwarding case law adequately included into the questionnaires to be

developed under the planned Review Mechanism and that reflects the needs and standards of the CLDs. At the same time use this process to revamp the content and usability of the CLDs and Sherlock more broadly.

- Develop a multi-year strategy and work plan (2017- ), based on HTMSS' key functions in relation to the CLDs and related human resources and financial needs (including scenarios for basic and ideal), in cooperation with other sections managing/feeding into Sherlock and raise at least some funding jointly – the recently adopted Resolution on the Review Mechanism and its reference to Sherlock might be a good opportunity to spell out the added value, needs and options for making the CLDs more sustainable.

#### Human rights and gender mainstreaming

- Make information on the protection of the rights of trafficked victims and smuggled migrants part and parcel of any new case collected uploaded into the CLD.
- Review the case template (and the key word search function) to include also a section relevant to human rights issues and gender based issues, such as gender based violence, discrimination, etc. and train those collecting and analysing case law before their upload with a view to enhance the human rights and gender relevant information that is submitted.
- Make the case template gender sensitive and ensure that it allows/takes into consideration other than male or female gender.

## ANNEX II. TERMS OF REFERENCE OF THE EVALUATION

Project number:	GLOT59 and GLOT92
Project title:	Global Programme against Trafficking in Persons (GLOT59) and Global Programme against Smuggling of Migrants (GLOT92)
Duration:	GLOT59: 01/01/2008 - 31/12/2016 (being extended to December 2018) GLOT92: 21/01/2010 - 31/12/2016 (being extended to December 2018)
Location:	Global
Linkages to Country, Regional and Thematic Programmes:	Strategic Framework Sub-Programme Countering Transnational Organized Crime and Illicit Drug Trafficking
Executing Agency:	UNODC
Partner Organizations:	Not applicable
Total Approved Budget:	GLOT59: \$11,011,067 GLOT92: \$1,876,312
Total Overall Budget	GLOT59: \$14,012,890 GLOT92: \$4,010,664
Donors:	GLOT59: Azerbaijan, Canada, France, ILO, Israel, Netherlands, Norway, Sweden, Switzerland, Turkey, United States of America. GLOT92: France, Italy, Norway, Sweden, Switzerland, Turkey, United States of America.
Project Manager/Coordinator:	Mr. Ilias Chatzis, Chief, Human Trafficking and Migrant Smuggling Section Additional coordinators or day-to-day managers: GLOT59: Ms. Silke Albert, Crime Prevention Expert, Human Trafficking and Migrant Smuggling Section GLOT92: Ms. Morgane Nicot, Crime Prevention and Criminal Justice Officer, Human Trafficking and Migrant Smuggling Section

Type and time frame of evaluation: (Independent Project Evaluation/In-depth Evaluation/mid-term/final)	Independent mid-term cluster evaluation
Timeframe of the project covered by the evaluation:	GLOT 59 01/01/2008-31/10/2016 GLOT92 21/01/2010-31/10/2016
Geographical coverage of the evaluation:	Global
Budget for this evaluation:	GLOT59: USD 100,000 GLOT92: USD 50,000
Type and year of past evaluations (if any):	Not applicable
Core Learning Partners <sup>192</sup> (entities):	UNODC Managers, Member States, Beneficiaries, Project field staff and Partner Organizations.

## Project overview and historical context

### 1. Global Programmes overview

UNODC as the guardian of the United Nations Convention against Transnational Organized Crime (UNTOC) and its supplementing Protocols against Trafficking in Persons (TIP) and the Smuggling of Migrants (SOM), is mandated to support Member States efforts to prevent and combat trafficking in persons in all of its forms, as well as to prevent and combat migrant smuggling.

UNODC's Human Trafficking and Migrant Smuggling Section (HTMSS) works through its two Global Programmes and the Global Action against Trafficking in Persons and the Smuggling of Migrants to achieve the following key objectives: 1. Provide normative support for the ratification and effective implementation of the Organized Crime Convention and its Trafficking in Persons and Smuggling of Migrants Protocols; 2. Deliver high-quality, specialized technical assistance and support to capacity development to enable Member States to implement the Protocols including: legislative assistance; strategic planning and policy development; improvement of criminal justice responses and protection and support to victims of trafficking and smuggled migrants; and 3. Have a leading role in enhancing multilateral cooperation and coordination.

<sup>192</sup> The CLPs are the main stakeholders, i.e. a limited number of those deemed as particularly relevant to be involved throughout the evaluation process, i.e. in reviewing and commenting on the TOR and the evaluation questions, reviewing and commenting on the draft evaluation report, as well as facilitating the dissemination and application of the results and other follow-up action. Stakeholders include all those to be invited to participate in the interviews and surveys, including the CLPs.

The **Global Programme against Trafficking in Persons (GLOT59)** started in 2008, and its objective is to support Member States in preventing and combatting human trafficking by promoting the ratification and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol), supplementing the United Nations Convention against Transnational Organized Crime. Overall, the Global Programme focuses on strengthening criminal justice responses to trafficking in persons by providing legislative drafting assistance and legal advisory services as well as specialized training for building investigative, prosecutorial and institutional capacities to address this crime. The development of normative tools, good practice materials and training programs that are then put to use in the delivery of technical assistance programmes is also an important focus of the programme. While these tools are first developed for global use, they are then adapted and tailored to the concrete needs of national governments, practitioners, and most importantly, actual and potential victims of trafficking in persons.

Since 2010, UNODC also supports Member States and the international community in taking action to prevent and combat smuggling of migrants through its **Global Programme against the Smuggling of Migrants (GLOT92)**. The core objective of this Global Programme is to strengthen the capacity of Member States to prevent and prosecute the smuggling of migrants, protect the rights of people who fall prey to smugglers and facilitate international cooperation in this regard. As such, the programme supports Member States in the effective implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling of Migrants Protocol), supplementing the United Nations Convention against Transnational Organized Crime, focusing on the following key areas: a) supporting normative and policy work at the international and inter-agency level, b) technical assistance delivery (legislative and capacity building) and facilitating regional and trans-regional cooperation, c) development of technical tools and publications.

Since 2012 (the start of the HTMSS Monitoring System including a Database on technical assistance activities) and until now, the Global Programmes against Trafficking in Persons and the Smuggling of Migrants have reached more than 120 countries.<sup>193</sup> It is important to note that those countries have been reached through technical assistance activities organized or contributed to, including legislative assistance, capacity building such as national but also regional workshops.

In the last 2 years (2014-2015), more than 70 countries have been reached through technical assistance activities in the framework of the Global Programmes, over 2,000 criminal justice

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<sup>193</sup> Namely: Albania, Algeria, Angola, Antigua and Barbuda, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cameroon, Canada, Chad, Colombia, Comoros, Congo, Democratic Republic of the Congo, Croatia, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, The Gambia, Georgia, Germany, Ghana, Greece, Guinea Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kosovo, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, The former Yugoslav Republic of Macedonia, Madagascar, Malawi, Mali, Malta, Mexico, Republic of Moldova, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Bolivarian Republic of Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

practitioners and government officials were provided with specialized training and HTMSS developed 4 standard setting, technical assistance tools and publications.<sup>194</sup>

In addition, last year in 2015, in terms of normative work, HTMSS coordinated UNODC's contribution to the first-ever meeting of the UN Security Council on human trafficking that took place on 16 December 2015 and which resulted in Presidential Statement PRST2015/25. In terms of policy work and specialised tools, HTMSS expanded its online case law collection analysing approximately 1,300 trafficking in persons cases to include migrant smuggling cases. The Section also published an Issue Paper on the Key Concept of "Exploitation" in the Trafficking in Persons Protocol, an Assessment Handbook on Trafficking in Persons for the Purpose of Organ Removal as well as a publication on the Role of Recruitment Fees and Recruitment Agencies in Trafficking in Persons. In 2015, HTMSS also continued to provide a range of legislative assistance to States in order to help develop effective domestic legislation in line with the Trafficking in Persons and the Smuggling of Migrants Protocols. Highlights include the adoption of new legislation against trafficking in persons by Cabo Verde and against the smuggling of migrants by Niger, with both countries recipients of HTMSS assistance. HTMSS legislative assistance also contributed to the revision by Viet Nam of its Penal Code and the development of new legislation against trafficking in persons by Chad. Legislative assistance was also provided to Afghanistan, which is in the process of amending its Penal Code, on both the Trafficking in Persons and Smuggling of Migrants Protocols.

In 2015, the 23 technical assistance activities organized or contributed to in the framework of the Global Programmes reached over 600 practitioners, governmental officials and civil society representatives in over 40 countries. Additional information about capacity development and key highlights in the fight against trafficking in persons and the smuggling of migrants are available in the 2015 HTMSS Programme Implementation Report.

## **2. Global Programmes management structure**

Both Global Programmes are managed by the UNODC Human Trafficking and Migrant Smuggling Section (HTMSS). The Section was created in 2012, following the adoption of UNODC's "Comprehensive Strategy to combat Trafficking in Persons and Smuggling of Migrants" as a third section under the Organized Crime Branch, Division for Treaty Affairs. However, the design of the Global Programmes precedes the creation of the Section. The Global Programmes serve as a repository and framework to implement different funding from over fifteen donors (both earmarked contributions through competitive and non-competitive project proposals and non-earmarked contributions).

HTMSS also works in close liaison with other parts of UNODC, such as the Division for Policy Analysis and Public Affairs, who have responsibility for a large part of the work relating to research, including the preparation of the bi-annual UNODC Global Report on Trafficking, awareness-raising, fundraising and inter-agency cooperation.

## **Main challenges during implementation**

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<sup>194</sup> See the Desk review materials in relation to tools and publications developed in the framework of the Global Programmes.

The challenges below correspond to both Global Programme, unless otherwise specified.

