

## ANNEX 1

### **ACTION FICHE 1 – EIDHR 2010 AAP**

#### **1. IDENTIFICATION**

Title/Number	<b>Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk</b>		
Total cost	<b>€14 million</b>		
Method/ Management mode	Project approach — Call for proposals - — <i>Centralised</i> )		
DAC code	15160	Sector	Human Rights and Democracy

#### **2. RATIONALE**

The EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. EU policy in support of democracy and human rights in third countries has been articulated and developed in Commission communications, European Parliament resolutions and Council conclusions over the years, including specific EU Guidelines on particular human rights issues. As indicated in the Lisbon treaty, democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law will now guide all Union's actions on the international scene. In recent years some countries have moved towards more open societies, fairer electoral processes, and greater commitment on a range of human rights issues. However, many countries remain autocracies where basic freedoms are systematically repressed.

Building on its key strength — the ability to operate without the need for host government consent — EIDHR is able to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations (CSOs), which need to preserve their independence from public authorities. EIDHR can also be active in countries with who relations may be described as “difficult partnerships”, posing obstacles to intervention through geographic programmes.

The EIDHR Strategy Paper 2007-2010 has identified as its Objective 1 ‘Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk’. This is the objective covered by this Action Fiche for 2010.

### **3. DESCRIPTION OF THE CALL FOR PROPOSALS**

#### **3.1. Basic act and financing source**

Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1), in particular Articles 1.2.a and 2.1.(a) and (b).

This action will be financed from budget line 19 04 01, for a total of €14,000,000.

#### **3.2. Objectives of the programme, fields of intervention/priorities for the year and expected results**

This Action will focus on countries characterised by a serious lack of fundamental freedoms, high risk for human security, high pressure on human rights defenders, difficulty for civil society to operate and little or no room for political pluralism.

The overall objective of this Action is to support local stakeholders and civil society organisations in their work aimed at promoting positive changes in countries and regions where human rights and fundamental freedoms are most at risk.

Considering the difficult context in which the beneficiaries will operate, the expected outcomes are primarily empowering local stakeholders and strengthening the capacity of local civil society (NGOs, trade unions, journalists, human rights defenders, etc.) to organise and express itself, to exercise its rights and take part in international fora.

Actions could include a mix of activities ranging from monitoring, public information and awareness-raising to capacity building, training on human rights issues and dialogue with key stakeholders.

The activities under this action should promote a holistic approach to human rights and should, in these difficult countries, specifically seek to improve:

- freedom of thought, conscience and religion;
- freedom of opinion and expression;
- access to information and the right to communicate, including freedom of the media, fight against censorship, and access to the internet;
- the right to peaceful assembly and association, including the right to form and join a trade union and the right to collective bargaining;
- freedom of movement within the borders of a state, and the right to leave any country, including one's own, and to return to one's country.

Provided the focus is on these freedoms, projects may be combined with campaigning on other human rights issues – in particular social, economic and cultural rights.

The gravity of the situation and the effectiveness of the action are to be the two key considerations for assessing and prioritising project proposals.

Priority will be given to activities addressing in-country situations where fundamental freedoms as identified above are the least secure, and where disrespect for human rights is particularly pronounced. These situations can be characterised by the following selected indicators (non-exhaustive list):

- Restrictions on freedom of association (e.g. regular and widespread obstacles to the registration of civil society organisations and their independent operation, forced closure of civil society organisations, and physical threats to their members);
- Restrictions on the right to peaceful assembly (e.g. frequent prohibition or violent repression of peaceful protests);
- Restrictions on freedom of expression, access to information and the right to communicate (e.g. regular repression of and major reprisals for criticism of public policies; obstacles to the collection, publication and dissemination of information on human rights, including access to the internet; general censorship);
- A threatening and insecure environment which seriously undermines the right to life and physical and mental integrity (e.g. extra-judicial killings, death threats, beatings, torture and ill treatment during questioning or detention);
- Restrictions on the right to a fair trial and due process (e.g. regular disregard of due process, arbitrary arrests and detention, lack of impartial tribunal and appropriate jurisdiction, restrictions on the exercise of legal defence, legal harassment on baseless charges).

Grant applications need to describe these situations as specifically as possible, with reference to independent monitoring reports and external independent indicators. Such situations may be confined to a particular region or may affect only a particular group in a country which is otherwise less repressive. The indicators must help establish project relevance: the graver the situation, the higher the priority.

Transnational and regional activities may also be supported, provided the focus is on situations as described above. Projects may also include ‘out of country’ operations – in neighbouring countries, with the diaspora or the refugee community, etc.

### **3.3. Eligibility conditions**

Eligible actors under this Action will be primarily civil society organisations as defined in Article 10 of Regulation (CE) 1889/2006, preferably based in the country itself, in the region or in the EU, but no nationality restriction will be applied to applicants or partners. Where possible, local partner organisations should be involved, though the particular circumstances of each situation will determine how this may be done without putting them at risk or creating further resistance to democratic reform. Local partner organisations benefiting from the projects can be organisations that have lost their legal personality, or groups of natural persons and organisations without legal personality and which will be eligible for reimbursement of their expenditure on the activities involved. They will be considered as informal

partners taking part in the implementation of the action but without being a formal member of the partnership.

International organisations and other actors within the meaning of Article 10 of Regulation (EC) No 1889/2006 may also be eligible and/or associated, especially where they can offer particularly useful access and means of action.

Under certain conditions proposed by the beneficiary, accepted by the Commission and strictly defined in the contract, the beneficiary of the EU financing will be authorised to give financial support in the form of grants to third parties. This financial support will not be the primary aim of the EU financing and the amounts concerned will, in accordance with the Financial Regulation, be small (maximum of €10,000 per third party and up to a maximum total of €100,000 per contract).

### **3.4. Essential selection and award