Challenges related to management:

- *Financial resources:* Only a small fraction of UNODC's regular budget of the United Nations is allocated to addressing TIP and SOM. UNODC is therefore heavily dependent on extra-budgetary funding. HTMSS has experienced an increased demand for policy, normative and technical assistance, including an increasing number of requests for specific forms of technical assistance. The disparity between allocated regular budget and level of demand is particularly acute in UNODC's mandated areas. Due to this fact as well as to the growing demand for policy and normative work, additional resources are required. HTMSS intensified its efforts to liaise with partners to raise the visibility of its work and raise funds, and to design projects proposals.
- *Human resources:* Linked to the above, the staffing situation continues to remain a challenge, due to the growing number of requests for technical assistance as well as for normative, policy and inter-agency work. Potential difficulties are caused by the fact that a large portion of funding is strictly earmarked, which leaves little room for flexibility. HTMSS is actively exploring possibilities of obtaining soft earmarked contributions. Currently, the section has only one regular budget post to deliver regular budget/normative work required to assist Member States in implementing two supplementing Protocols to the Organized Crime Convention, that is the Trafficking in Persons and the Smuggling of Migrants Protocols. Such work includes (but is not limited to) servicing the COP and its two Working Groups on Trafficking in Persons and on Smuggling of Migrants, servicing the CCPCJ, contributing to GA and SC events, reporting obligations on various GA, ECOSOC and other relevant resolutions and the role as overall coordinator of ICAT (established by GA resolution). Currently, staff funded by extra-budgetary resources (of GLOT92 and GLOT59) is drawn on to perform "regular budget work". Another issue is the fact of being able to recruit and retain specialist expertise, due to this lack of regular budget funding for core human resources functions. This leads to another human resources management challenge, being the need to address this issue with project-funded positions, which may have been designed for different purposes and priorities. This, in turn, feeds into another human resources challenge that, consequently, staff need to be experts in everything.
- *Institutional coherence and consistency:* In some instances, and in particular when it comes to fundraising and developing new proposals for donors, competing priorities with Field Offices and changes in management in some Field Offices have also impacted the way of delivery of the technical assistance in the framework of the Global Programmes. There has also occasionally been some competition with other Global Programmes (in addition to successful examples). HTMSS also faces some challenges in mentoring all offices to take a similar approach to TIP and SOM as well as in adapting to the differing priorities and portfolio make-up of different field offices, for example in cases where TIP/SOM are small or non-existent part of a Regional Programme.
- *Areas of mandate:* The ongoing challenge HTMSS faces is the balance and evenness we give to our work on TIP and SOM that we have tried to maintain and promote.

Challenges related to the delivery of technical assistance:

- *Administrative:* Starting from October 2015, HTMSS has encountered some challenges in responding to the Member States' requests for technical assistance, mainly trainings (procurement, etc.), due to the implementation of the new system within the UN Secretariat (Umoja). The Full Cost Recovery (FCR) implementation since 2015 has also created misunderstandings, inconsistencies and/or, due to the imposition of new financial costs and the need to re-budget certain activities.
- *Funding constraints:* Making a prioritization of activities and thus of requests and identified needs, is necessary. (E.g.: despite the identified need, training for foreign service staff could not be developed/delivered; no follow-up to recruitment fees research possible, so as to operationalize research findings; no funding to pilot technical assistance work on trafficking in persons for organ removal to 'implement' UNODC's assessment handbook, etc.) Implementation of some activities stagnated, due to the need to prioritize the use of available funds. For example, implementation of activities under GLOT92 outcome 1 (prevention and awareness raising) and 6 (protection and support) stagnated in 2015, while implementation of activities under other outcomes is being implemented, given that for the latter sufficient funding – earmarked for that purpose – was available.
- *Rotation and turnover of project counterparts and beneficiaries:* There is a common experience of the late identification of specific beneficiaries, as experienced in most training workshops where attendees detail routinely come too late to properly customise preparations and delivery of assistance. In addition, there are continuous staff turnovers within the ministries and changes of focal points among counterparts make it often difficult for HTMSS to proceed as planned, and it is challenging to ensure a continuous collaboration and sustainability. HTMSS continues to maintain close and regular contact with its counterparts so as to stay abreast of any changes and adjust its planning. This, however, can be very time-consuming if focal points change and new relationships have to be built.
- *Data collection and analysis/reporting on outcomes:* In line with HTMSS' monitoring strategy that started in 2012, follow-up surveys are being distributed to participants of the capacity building workshops after six months to measure and analyse the medium-term impact of HTMSS technical assistance. To simplify and expedite the data collection procedure, the follow-up questionnaires which used to be distributed in PDF format, have been replaced by on-line questionnaires available in English, French and Spanish via Survey Monkey. Some challenges are faced in the reception of questionnaires from the trainings organized in Africa due to internet connection and the lack of an email address by some of the participants, etc. Also, it could be due to the lack of interest of participants to fill the questionnaires as they don't perceive a direct benefit for complying. However, HTMSS and the UNODC Regional Office for West Africa are following up and using upcoming missions and activities in order to follow-up with participants and gather the information required.

As regards outcome based reporting, the nature and type of the technical assistance delivered by UNODC, most often determined by the amount, the earmarking and the time limitations of funding available, makes it difficult to report on more than on the processes and activities undertaken, during the lifetime of a grant for GLOT59.

- *Security and conflict/post-conflict issues* (e.g. Yemen, Burundi): create obstacles for HTMSS to proceed with conducting planned workshops and sometimes requires additional efforts for the redirection of funds.
- *Lack of proper understanding of the crimes (TIP and SOM)*: The current dramatic situation of smuggled migrants in the Mediterranean as well as in the Andaman sea and Malacca Straits crisis generates increasing concerns regarding its links with trafficking in persons. The confused and inter-changeable use of the two terms by different actors including the media, NGOs as well as governments to describe those crisis situations needs to be addressed. Strong attention is placed by the HTMSS on UNODC's public messages at various levels stressing the differences between the two crimes and the importance of calling things by their own name in order to arrive at proposals and solutions that could have an impact and potentially, a lasting effect. While at the same time advocating for the protection of vulnerable migrants including victims of trafficking in persons as well as migrants objected to smuggling.

In terms of technical assistance delivery, there are also numerous challenges about sometimes a lack of institutional clarity at national level and at national frameworks that we need to understand and assess prior to any training delivery.

- *Donor vetting requirements* (e.g. US J/TIP and US INL): create obstacles for HTMSS to implement requested technical assistance for security forces, including training workshops etc., as beneficiary countries are hesitant to share data of members of their security forces *with* to get vetted by another UN Member State.
- *Expert recruitment for technical assistance delivery*: Delays caused by the recruitment of staff and experts present regular "bottlenecks" in the implementation of activities

Challenges related to Member States' commitment:

- *Political commitment of beneficiary States*: Sometimes the level of commitment by beneficiary countries varies, even at different stages during the implementation of a programme due to political changes, changes in priorities, etc.
- *Involvement in programme management*: At the same time, there is sometimes a tendency towards micro-management by donors, particularly with regard to earmarked, short-term funding which challenges the implementation of long term funding activities.

Challenges related to coordination in the UN:

- *Coordination issues*: Sometimes HTMSS faces challenges in coordinating its anti-TIP and SOM work with other UN agencies implementing similar activities but with less adherence to the UNTOC and its Protocols.

Project documents and revisions of the original project document

Project document	Year	Please provide general information regarding the original project document.
GLOT59	20/10/2009 – as per ProFI	<p>The objective of the global programme is to support Member States in preventing and combating human trafficking by promoting the ratification and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime. The programme focuses on the development of good practice materials and training programmes that are then put to use in technical assistance programmes. A core function is the development of practical tools for criminal justice actors, including law enforcement, victim assistance providers, prosecutors, judges, policy makers and administrators. While these tools are first developed for global use, they are then adapted and tailored to local needs of governments, practitioners, and most importantly, those who have been trafficked. UNODC’s work focuses on the following seven key areas:</p> <ol style="list-style-type: none"> <li>1. Prevention and awareness-raising;</li> <li>2. Data collection and research;</li> <li>3. Legislative assistance;</li> <li>4. Strategic planning and policy development;</li> <li>5. Criminal justice system response;</li> <li>6. Victim protection and support;</li> <li>7. International cooperation.</li> </ol> <p><i>(See also the section “Main objectives and outcomes”).</i></p> <p><i>It is important to note that the project design precedes the creation of HTMSS and therefore in terms of management of the Programme it does not correspond to the current situation, although some project revisions were made to amend this. Despite numerous project revisions the logframe has not been properly updated and revised, including the targets and the baselines.</i></p>
GLOT92	14/01/2010 – as per ProFI	<p>The objective of GLOT92 is that Member States and the international community take action to prevent and combat smuggling of migrants. As such, the programme supports Member States in the effective implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The programme focuses on the development of good practice materials and training programmes that are</p>

	<p>then put to use in technical assistance programmes. A core function is the development of practical tools for criminal justice actors, including law enforcement, assistance providers, prosecutors, judges, policy makers and administrators. While these tools are first developed for global use, they are then adapted and tailored to local needs of governments, practitioners, and service providers. UNODC’s work focuses on the following seven key areas:</p> <ol style="list-style-type: none"> <li>1. Prevention and awareness-raising;</li> <li>2. Data collection and research;</li> <li>3. Legislative assistance;</li> <li>4. Strategic planning and policy development;</li> <li>5. Criminal justice system response;</li> <li>6. Protection and support;</li> <li>7. Regional and international cooperation.</li> </ol> <p><i>(See also the section “Main objectives and outcomes”).</i></p> <p><i>It is important to note that the project design precedes the creation of HTMSS and therefore in terms of management of the Programme it does not correspond to the current situation, although some project revisions were made to amend this. Despite numerous project revisions the logframe has not been properly updated and revised, including the targets and the baselines.</i></p>
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**Global Programme against Trafficking in Persons (GLOT59) <sup>195</sup>**

Project revision (please add further rows as needed)	Year	Reason & purpose	Change in (please check)
<b>1 Project revision</b>	22/02/2010	USD 90,000 were added to the modular budget to finance 9 w/m of 1 P-2.	<input checked="" type="checkbox"/> Budget <input type="checkbox"/> Timeframe <input type="checkbox"/> Logframe
<b>2 Project Revision</b>	23/08/2011	This project revision reflects: <ul style="list-style-type: none"> <li>- the creation of a P-4 post;</li> <li>- an extension of the project.</li> </ul>	<input type="checkbox"/> Budget <input checked="" type="checkbox"/> Timeframe <input type="checkbox"/> Logframe
<b>3 Project Revision</b>	06/01/2012	This project revision reflects: <ul style="list-style-type: none"> <li>· The creation of a P5-post;</li> </ul>	<input type="checkbox"/> Budget <input type="checkbox"/> Timeframe

<sup>195</sup> As part of the desk review materials there is a detailed list of project revisions but also project and budget amendments.

		<p>· Staff Assistant G6 (2.5 w/m)</p> <p>An activity has been added to output 6.1</p>	<input checked="" type="checkbox"/> Logframe
<b>4 Project Revision</b>	22/01/2014	<p>The project revision of GLOT59 is necessitated by the adoption in March 2012 of the new UNODC Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants and the creation of a new Human Trafficking and Migrant Smuggling Section in the Organised Crime and Illicit Trafficking Branch, Division for Treaty Affairs, (HTMSS/OCB/DTA).</p> <p>This revision is required to include additional posts in response to the need for the implementation of the strategy and in order to meet the increasing demands by Member States for technical assistance in combatting Human Trafficking. This extension will allow for better planning and implementation of activities.</p> <p>The project revision will extend the project duration until the end of 2016. The revision will increase the overall budget to \$14,012,910.</p> <p>The new posts established by the project revision are:</p> <ul style="list-style-type: none"> <li>- P4 Crime Prevention and Criminal Justice Officer (Human Trafficking and Migrant Smuggling): Two positions, Unfunded</li> <li>- P3 Crime Prevention and Criminal Justice Officer (Human Trafficking and Migrant Smuggling): Two positions, Unfunded</li> <li>- P2 Associate Programme Officer</li> <li>- G6 Programme Assistant</li> <li>- G6 Information Systems Assistant -Two positions</li> <li>- G4 Project Assistant: Temporary</li> </ul>	<input checked="" type="checkbox"/> Budget <input checked="" type="checkbox"/> Timeframe <input type="checkbox"/> Logframe

		Through this revision, there are no substantive changes to the objectives, outcomes and outputs of GLOT59.	
<b>5 Project Revision</b>	20/05/2015	The revision of the Global Programme against Trafficking (GLOT59) responds to the need to improve selected countries' establishment of formal mechanisms for the protection and assistance of victims of trafficking (Outcome 6). A new output has been introduced so that NGOs/specialized victim service providers are supported with small grants for direct assistance to victims of trafficking in persons. Changes to the logical framework to include the new small grants programme as output 6.2 under outcome 6. The revision will decrease the overall budget to 14,012,890 \$.	<input checked="" type="checkbox"/> Budget <input type="checkbox"/> Timeframe <input checked="" type="checkbox"/> Logframe
<b>6 Project Revision</b>	TBD/07/2016	TBD	<input checked="" type="checkbox"/> Budget <input checked="" type="checkbox"/> Timeframe <input type="checkbox"/> Logframe

**Global Programme Against Smuggling of Migrants (GLOT92) <sup>196</sup>**

Project revision (please add further rows as needed)	Year	Reason & purpose	Change in (please check)
<b>1 Project Revision</b>	29/11/2012	The purpose of the project revision is to extend the project duration until 31 December 2014, in order to make full use of the already available funds, and the foreseen upcoming funds, in support of the Global Programme against the smuggling of migrants. This project revision responds to the need for the implementation of the overall Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants of UNODC as well as to the increasing demands	<input type="checkbox"/> Budget <input checked="" type="checkbox"/> Timeframe <input type="checkbox"/> Logframe

<sup>196</sup> As part of the desk review materials there is a detailed list of project revisions but also project and budget amendments.

		by State Parties for technical assistance in combating the smuggling of migrants. To enable the Section to fulfil its mandate, the TOR for the following position P3: Crime Prevention and Criminal Justice Officer will be aligned with those of other similar positions in the section.	
<b>2 Project Revision</b>	29/12/2014	This project revision is to: - extend the project duration until 31 December 2016, in order to make full use of the already available funds, and the foreseen upcoming funds, - enable the Section to fulfil its mandate, include TOR for the following positions: P4: Crime Prevention and Criminal Justice Officer (Cost shared with GLOT59) P3: Programme Officer (Cost shared with GLOX99) G4: Project Assistant, Vienna: (Cost shared with GLOT59) Increase in Overall Budget by \$ 1,000,344	<input checked="" type="checkbox"/> Budget <input checked="" type="checkbox"/> Timeframe <input type="checkbox"/> Logframe
<b>3 Project Revision</b>	TBD/07/2016	TBD	<input checked="" type="checkbox"/> Budget <input checked="" type="checkbox"/> Timeframe <input type="checkbox"/> Logframe

### Main objectives and outcomes

#### Global Programme against Trafficking in Persons (GLOT59)

**Project Objective:** To support countries in preventing and combating human trafficking by promoting the ratification and implementation of the Protocol to Prevent, Support and Punish Trafficking in Persons, especially Women and Children (UN Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime.

1. Outcome 1: International community and selected countries translate increased awareness of trafficking in persons into national strategies and/or action plans.
2. Outcome 2: Assisted countries improve their ability to sustainably collect, store, analyse and report data on human trafficking and translate these into legislation, national strategies and/or action plans.

3. Outcome 3: Selected countries increase compliance of domestic legislation with the TIP Protocol.
4. Outcome 4: Selected countries and regions develop and operationalize comprehensive strategies and policies to prevent and combat trafficking in persons.
5. Outcome 5: Criminal justice actors in selected countries develop an effective response to trafficking in persons.
6. Outcome 6: Selected countries develop comprehensive and effective legal and administrative systems to assist and protect victims that are translated into legislation, strategies and action plans.
7. Outcome 7: Selected countries develop or improve international cooperation mechanisms to become more effective in handling cases of human trafficking.

The log frame of GLOT59 is part of the desk review materials.

### **Global Programme Against Smuggling of Migrants (GLOT92)**

**Project Objective:** Member States and the International community take action to prevent and combat smuggling of migrants.

1. Outcome 1: Prevention and awareness-raising: Selected countries adopt a pro-active response to smuggling of migrants.
2. Outcome 2: Data collection and research: Assisted countries improve their ability to sustainably collect, store, analyse and report information concerning criminal justice proceedings of migrant smuggling and related conduct and translate this information into legislation, national strategies and/or action plans.
3. Outcome 3: Legislative assistance: Assisted countries have revised or elaborated and enacted domestic legislation required for the implementation of the UN Migrant Smuggling Protocol
4. Outcome 4: Strategic planning and development: Selected countries and regions adopt and operationalize comprehensive strategies to prevent and combat smuggling of migrants
5. Outcome 5: Criminal Justice System Response: Criminal justice actors in selected countries develop an effective response to smuggling of migrants
6. Outcome 6: Protection and assistance of smuggled migrants: Relevant actors in selected countries are provided with support to protect and assist smuggled migrants.
7. Outcome 7: Regional and international cooperation: Selected countries develop or improve international cooperation mechanisms to become more effective in handling migrant smuggling casework

The log frame of GLOT92 is part of the desk review materials.

## **Contribution to UNODC's country, regional or thematic programme**

UNODC technical assistance in the field is developed under the framework of regional and country programmes, in line with the needs and priorities of regional entities and partner countries, and in close cooperation with UN key partners, multilateral and bilateral agencies. HTMSS works in close synergy with Field Office TIP and SOM focal points, in particular in UNODC Regional Offices across Africa, the Middle East, South, Southeast and Central Asia, Central America and the Southern Cone; and country offices in Nigeria, Colombia as well as the Liaison and Partnership Office in Mexico, among others.

Links with Regional Programmes have been strengthened through the development of mutually supportive financial arrangements to ensure the Global Programmes' ability to provide required policy guidance, oversight and expert support for the implementation of field programmes.

New country and regional programmes have been launched by UNODC Field Offices with HTMSS expert support. Currently, HTMSS supports regional programmes on TIP and SOM in Central Asia, Mexico, Central America and the Southern Cone as well as the Middle East and North Africa. In this framework, since April 2012, 5 new country programmes (Cote d'Ivoire, Bangladesh, Bhutan, Kenya, Lao PDR, and Somalia) and 2 new regional programmes against TIP (Bangladesh, India/Nepal and SADC countries) have been developed with US J/TIP support. Further programmes have been developed with support from Qatar (Arab Initiative) to build national capacities to combat human trafficking in the Arab Countries

HTMSS has provided substantive oversight, including expert support to field projects in matters related to planning, evaluation and reporting. This led to increased synergy with UNODC regional and country programmes against trafficking in persons and smuggling of migrants through strengthening of existing partnerships and development of mutually supportive co-financing schemes to support technical assistance activities.

Activities of the global programmes are supported in Field Offices through the placement of field experts in those UNODC country and regional programmes that have few resources to implement country focused projects on trafficking in persons and to support technical assistance activities.

### **Linkage to UNODC strategy context and Sustainable Development Goals**

#### **Linkage to UNODC strategy context:**

GLOT59 was developed under the UNODC Strategy for the period 2008-2011. In implementing its strategy over the biennium 2008-2009, UNODC responded to the growing demand for its services by establishing a strongly integrated mode of programme planning and implementation. Under the new structure of the UNODC strategic framework for the biennium 2012-2013 the global programme GLOT59 fell under the thematic sub-programme 1 'Countering transnational organized crime and illicit trafficking, including drug trafficking'.

In line with the strategic framework, UNODC has also adopted a Thematic Programme on Action Against Transnational Organized Crime and Illicit Trafficking, Including Drug Trafficking that set out the strategic priorities for UNODC for the 2011-2013 period. This Thematic Programme aimed to provide a coherent and comprehensive approach to efforts to prevent and combat all forms of transnational organized crime. GLOT92 has both informed and been further developed in the

framework of the Thematic Programme and, specifically, fell under Sub-Programme 3 of the Thematic Programme: Supporting Member States to combat trafficking in persons and smuggling of migrants. The Global Programme GLOT59 was also aligned under Sub-Programme 3 and gave practical application to the Thematic Programme, developing global solutions to critical challenges and both supporting and delivering direct technical assistance, in close consultation and coordination with the regional offices.

In March 2012, UNODC adopted a new and comprehensive Strategy on Trafficking in Persons and Smuggling of Migrants to strengthen the Office's capacity to respond to the increasing requests for assistance by Member States. The Strategy seeks to strengthen the complementary nature of UNODC's work in preventing and combating both human trafficking and migrant smuggling and set the future direction of the Office for action and engagement on these issues.

In order to operationalize the new strategy, UNODC established a new section within the Organized Crime and Illicit Trafficking Branch: The Human Trafficking and Migrant Smuggling Section (HTMSS). In accordance with the new Strategy, HTMSS has assumed responsibility for the normative work and support to UN inter-governmental and inter-agency processes as well as all technical assistance relating to the implementation of UNTOC and its human trafficking and migrant smuggling Protocols and the implementation of the General Assembly's Global Plan of Action, including support to the UN Trust Fund for Victims of Human Trafficking. The Section also had responsibility for the management of the Global Initiative to Fight Human Trafficking (UN.GIFT), which was completed in 2014.

Since 2012, HTMSS has managed the implementation of the GLOT59 and GLOT92 Global Programmes.

Under the strategic framework for the biennium 2014-2015, the Global Programme GLOT59 fell under sub-programme 1: "Countering transnational organized crime and illicit trafficking, including drug trafficking". GLOT59 also fell under the UNODC Thematic Programme on Action Against Transnational Organized Crime (2014 -2015).

### **Linkage to the 2030 Agenda for Sustainable Development:**

Through the United Nations Sustainable Development Goals adopted last year, the international community has committed itself to the promotion of peaceful and inclusive societies for sustainable development, to the provision of access to justice for all and to the building of effective, accountable and inclusive institutions at all levels (SDG #16). In doing so, we have collectively committed to combat all forms of organized crime (16.4), including trafficking in persons. We have further to this, specifically promised ourselves to take immediate and effective measures to eradicate human trafficking (8.7) and end the abuse, exploitation, trafficking and all forms of violence against and torture of children (16.2); eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation (5.2); and to facilitate orderly, safe, regular and responsible migration (10.7).

### **Trafficking in Persons:**

UNODC's existing portfolio of technical assistance activities concerning implementation of the Trafficking in Persons Protocol directly contributes to achieving multiple SDGs, including SDG #16. There are three SDGs which make explicit reference to trafficking in persons – SDGs 5, 8,

and 16 or more specifically targets 5.2, 8.7 and 16.2 (existing UNODC responses to human trafficking are also relevant to targets 16.3, 16.4, and 16a).

Of key relevance to UNODC's related technical assistance activities is the agreed global indicator for review of SDG 16.2, being "the number of detected and estimated number of non-detected adult women and men and girls and boys (18-) who have been trafficked for different forms of trafficking in persons". As the only agreed SDG indicator referring to trafficking in persons, it can be applied similarly to all of the SDGs noted above. While the underlying research capacities are still being developed to support this indicator, all of UNODC's related technical assistance efforts can be easily reformulated in the terminology of the SDGs on trafficking in persons— that is, to simultaneously impact on the ratio between detected and non-detected trafficking (i.e. increase detection of actual trafficking), while decreasing the overall occurrence of trafficking in persons. Direct examples of related UNODC work would include capacity-building efforts to enhance the identification of trafficking victims, the dissemination of practitioner material regarding core evidential challenges faced by prosecutors and legislative assistance to better ensure the support and protection of victims.

### **Smuggling of Migrants:**

UNODC's existing portfolio of technical assistance activities concerning implementation of the Smuggling of Migrants Protocol implicitly contributes to achieving target 10.7. A current catalogue of UNODC's existing related technical tools and resources is attached. Recent examples of UNODC's related normative, policy and technical assistance that contribute to progress towards this target include legislative assistance programmes in Central America to develop specialised anti-migrant smuggling laws in line with the Smuggling of Migrants Protocol; regional capacity building workshops such as the ones conducted in Panama and Syracuse, Italy, in 2015 to prevent and combat the smuggling of migrants in Central America and the Caribbean as well as the Mediterranean Sea, respectively; and the development and publication of the 2015 report, "Migrant Smuggling in Asia: Current Trends and Related Challenges".

## **I. DISBURSEMENT HISTORY**

### Global Programme against Trafficking in Persons (GLOT59)

<b>Time periods throughout the life time of the project (012008 –122016)</b> <i>(add the number of rows needed)</i>	<b>Total Approved Budget</b>	<b>Expenditure</b>	<b>Expenditure in %</b>
	USD 10,313,100	9,266,468	89.95%

<b>Time period covered by the evaluation (012010 –122016)</b>	<b>Total Approved Budget</b>	<b>Expenditure</b>	<b>Expenditure in %</b>
2008	0	678,402	
2009	1,040,200	964,874	93%

2010	862,300	757,298	88%
2011	934,800	922,841	99%
2012	1,077,800	1,031,882	96%
2013	1,373,300	1,154,330	84%
2014	2,631,800	2,243,009	85%
2015	2,392,900	1,513,832	63%
2016 <sup>197</sup>	2,365,973.08	1,459,461.31	62%

Global Programme Against Smuggling of Migrants (GLOT92)

<b>Time periods throughout the life time of the project (012010 –122016)</b> <i>(add the number of rows needed)</i>	<b>Total Approved Budget</b>	<b>Expenditure</b>	<b>Expenditure in %</b>
	USD 1,130,500	1,026,270	90.78%

<b>Time period covered by the evaluation (012010 –122016)</b>	<b>Total Approved Budget</b>	<b>Expenditure</b>	<b>Expenditure in %</b>
2010		101,049	
2011	107,500	296,523	99%
2012	339,400	296,523	87%
2013	57,500	55916	97%
2014	156,200	136,163	87%
2015	469,900	330,214	70%
2016 <sup>198</sup>	1,443,686.29	887,304.39	62%

## II. PURPOSE OF THE EVALUATION

The UNODC Human Trafficking and Migrant Smuggling Section is commissioning this independent mid-term cluster evaluation. The main objective of this independent evaluation is to generate and facilitate learning for the future of the programmes at hand as well as for future programming in the field of TIP and SOM. Moreover, the purpose of the mid-term cluster evaluation is to assess the achievements half-way through the Global Programmes as regards the Programmes’ relevance, design, efficiency, effectiveness, impact, partnerships and sustainability in order to derive lessons learned as well as best practices for the continuing implementation of the programmes as well as for future project planning in the area of TIP and SOM. Furthermore, it will

<sup>197</sup> These figures were added by HTMSS in this report but were not available in the ToR at the inception of this evaluation.

<sup>198</sup> This information was added by HTMSS in this report. It was not included in the ToR at the inception of the evaluation.

be assessed to what extent human rights aspects and gender mainstreaming have been taken into account during all phases of the programmes.

The mid-term evaluation will also assess the possibility of merging the two Programmes into a single Global Programme against TIP and SOM. This was a recommendation from the Independent Project Evaluation of “Promoting the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime” (GLOT55) in 2014. In addition, the mid-term independent evaluation is also taking place at this point since HTMSS has recently started implementing another Global Programme against TIP and SOM funded by the European Union (GLOZ67/GLO.ACT) and it would be good to assess and learn from GLOT59 and GLOT92 to improve and advance in programme design and implementation.

The mid-term cluster evaluation seeks to identify areas of improvement in the Programmes, to get feedback, appraisal and recognition, and to attract resources toward future projects. Through this mid-term cluster evaluation process and its findings, new strategic directions may be developed. The evaluation findings will be used to inform and better direct HTMSS programme strategy and activities in these thematic areas, as well as to help to effect change in the anti-trafficking and migrant smuggling sectors. In particular, the findings of the mid-term independent evaluation will be used to further develop the Programme(s)’ theory of change and the logical framework, including the performance indicators, with clear links between planned activities to intended outcomes or impacts and clearly articulated assumptions underlying these linkages.

The main mid-term cluster evaluation users are the Member States, the beneficiary Authorities, the Human Trafficking and Migrant Smuggling Section, and the donors. The evaluation report will be disseminated to the donors and Member States, which will give insight into the work of UNODC to support Member States in implementing the United Nations Convention against Transnational Organized Crime and its supplementing Trafficking in Persons and Smuggling of Migrants Protocols.

The beneficiary Authorities will be consulted during the evaluation process and the donors may be interviewed during the mid-term cluster evaluation process.

The evaluation will provide recommendations, to be followed upon and implemented. Mid-term cluster evaluation findings will be shared and presented among relevant stakeholders.

A final in-depth Evaluation of GLOT59 and GLOT92 will be planned as a follow-up to the mid-term cluster evaluation to assess the implementation of the evaluation recommendations.

### III. SCOPE OF THE EVALUATION

<b>Unit of analysis</b> (full project/programme/ parts of the project/programme; etc.)	Full Global Programmes
<b>Time period of the project/programme covered by the evaluation</b>	GLOT 59 01/01/2008 – 31/10/2016 GLOT 92 21/01/2010 – 31/10/2016
<b>Geographical coverage of the evaluation</b>	Global

	In addition field visits and/or surveys will be conducted in Central America (ROPAN), Colombia (COCOL), West Africa (ROSEN), Western Balkans, South Africa (ROSAF) and Middle East and North Africa (ROMENA).
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## IV. KEY EVALUATION QUESTIONS

### Evaluation Criteria

The evaluation will be conducted based on the following DAC criteria: relevance, efficiency, effectiveness, impact and sustainability, as well as partnerships and cooperation, gender and human rights and lessons learned. The questions will be further refined by the Evaluation Team.

<b>Relevance</b>
<i>Relevance is the extent to which the aid activity is suited to the priorities and policies of the target group, recipient and donor.</i>
1. To what extent are the Programmes the appropriate mechanism to prevent and combat trafficking in persons and smuggling of migrants as well as protect the victims of trafficking in persons and the rights of smuggled migrants?
2. To what extent are the Programmes the appropriate mechanism to promote international cooperation to prevent and combat trafficking in persons and smuggling of migrants?
<b>Efficiency</b>
<i>Efficiency measures the outputs - qualitative and quantitative - in relation to the inputs.</i>
1. What measures have been taken during planning and implementation to ensure that resources were efficiently used? To what extent did these measures contribute to efficiency?
2. To what extent have Programmes' resources been managed in a transparent and accountable manner? How well was the implementation of activities managed? How well were activities monitored by the Programmes? To what extent can these monitoring activities be improved?
3. To what extent did cooperation contribute to the efficiency of operations?
<b>Effectiveness</b>
<i>Effectiveness is a measure of the extent to which an aid activity attains its objectives.</i>
1. To what extent have the Programmes achieved its objectives and expected results (outputs and outcomes)? How well were outputs achieved?
2. How well did the structure of the Programmes contribute to fulfil the mandate of HTMSS? To what extent was the design appropriate to achieving the objectives of the Programmes?
3. What is the Programmes' added value vis a vis other actors?
4. How was the communication between Field/Regional Offices and the Programme management?
<b>Impact</b>
<i>Impact is the positive and negative changes produced by a development intervention, directly or indirectly, intended or unintended.</i>
1. To what extent do the Programmes contribute to the relevant Sustainable Development Goals?
2. To what extent have the Programmes pursued the possibility of assessing impact? Which provisions were made or could have been made, at the planning and implementation phase to assess change? What are the micro- or macro- long-term effects of the Programmes on beneficiaries and institutions?

3. What are the intended or unintended positive and negative long-term effects of GLOT59 and GLOT92 on human trafficking and migrant smuggling?
4. How well were the outputs contributing to higher objectives or goals? To what extent were the Programmes able to influence regional and national policies or strategies?
<b>Sustainability</b>
<i>Sustainability is concerned with measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn.</i>
1. To what extent will the benefits generated through the Programmes be sustained after implementation i.e. is there a phase out/hand over strategy after implementation of the activities?
2. To what extent have the stakeholders and beneficiaries taken ownership of the results, activities and goals of the Programmes? Are they committed to continue working towards these results after implementation of the activities?
<b>Partnerships and cooperation</b>
<i>The evaluation assesses the partnerships and cooperation established during the project/ programme as well as their functioning and value.</i>
1. To what extent have the activities and outputs benefited from the expertise of and cooperation with other relevant international/regional and non-governmental organizations?
2. How was the communication and knowledge exchange between responsible actors in the partner countries and the project management?
3. Were partners able and/or willing to provide their financial, HR contributions and/or in-kind contributions?
<b>Human rights</b>
<i>The evaluation needs to assess the mainstreaming of human rights aspects throughout the programmes.</i>
1. To what extent have human rights issues been adequately mainstreamed in the Programmes design? And in the implementation?
2. What measures have been taken during planning and implementation to ensure that human rights aspects were mainstreamed?
<b>Gender equality</b>
<i>The evaluation needs to assess the mainstreaming of gender aspects throughout the programmes.</i>
1. What measures have been taken during planning and implementation to ensure that gender aspects were mainstreamed?
2. What measures have been taken to ensure the inclusion of men, women and marginalised groups throughout the activities of the Programmes?
<b>Lessons learned</b>
<i>Lessons learned concern the learning experiences and insights that were gained throughout the project/ programme.</i>
1. What lessons can be learned from the implementation of the Programmes in order to improve performance, results and effectiveness in the future?
2. What good practices in general emerged from the implementation of the Programmes that can be replicated in other programmes and projects?

## V. EVALUATION METHODOLOGY

In order to assess the implementation of the programmes in as much detail and accuracy as possible, the theories of change of both programmes will be reconstructed. The evaluation will be conducted

on the basis of these reconstructions and not on the basis of the original project documents in order to represent actual activities and assumptions of the programmes that might not be rightly reflected in the original underlying documents. This exercise might be accompanied by a case study of selected programme activities.

The emphasis of the methodology for the mid-term cluster evaluation clearly lies on a mixed methods approach. Furthermore, the methods applied will be gender-sensitive and inclusive in order to include the voices and opinions of men, women and other marginalised groups. The application of quantitative as well as qualitative data collection as well as analysis methods will enable the evaluation team to triangulate any findings and test rival hypotheses.

The mid-term cluster evaluation team will perform a desk review of the existing documentation of the programmes as per preliminary list of documents in Annex II to independently assess and validate evidence gathered with regard to the project from different sources of information, cross-checked and triangulated by primary research methods. Secondary data sources for the desk review will include the UNODC project documents and their revisions, semi-annual and annual reports as per UNODC monitoring system, relevant donor reports, the Trafficking in Persons and Smuggling of Migrants Protocols and the Transnational Organized Crime Convention; the UNODC Strategy to Combat Trafficking in Persons and the Smuggling of Migrants, 2012; the Strategic framework for the biennium 2016-2017, sub-programme 1: "Countering transnational organized crime and illicit trafficking, including drug trafficking"; the GLOZ67 project document and logical framework and the HTMSS Monitoring and Evaluation Methodology.

Primary sources of data will include, among others, interviews with key stakeholders (face-to-face during field missions or by telephone), the use of surveys and questionnaires as well as observations during field visits.

The mid-term cluster evaluation team will summarize the review of documentation in an inception report, which will specify the evaluation methodology (evaluation matrix) relating evaluation questions to evaluation criteria, indicators, sources of information, methods of data collection. The evaluators will also formulate first hypotheses as well as identify areas that have to be explored further during the field missions as well as include a detailed work plan.

The methodology should consider in how far a global coverage of the Programmes through primary and secondary data sources is feasible and recommendable. In general, the evaluators will utilize different methods to address all of the stakeholders, including case study analysis through the proposed field missions.

The evaluation methodology must conform to the Norms and Standards for Evaluation in the United Nations System.

## VI. TIMEFRAME AND DELIVERABLES

The evaluation is expected to start on 1 September 2016 and will be conducted by 2 International Evaluation Consultants. Each consultant will allocate 60 working days to complete the evaluation which includes the time for above-referenced field visits.

<i>Duties</i>	<i>Time frame</i>	<i>Location</i>	<i>Deliverables</i>
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Desk review and preparation of draft Inception Report	12 September 2016 – 26 September 2016 (10 working days)	Home based	Draft Inception report containing: preliminary findings of the desk review, refined evaluation questions, data collection instruments (including questionnaire and interview questions), sampling strategy, evaluation matrix and limitations to the evaluation
Review and subsequent clearance of draft Inception Report by IEU (can entail various rounds of comments)	26 September 2016 – 03 October 2016 (2 working days)		Revised draft Inception Report
<b>Deliverable A: Final Inception Report in line with UNODC evaluation norms, standards, guidelines and templates</b>	<b>By 03 October 2016 (12 overall working days)</b>		<b>Final Inception report to be cleared by IEU</b>
Interviews with staff at UNODC HQ/FO; Evaluation mission: briefing, interviews; presentation of preliminary findings	03 October 2016 – 04 November 2016 (20 working days)	UNODC/HQ; Countries/Cities	Presentation of preliminary findings
Drafting of the evaluation report;	07 November 2016 – 28 November 2016 (10 working days)	Home based	Draft evaluation report
Submission to IEU for review and consideration of IEU's comments	28 November 2016 – 07 December 2016 (3 working days)		
Submission to Project Management for review of factual errors	08 December 2016 – 15 December 2016		

Final consideration of comments from the project manager and incorporation of comments from IEU	16 December 2016 – 19 December 2016 (2 working days)	Home based	Revised draft evaluation report
<b>Deliverable B: Draft Evaluation Report in line with UNODC evaluation norms, standards, guidelines and templates</b>	<b>By 19 December 2016 (35 overall working days)</b>		<b>Draft evaluation report, to be cleared by IEU</b>
IEU to share draft evaluation report with Core Learning Partners for comments	19 December – 07 January 2017		
Consideration of comments from Core Learning Partners	08 January 2017 – 16 January 2017 (6 working days)	Home based	Revised draft evaluation report
Final review by IEU; incorporation of comments and finalization of report	16 January - 31 January 2017 (5 working days)	Home based	Revised draft evaluation report
<b>Deliverable C: Final evaluation report incl. Management response (if needed); presentation of evaluation results</b>	<b>By 01 February 2017 (2 working days for small workshop &amp; presentation; 13 overall working days)</b>		<b>Final evaluation report; Presentation of evaluation results. All to be cleared by IEU</b>
<b>Project Management:</b> Finalise Evaluation Follow-up Plan in ProFi	By 28 February 2017		Final Evaluation Follow-up Plan to be cleared by IEU
<b>Project Management:</b> Disseminate final evaluation report			Final evaluation report disseminated

### Deliverables

The Lead Evaluator will have the overall responsibility for the quality and timely submission of all deliverables as specified below:

- Inception report containing a work plan, methodology, evaluation tools and refined evaluation questions, to be reviewed, commented on and (after corresponding revision by the evaluation team) cleared by IEU;
- Draft evaluation report in line with the UNODC evaluation policy guidelines and templates<sup>199</sup>; to be reviewed, commented on and (after corresponding revisions by the evaluation team) cleared by IEU;
- Final evaluation report, in line with UNODC evaluation policy, guidelines and templates (cleared by IEU) and evaluation brief (template to be provided by IEU);

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<sup>199</sup> All evaluation guidelines, templates, etc. to be used in the evaluation process are to be found on the IEU website: <http://www.unodc.org/unodc/en/evaluation/in-depth-evaluations-step-by-step.html>

## ANNEX III. EVALUATION TOOLS: INTERVIEW AND SURVEY GUIDES

In order to collect the needed information amongst all stakeholders and ensure due process, it was best to design a series of interview guidelines. All interview guidelines will start with the following key points:

*In header- put the name of the evaluators present for our own reference*

Name of stakeholder:

Position:

Date and location of the interview

- The evaluator thanks the interviewee for awarding time to answer our questions
- Restate objectives of the evaluation: The mid-term cluster independent evaluation objective is:
  - a) to determine the extent to which planned objectives and outcomes of both programmes were achieved by October 2016;
  - b) to identify lessons learned and best practices to inform the continuation or adjustment of activities for both programmes
  - c) to assess whether the two programmes can be joined into one or not, and
  - d) to assess the integration of HR and GE in both programmes
- Explain the confidentiality of this interview and how that person's name will not be mentioned in the evaluation or any discussion related to the findings of the evaluation. Inform of the time needed for the interview -30 to 45 minutes and that their participation will be taken as the informed consent.
- Ask first question about that interviewee's responsibility or affiliation with the programmes to get context and level of engagement.

Interview guidelines will be divided according to six types of stakeholders as identified above (sampling) and according to GE&HR guidelines and considerations for 1) UNODC HQ; 2) UNODC field Offices; 3) donors; 4) beneficiaries; 5) implementing partners; and 6) other relevant stakeholders (bellwethers for example).

Interview question sheets will be prepared the day or a few days beforehand following the matrix from the IR and the instructions below. Each questionnaire should be adjusted to the interviewee. The interview should not exceed 45 minutes. Leave the right part of the page for note taking and comments – additional questions

A question excel sheet has been prepared with sub-questions to each question found in the matrix above. The excel sheet is changeable according to the type of stakeholder being interviewed

**Interview notes guideline** – at the end of each day, the team members will review their notes and summarize them to send to the team leader following the template below.

### Minutes template for interviews

**Stakeholder:**

**Location:**

**Date:**

**Stakeholders attending:**

#### Interview Overview

Write the answers on the questionnaire sheets so it is easier for reference. But in a summary form with key critical points that answers the questions (electronically).

Here highlight any questions that could not be answered either through lack of time, refusal of the stakeholder.

Highlight any sensitivity during the interview.

Relevance:

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#### Key Takeaways and additional information to collect

Examples:

- Had no information on GE&HR
- Outcomes indicators are difficult to integrate on policy and legislative technical support because of lack of resources for data collection and for country level assessment before programming

A survey questionnaire was also developed by the evaluation team to reach out to a larger number of national stakeholders and assess tools and capacity building delivered under the two programs.

The following questions were in Spanish, French and Arabic and integrated within the survey software that enabled the team to extract the analysis and charts.

*Survey on UNODC capacity building activities – SOM and TIP*

Respondents:

1. Training participants
2. Trainers
3. State officials

Gender

Country (if possible)

Professional group/function

Role vis-à-vis UNODC:

1. which of these UNODC tools do you know:  
[list tools produced by GLOT59 and GLOT92 will be included in the software] [1-4]
2. Did you learn about them from?
  - UNODC training
  - Other training
  - UNODC conference/seminar
  - Other conference/seminar
  - Conference of Parties
  - UNODC website
  - A colleague
  - Other, please specify:
3. What type of tools do you find most helpful for your work if you need to gain more expertise or a new skill?
  - Training course curriculum
  - Training manuals
  - Issue paper
  - Case studies
  - Case law database
  - Videos
  - Mock scenarios
  - Others
4. Do you agree with the following statements? Choose three that you agree with-- PAST
  - a. the tools are applicable to my local realities
  - b. the tools are easily accessible
  - c. the tools are user friendly
5. Do agree with the following statements? Choose the three that you agree with the most:
  - a. the tools / trainings can be used to review and draft laws on TIP and SOM
  - b. the tools / trainings help me better understand gender issues related to TIP and SOM
  - c. The tools/trainings help me better understand human rights related issues to TIP and SOM

- d. The tools/trainings help me better understand the difference between TIP and SOM
- e. The tools/trainings assist in the successful implementation of the protocols on Tip and SOM in your country
- f. The tools/trainings assist in protecting the rights of and assisting victims of trafficking and vulnerable groups
- g. The tools/trainings assist in investigating and prosecuting cases of human trafficking

Have you participated in a training organized by UNODC?

- Yes, as a participant
- Yes, as a trainer
- no

IF YES, these questions will be added:

6. What type of training:

- Training
- Training of trainers
- Other, please specify

7. To which extent was the training useful to:

- Understand the phenomenon of TIP and SOM 1-4
- Enhance your ability to prevent and combat TIP and SOM 1-4
- Learn about available resources on TIP and SOM 1-4
- Exchange good practices and challenges 1-4
- Network and extend partnership 1-4
- Understand GE issues 1-4
- Understand HR issues 1-4

8. How are the newly gained knowledge, skills and resources transferred to your institution/professional:

- National curriculum
- Training of Trainers
- Training guide/manual
- Informal mentoring within your team/institutions
- In another way
- It is not yet transferred, but there is a plan to do so
- It is not transferred and there is no plan yet

9. Has there been any UNODC follow-up after the training?

- Yes
- No

If yes, how satisfied are you with the follow-up? 1-4 (very satisfied, satisfied, dissatisfied, very dissatisfied)

What could be improved?

How satisfied are you with UNODC's responsiveness to your request?

Where do you think lies UNODCs added value? [1-5]

- Technical expertise, delivery under UN flag, convening power, financial support, awareness raising/communication by UNODC?

## ANNEX IV. DESK REVIEW LIST

### **NORMATIVE FRAMEWORKS AND RELATED DOCUMENTS**

- 2030 Agenda for Sustainable Development, A/RES/70/1.
- Cámara Federal de Casación Penal (Buenos Aires) and Three court sentences from Buenos Aires 2012, 2012, 2013;
- Council of Europe Convention on Action Against Trafficking in Human Beings (2005) and related GRETA country reports
- EU Action Plan against migrant smuggling (2015-2020).
- EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016).
- European Committee on Crime Problems (CDPC). Working document: Preventing and suppressing the smuggling of migrants in CoE member states – A way forward, 70<sup>th</sup> Plenary Session, 27-30 June 2016, CDPC (2016) 4 Rev.
- European Committee on Crime Problems (CDPC). Working document: National Laws relating to smuggling of migrants in CoE member states, CDPC (2016) 3.
- New York Declaration for Refugees and Migrants, A/71/L.1\*.
- OSCE Action Plan on Combating Trafficking in Human Beings (2003) and related county visit reports by the OSCE Special Representative on Combating Trafficking in Human Beings
- Task Force on Combating Human Trafficking National Action Plan on Combating Human Trafficking for the Period 2015-2017, Adopted by The Austrian Government;
- UN. Report of the Secretary-General on Trafficking in women and girls A/71/223;
- UN. Conference of the Parties to the United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, Documentation and reports, available at: <https://www.unodc.org/unodc/en/treaties/CTOC/CTOC-COP.html>.
- UN. Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, Doha/Qatar, 12-19 April 2015, Background Documentation, available at: <https://www.unodc.org/congress/en/documentation.html>.
- UNTOC Convention and supplementing Trafficking in Persons and Smuggling of Migrants Protocols

### **UNODC CORPORATE DOCUMENTS**

- UN Commission on Narcotics Drugs/UN Commission on Crime Prevention and Criminal Justice, Proposed strategic framework for the period 2018-19 for UNODC, 5 December 2015, E/CN.7/2015/CRP.8-E/CN.15/2015/CRP.8.
- UNODC. Thematic Programme, Crime Prevention and Criminal Justice Reform, 2012-2015.

- UNODC. Strategic framework for the biennium 2016-2017, sub-programme 1: "Countering transnational organized crime and illicit trafficking, including drug trafficking";
- UNODC. Regional Programme for South Eastern Europe (2016-2019), A Partnership Framework for an Effective Regional Approach.
- UNODC. Regional Office for Central Asia, Programme for Central Asia, a partnership framework for impact related action in Central Asia, 2015-2019.
- UNODC. A Comprehensive Strategy to Combat Trafficking in Persons and the Smuggling of Migrants, 2012
- UNODC. UNODC and the Sustainable Development Goals, 2016.
- UNODC Position Paper on Human Rights (2012);
- Guidance Note on Gender Mainstreaming in UNODC (2013);

#### **GLOT 59 & GLOT 92 DOCUMENTS AND RELATED**

- GLOT59 and GLOT92 Project documents;
- GLOT59 and GLOT92 Project revisions and amendments' table;
- GLOT59 and GLOT92 Progress reports (Annual Programme Reports available in ProFi);
- GLOT59 and GLOT92 Donor reports (e.g. to US J/TIP and to US INL);
- GLOT59 and GLOT92 logical frameworks;
- GLO.ACT. Project document and logical framework;
- GLO.ACT. Monitoring, Evaluation and Learning documents (selected);
- HTMSS organigram;
- HTMSS matrix of responsibilities;
- HTMSS Monitoring and Evaluation Methodology (outline document);
- HTMSS Work Plan for the years 2013 to 2016.
- HTMSS Implementation Report (January-December 2015)
- HTMSS 2015 List of Activities and New Publications
- HTMSS Menu of Services on Trafficking in Persons and the Smuggling of Migrants;
- HTMSS Catalogue of Materials on Trafficking in Persons and the Smuggling of Migrants;
- HTMSS Monitoring Database (selected sections)
- HTMSS Wikis (selected sections)
- HTMSS Presentation of UNODC Human Trafficking Case Law Database
- HTMSS leaflets on Human Trafficking Case Law Database

- Independent Project Evaluation of “Promoting the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime” (GLOT55) (2014);
- Project Revision XMEX19;
- Rahel Gershuni, The Case Law Database: Reflections on How to Improve it, working document, October 2017.
- Report on the Smuggling of Migrants Case Law Database Expert Group Meeting, 14-15 Dec. 2015, Vienna.
- Reports on the Human Trafficking Case Law Database Expert Group Meetings, 21-22 February 2011, 24-25 September 2012, 22-23 June 2015
- Report on The Coordination Meeting of UNODC HTMSS and Trafficking in Persons Field-Based Training Focal Points (Expert Group Meeting, 7-11 September 2015, Vienna);
- Report Regional Training Workshop to Address the Smuggling of Migrant by Sea in Mexico, Central America and The Caribbean; 24-26 March 2015, Panama;
- SHERLOC Database, Mapping of Contributors SOM, HTMSS working document
- Sherlock case template for submission of cases to the case law databases
- 2015 Project Proposal Continued Funding for the Human Trafficking Case Law Database (24 months)
- 2016 Project Proposal for develop a Case Law Database on Smuggling of Migrants (24 months)
- UNODC Sherloc Smuggling of Migrants Case Law Database, Final Report of Consultant for SOM CLD consultancy, 7 October 2016.
- UNODC. United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Basic Facts.
- UNODC. Annual Appeal 2016, p. 52.
- UNODC. Remarks by John Brandolino, on the occasion of the follow up event to the High-Level Plenary Meeting of the General Assembly on addressing large movements of refugees and migrants. ‘Contributing to a Global Compact on Migration: Actions to Address Trafficking in Persons. New York, 29 September 2016.
- UNODC. Mid-term independent project evaluation, Management of the Voluntary Trust Fund for Victims of Trafficking, Especially Women and Children (GLOX42), December 2014.

#### **UNODC PUBLICATIONS AND TOOLS ON TRAFFICKING AND SMUGGLING**

- Anti-Human Trafficking Manual for Criminal Justice Practitioners (2009) + (RESTRICTED Version 2010);

- Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants (2012);
- Assessment Toolkit: Trafficking in Persons for the Purpose of Organ Removal (2015);
- Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants (2010) + (RESTRICTED Version);
- Combating Trafficking in Persons in Accordance with the Principles of Islamic Law (2010);
- First Aid Kit for use by Law Enforcement Responders in addressing Human Trafficking (2011);
- Global Report on Trafficking in Persons (2009; 2012; 2014);
- Human Trafficking Case Law Database;
- Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims Assistance and Protection (2010);
- In-depth Training Manual on Investigating and Prosecuting the Smuggling of Migrants (2011) + (RESTRICTED Version);
- International Framework for Action to Implement the Trafficking in Persons Protocol (2010);
- International Framework for Action to Implement the Smuggling of Migrants Protocol (2011);
- Issue Paper: A Short Introduction to Migrant Smuggling (2010);
- Issue Paper: Migrant Smuggling by Air (2010);
- Issue Paper: Organized Crime involvement in trafficking in persons and smuggling of migrants (2010);
- Issue Paper: Smuggling of Migrants by Sea (2011);
- Issue Paper: Transnational Organized Crime in the Fishing Industry - Focus on Trafficking in Persons, Smuggling of Migrants, Illicit Drugs Trafficking (2011);
- Issue Paper: The Role of Corruption in Trafficking in Persons (2011);
- Issue Paper: Abuse of a Position of Vulnerability and other "Means" Within the Definition of Trafficking in Persons (2012);
- Issue Paper: Corruption and the Smuggling of Migrants (2013);
- Issue Paper: The Role of 'Consent' in the Trafficking in Persons Protocol (2014);
- Issue Paper: The Concept of 'Exploitation' in the Trafficking in Persons Protocol (2015);
- Leaflets about Human Trafficking Indicators (2009);
- Leaflets about Trafficking in Persons (2009);
- Leaflets about Smuggling of Migrants (2009);
- The Global Review and Annotated Bibliography of Recent Publications on Smuggling of Migrants (Global Review) (2010);

- The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in TIP (2015);
- Toolkit to Combat Trafficking in Persons (2008);
- Training Film "Affected for Life" (TIP) (2009);<sup>200</sup>
- Training Film 'Victims not Villains: a supportive approach to interviewing victims of human trafficking', [https://www.unodc.org/centralasia/en/news/victims-not-villains\\_-a-supportive-approach-to-interviewing-victims-of-human-ttrafficking.html](https://www.unodc.org/centralasia/en/news/victims-not-villains_-a-supportive-approach-to-interviewing-victims-of-human-ttrafficking.html).
- UNODC Case Law Database on Sherlock: <https://www.unodc.org/cld/v3/sherloc/cldb/index.html?lng=en>
- UNODC Digest of Terrorist Cases, 2010.
- UNODC Digest of Organized Crime Cases, 2012.
- UNODC. Evidential Issues in Trafficking in Persons Cases (Case digest), 2016.
- UNODC. Migrant Smuggling in Asia, April 2015.
- UNODC Model Law against Trafficking in Persons (2008);
- UNODC Model Law against Smuggling of Migrants (2010);
- UNODC Research Brief, Multiple Systems Estimation for estimating the number of victims of human trafficking across the world, Sustainable Development Indicator 16.2.2.: "Number of victims of human trafficking per 100,000 population, by sex, age group and form of exploitation, 2016.

## JOINT PUBLICATIONS AND TOOLS

- Global Migration Group/IOM. Stocktaking Exercise on Crisis-Related Migration, November 2015.
- Global Migration Group/UNHCR. Protection at-Sea Stocktaking, November 2015.
- GMG Thematic Paper on the Exploitation and Abuse of International Migrants, particularly those in an Irregular Situation - A Human Rights Approach (2013);
- ICAT. An Analytical Review: 10 years on from the adoption of the UN Trafficking in Persons Protocol (2010);
- ICAT. The International Legal Frameworks concerning Trafficking in Persons (2012);
- ICAT. The next decade: Promoting common priorities and greater coherence in the fight against human trafficking - An Overview Paper (2012);
- ICAT. Preventing Trafficking in Persons by Addressing Demand (2014);
- ICAT. Issue Paper: Providing Effective Remedies for Victims of Trafficking in Persons, New York, 2016.

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Not uploaded to Unite Connections. Available here:  
<https://www.unodc.org/unodc/en/human-trafficking/video-and-audio-on-human-trafficking-and-migrant-smuggling.html>

- Note on the contribution of the Commission on Crime Prevention and Criminal Justice to the 2016 High-level Political Forum on Sustainable Development on “Ensuring that no one is left behind”;

## **PUBLICATIONS AND TOOLS BY OTHER STAKEHOLDERS**

- Alliance 8.7: [http://www.alliance87.org/wp-content/uploads/2016/09/ILO\\_Alliance87\\_VisionDocument\\_EN\\_Web.pdf](http://www.alliance87.org/wp-content/uploads/2016/09/ILO_Alliance87_VisionDocument_EN_Web.pdf).
- Barbara Sullivan (2015). “Trafficking in Human Beings”. In Laura J. Sheperd (ed.). Gender Matters in Global Politics. A feminist introduction to international relations. Routledge 2015.
- Centre for European Policy Studies/CEPS, Irregular Migration, Trafficking and Smuggling of Human Beings, Policy Dilemmas in the EU, 2016.
- Council of Europe. European Court of Human Rights/HUDOC, <http://hudoc.echr.coe.int/eng>.
- Council of the European Union. Final Report on Joint Operation Mos Maiorum, 22 January 2015. UNODC, Issue Paper, Smuggling of Migrant by Sea, 2011.
- European Commission, Legislation and Case Law, <https://ec.europa.eu/anti-trafficking/legislation-and-case-law/>.
- European Commission (2016). Final Report: Study on the gender dimension of trafficking in human beings;
- European Commission (2016). Final Report: Study on comprehensive policy review the European Commission of anti-trafficking projects funded by HOME/2014/ISFP/PR/THBX/0052;
- European Parliamentary Research Service/European Parliament (2016). Trafficking in Human Beings from a Gender Perspective, Directive 2011/36/EU, European Implementation Assessment, April 2016.
- Europol/Interpol, Migrant Smuggling Networks, Joint Europol-Interpol Report, Executive Summary. May 2016.
- Europol. Migrant Smuggling in the EU, 2016.
- European Parliament, Fit for purpose? The facilitation Directive and criminalization of humanitarian assistance to irregular migrants, 2016.
- FRA. Regular overviews of migration-related fundamental rights concerns, <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>
- FRA. Regular overviews of migration-related fundamental rights concerns, Thematic focus: Trafficking, <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-trafficking>.
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## **EVALUATION GUIDANCE**

- UNEG. Integrating human rights and gender equality in evaluation;
- UNODC evaluation guidelines, templates, handbook, policy;
- UNODC Inception Report Guidelines and Template;
- UNODC Evaluation Report Guidelines and Template.

## ANNEX V. LIST OF INTERVIEWEES

Number of interviewees	Organisation	Sex disaggregated data	Country <sup>133</sup>
1	CSO	0 male, 1 female	Austria
1	CSO	0 male, 1 female	Moldova
2	CSO	0 male, 2 female	Moldova
3	CSO	2 male, 1 female	Bosnia and Herzegovina
1	CSO	1 male, 0 female	Bosnia and Herzegovina
1	CSO	0 male, 1 female	Netherlands
1	CSO	0 male, 1 female	Spain
1	CSO	0 male, 1 female	Bangladesh
1	Donor	0 male, 1 female	Switzerland
1	Donor	0 male, 1 female	France
1	Donor	1 male, 0 female	France
1	Donor	1 male, 0 female	Norway
1	Donor	1 male, 0 female	Sweden
1	Expert	1 male, 0 female	International
1	Expert	1 male, 0 female	Strasbourg
1	Expert	0 male, 1 female	USA
1	Expert	0 male, 1 female	USA
1	Expert	0 male, 1 female	Australia
1	Expert	0 male, 1 female	Israel
1	Expert	1 male, 0 female	Australia
1	Expert	1 male, 0 female	EU
4	Government counterpart/ Beneficiary	0 male, 4 female	Moldova
2	Government counterpart/ Beneficiary	0 male, 2 female	Moldova
2	Government counterpart/ Beneficiary	2 male, 0 female	Bosnia and Herzegovina
1	Government counterpart/ Beneficiary	1 male, 0 female	Bosnia and Herzegovina
7	Government counterpart/ Beneficiary	7 male, 0 female	Morocco
1	Government counterpart/ Beneficiary	0 male, 1 female	Mexico
3	Government counterpart/ Beneficiary	1 male, 2 female	Panama
1	Government counterpart/ Beneficiary	1 males, 0 female	Dominican Republic
1	International Centre for Migration Policy Development (ICMPD)	0 male, 1 female	Bosnia and Herzegovina
2	International Organisation for Migration (IOM)	2 male, 0 female	Austria
5	IOM	2 male, 3 female	Moldova
2	IOM	0 male, 2 female	Morocco
1	IOM	1 male, 0 female	Panama
1	Law enforcement/ Beneficiary	1 male, 0 female	Moldova
2	Law enforcement/ Beneficiary	2 male, 0 female	Moldova

MID-TERM IN-DEPTH EVALUATION: GLOBAL PROGRAMMES AGAINST TRAFFICKING IN PERSON (GLOT59) AND AGAINST SMUGGLING OF MIGRANTS (GLOT92)

3	Law enforcement/ Beneficiary	2 male, 1 female	Moldova
2	Law enforcement/ Beneficiary	2male, 0 female	Bosnia and Herzegovina
2	Law enforcement/ Beneficiary	2 male, 0 female	Bosnia and Herzegovina
1	Law enforcement/ Beneficiary	0 male, 1 female	Belgium
2	Law enforcement/ Beneficiary	0 male, 2 female	Panama
1	OSCE	1 male, 0 female	Austria
2	OSCE	0 male, 2 female	Moldova
1	Recipient & Expert	1 male, 0 female	Ghana
1	Recipient & Expert	1 male, 0 female	Nigeria
1	UN WOMEN	0 male, 1 female	Moldova
1	UN WOMEN	1 male, 0 female	UN
1	UNHCR	0 male, 1 female	Moldova
1	UNICEF	0 male, 1 female	Morocco
14	UNODC	6 male, 8 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	0 male, 1 female	Austria
1	UNODC	0 male, 1 female	Austria
1	UNODC	0 male, 1 female	Austria
1	UNODC	0 male, 1 female	Austria
1	UNODC	0 male, 1 female	Austria
2	UNODC	0 male, 2 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	0 male, 1 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	1 male, 0 female	Austria
4	UNODC	4 male, 0 female	Austria
1	UNODC	0 male, 1 female	Austria
2	UNODC	1 male, 1 female	Austria
2	UNODC	2 male, 0 female	Austria
2	UNODC	1 male, 1 female	Austria
1	UNODC	0 male, 1 female	Senegal
1	UNODC	0 male, 1 female	Austria
2	UNODC	0 male, 2 female	Austria
1	UNODC	1 male, 0 female	Austria
1	UNODC	0 male, 1 female	Austria
1	UNODC	0 male, 1 female	Austria
1	UNODC	0 male, 1 female	Austria
2	UNODC FO	2 male, 0 female	Pakistan
1	UNODC FO	0 male, 1 female	Moldova
1	UNODC FO	0 male, 1 female	Egypt
2	UNODC FO	1 male, 1 female	Panama
1	UNODC FO	1 male, 0 female	Mexico
1	UNODC FO	1 male, 0 female	Colombia

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1	Expert	0 male, 1 female	Argentina
<b>Total= 13</b> <b>5</b>		<b>64 women, 71 men</b>	

## ANNEX VI. SUGGESTIONS FOR A HUMAN RIGHTS BASED APPROACH (HRBA) IN GLOT59 AND GLOT92

Based on the desk review and the exchange with stakeholders and specifically human rights actors involved in the evaluation process, the evaluation team has developed specific suggestions for future human rights responsive programming as follow:

- **Needs assessment** for future programming that captures (a) main human rights concerns in TIP and SOM at different levels and contexts (international and if possible also at the regional and national level); (b) rights holders' human rights claims and their capacity to claim their rights; (c) immediate, underlying and structural causes of the non-realization of rights; and, (d) human rights obligations of the different duty-bearers (MS) and their level of commitment and capacity. HTMSS should continue with the good practice of following up on the recommendations of international human rights bodies and mechanisms on TIP and SOM.
- Comprehensive, inclusive and participatory **stakeholders' mapping/analysis** to identify the role and capacity of different actors on human rights issues.
- Review of HTMSS **guiding documents** (monitoring mechanism document, checklist for training implementation, among others) to clearly reflect human rights considerations and provide guidance at this respect.
- Development and systematic use of **human rights indicators and indicators on cross-cutting human rights norms**<sup>201</sup>: The future M&E system (including indicators) of the programme(s) should be based on and relevant to the needs assessment and the theory of change of the programme(s). Specific and disaggregated human rights indicators, both quantitative and qualitative, are essential to monitor and assess the contribution of the programmes to the realization of human rights (special focus on the protection of smuggled migrants and victims of trafficking), both at process (during implementation) and outcome (result) levels. It will be very helpful to resort to human rights related partners (national human machineries, UNDG Human Rights Working Group, OHCHR, the European Union for Fundamental Rights/FRA, NGOs, etc.), specific expertise (consultants of HTMSS staff with expertise in the topic) and guiding tools (i.e. OHCHR, 2012. Human Rights Indicators: A Guide to Measurement and Implementation<sup>202</sup>) when developing these indicators and the whole M&E system. Besides, HTMSS in collaboration with OHCHR, could support dialogue, exchange and efforts to discuss and propose possible standard human rights indicators in human trafficking and smuggling of migrants.
- **Funding**: Mapping of donors supporting HRBA efforts and negotiation of financial support to integrate HRBA in programming.
- **Partnerships**: While the engagement of global programmes with human rights mechanisms has been recognized, it could benefit from a more structured engagement with the UNODC Human Rights Advisory Group (HRAG), the UNDG Human Rights Working Group<sup>203</sup> and inter-agency mechanisms as well as policy discussions on HRBA in programming.
- **Non-discrimination**: Inclusion and response to the rights of all the groups in a position of vulnerability because of cultural, social, economic and political factors (Lesbian, Gay,

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<sup>201</sup> Inclusion (Non-discrimination-equality), participation and accountability.

<sup>202</sup> <http://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>

<sup>203</sup> For example, the "Recommended Principles and Guidelines on Human Rights and Human Trafficking" by OHCHR

Bisexual, Transgender and Intersex/LGBTI people, women, children, refugees and asylum-seekers, stateless persons, ethnic minorities, and persons with disabilities, among others).

- **Participation:** Sustained recognition and engagement of victims of TIP and aggravated smuggling in programmes' initiatives based on UNODC's commitment to recognize survivors of trafficking as experts in the field and to engage them in the global dialogue, which can be achieved through engagement with CSOs.
- **Capacity building** efforts that reach both the survivors of trafficking and smuggled migrants to claim their rights (it could be done in partnership with other institutions and mostly with CSOs), and that of the different duty-bearers to respond to victims' and smuggled migrants' human rights.
- **Awareness raising** initiatives directed to duty-bearers, the variety of rights holders (including ethnic minorities) and the society at large with a focus on the rights and the agency of TIP victims and smuggled migrants and with a strong human rights language. The media was mentioned as a key partner for this purpose.
- **Assistance and protection:** The global programmes should consider the diverse challenges identified through desk review and exchange with human rights actors during the evaluation: equal access to justice and access to free judicial services; secondary victimization during criminal proceedings; lack of resources for victims' and witness protection; victims' assistance; compensation of victims; reintegration of victims in their countries of origin and opportunities in the destination countries (need to work with social workers and CSOs); and, prejudices against some victims among (specifically victims of sexual exploitation, *Roma* communities, etc.). Specific challenges were identified for the protection and assistance of smuggled migrants, for example: health assistance of migrants, sexual abuse of women in their migration paths, family reunification and HIV/AIDS, among others.

## ANNEX VII. SUGGESTIONS FOR GENDER MAINSTREAMING IN GLOT59 AND GLOT92

Based on the desk review, the exchange with stakeholders, specifically gender/women’s rights actors involved in the evaluation process, and the experience of the gender expert involved in the evaluation, the evaluation team developed specific suggestions for future gender responsive programming as follow:

LEVELS	SUGGESTED INTERVENTIONS/APPROACHES (WAY FORWARD)
<p><b>HTMSS’ Understanding &amp; Approach &amp;Capacity</b></p>	<ul style="list-style-type: none"> <li>- As already mentioned in the introduction of the evaluation report, there are increased efforts by the international community and also some MS to highlight that gender inequality and discrimination does not affect only women and men (girls and boys), but also transgender people and that it is important to identify and address gender based issues in relation to each – including with regard to particular vulnerabilities or access to assistance, rights and justice.</li> <li>- As already mentioned, the integration of gender issues is still very limited and not comprehensive in the criminal justice sector, and specifically in TIP and SOM efforts, it would be strategic to bring together the different gender-sensitive actors and prepare a “state of the art” on TIP and SOM from a gender perspective identifying key aspects as well as good practices to bear in mind, and strategies to adopt.</li> <li>- A partnership with UN Women would be strategic to reinforce the understanding and cooperation on gender issues and strategies regarding TIP and SOM. Besides, partnership with gender/women’s rights organizations and research centres with a focus on gender would strengthen HTMSS’ capacity on women’s rights, gender equality and gender mainstreaming.</li> <li>- Creation of a pool of experts in gender equality/gender mainstreaming to enable the development and delivery of products relevant to MS and of high professional standards.</li> </ul>
<p><b>Gender mainstreaming in programming</b></p>	<ul style="list-style-type: none"> <li>- Gender experts and advocates consulted during the evaluation, and a considerable number of UNODC staff, expressed the need to integrate gender mainstreaming as a way of working that requires expertise and capacity. In this regard, it is recommended that the global programmes move beyond the basic statement of “vulnerability of women and men” and translate gender equality into specific issues and reflect them in interventions and products (trainings, tools, Issue Papers, etc.).</li> <li>- Undertake a comprehensive, participatory and gender sensitive need assessment and stakeholders’ mapping/analysis to ensure that programmes are nationally owned and grounded in an analysis of the different contexts, cultures and capacities.</li> <li>- If global programmes want to be relevant, they will have to contribute to redress the underlying factors of TIP and SOM, including gender inequalities, committing long-term presence and support.</li> <li>- Develop gender mainstreaming responsive guidelines, tools and technical assistance materials to support staff and stakeholders in their efforts to advance gender equality.</li> </ul>

	<ul style="list-style-type: none"> <li>- Formulate gender specific performance indicators to track changes in advancing gender equality.</li> <li>- Data on training participants and trainers, EGM experts, HTMSS staff and consultants, among others, should be broken down and analysed by sex as much as possible to ensure equal representation and equal benefits for women and men. Disaggregation by age and other relevant factors (country of origin, for example) is also encouraged.</li> <li>- Involve victims of trafficking and smuggled migrants, both men and women and boys and girls with their different experiences and perspectives, in all stages (design, implementation, M&amp;E, update) and levels of the global programmes.</li> <li>- Involve individuals and organisations with expertise on gender issues (gender experts, women’s organizations, national government machineries for women, UN Women, etc.) in the identification and prioritization of issues and the definition of interventions.</li> <li>- Submission of a comprehensive funding proposal to enhance HTMSS’s capacity to deliver gender equality and gender mainstreaming to donors (specifically Sweden and Norway)</li> </ul>
<b>Legislative &amp; policy support</b>	<ul style="list-style-type: none"> <li>- HTMSS’ support to MS has to be aligned with regional and national frameworks making this alignment explicit while promoting the advancement of human rights and gender equality legislation and policies in the countries.</li> <li>- Integration of gender considerations in laws and policies ensuring that women’s organizations, gender/women machineries and gender experts participate and are involved.</li> <li>- Alongside the changes and developments in legislation and policies, efforts have to be deployed to change the perspectives, prejudice, stereotyped ways of thinking and working of duty-bearers.</li> </ul>
<b>Trainings &amp; Capacity Building</b>	<ul style="list-style-type: none"> <li>- Participation of women’s organizations, gender advocates, CSOs, social workers and media in events and trainings.</li> <li>- Identify and engage gender experts as trainers and experts, ideally those experienced in working with criminal justice and law enforcement stakeholders as well as in working in less and least developed countries. As gender is context related, it is important to involve local experts., which is something that UNODC already does.</li> <li>- Although the low level of participation of women in the trainings could be explained by the fact that women’s representation in the law enforcement sector is low or very low, although not globally, more efforts should be deployed to pro-actively reach out to increase women’s participation in the capacity building activities (while through partnerships contributing to overcoming the underlying factors for this underrepresentation of women among law enforcement professionals).</li> </ul>
<b>Tools for trainings &amp; law/policy development</b>	<ul style="list-style-type: none"> <li>- Gender has to be part of each and every tool in a substantive way (gender as an underlying factor, gender dimensions of TIP and SOM, and gender implications for prevention, prosecution and protection efforts). For that purpose, specific gender expertise has to be convened to the spaces and processes for this purpose. It is important to engage consultants and experts with gender lenses, but moreover with gender expertise as well as gender-sensitive methodological knowledge and experience.</li> </ul>

<p><b>Assistance &amp; Protection of victims</b></p>	<ul style="list-style-type: none"> <li>- Assistance provision is hard and very long-term and CSOs are stretched - UNODC could support their efforts ensuring long-term commitment and support. UNODC should first identify the CSOs working in human trafficking and smuggling of migrants at the national and international levels and engage with them in an analysis of their capacities to respond to the assistance and protection challenges (stakeholder mapping/analysis). Secondly, UNODC could direct these CSOs to relevant information, guidelines, tools and resources to enhance their capacity. Thirdly, UNODC should systematically involve CSOs in national and international dialogues and policy development processes. Besides, at the national level, UNODC could advocate for strategic partnerships between government and CSOs to respond to protection and assistance of victims –these partnerships could include funding and resources to support innovative assistance &amp; protection gender sensitive practices by CSOs.</li> <li>- Support gender-sensitive and human rights-centred assistance and protection services that adequately respond to the different needs of victims of trafficking and smuggled migrants. It was raised that most TIP assistance services tend to be tailored to the needs of women and girls trafficked for sexual exploitation purposes, while trafficked men encounter difficulties in accessing existing protection shelters for men and boys are not available).</li> </ul>
<p><b>Awareness raising &amp; Research</b></p>	<ul style="list-style-type: none"> <li>- Raise awareness amongst law enforcement on gender and age factors in TIP and SOM.</li> <li>- While quantitative data and information (numbers of victims of TIP and smuggled migrants) are extremely important, further research and discussion of qualitative issues is necessary to better understand the experiences, needs and interests of women, men, boys and girls and of all groups in a situation of vulnerability.</li> <li>- Raise awareness on the different purposes of trafficking (economic exploitation for example) and the variety of victims (men and boys; LGBTI people, and women and girls that may be trafficked for other purposes, such as domestic and agricultural work or begging). Documentation and gender specific stakeholders interviewed inform of a stereotyped image of victims among prosecutors and people in general (women, and especially young women and girls, from poor countries as victims of sexual exploitation). As informants of this evaluation have raised this is a very dangerous presumption hindering the protection of human rights of all victims irrespective of their age, gender or origin. For example, in some contexts like the Dominican Republic, young males are not seen as victims of trafficking for sexual exploitation.</li> <li>- Include minorities (Roma people, indigenous for example) as recipients of awareness raising activities.</li> </ul>

## ANNEX VIII. OUTCOME TABLES FOR BOTH PROGRAMMES

	<b>GLOT59 (TIP)</b>	<b>GLOT92 (SOM)</b>
<b>Outcome 1 - Prevention &amp; awareness-raising</b>	International community and selected countries translate increased awareness of trafficking in persons into national strategies and/or action plans.	Selected countries adopt a pro-active response to smuggling of migrants.
<b>Outcome 2 - Data collection &amp; research</b>	Assisted countries improve their ability to sustainably collect, store, analyse and report data on human trafficking and translate these into legislation, national strategies and/or action plans.	Assisted countries improve their ability to sustainably collect, store, analyse and report information concerning criminal justice proceedings of migrant smuggling and related conduct and translate this information into legislation, national strategies and/or action plans.
<b>Outcome 3 - Legislative assistance</b>	Selected countries increase compliance of domestic legislation with the TIP Protocol.	Assisted countries have revised or elaborated and enacted domestic legislation required for the implementation of the UN Migrant Smuggling Protocol.
<b>Outcome 4 - Strategic planning &amp; policy development</b>	Selected countries and regions develop and operationalize comprehensive strategies and policies to prevent and combat trafficking in persons.	Selected countries and regions adopt and operationalize comprehensive strategies to prevent and combat smuggling of migrants.
<b>Outcome 5 - Criminal Justice System Response</b>	Criminal justice actors in selected countries develop an effective response to trafficking in persons.	Criminal justice actors in selected countries develop an effective response to smuggling of migrants.
<b>Outcome 6 - Protection &amp; support</b>	Selected countries develop comprehensive and effective legal and administrative systems to assist and protect victims that are translated into legislation, strategies and action plans.	Relevant actors in selected countries are provided with support to protect and assist smuggled migrants.
<b>Outcome 7 - Regional and international cooperation</b>	Selected countries develop or improve international cooperation mechanisms to become more effective in handling cases of human trafficking.	Selected countries develop or improve international cooperation mechanisms to become more effective in handling migrant smuggling casework.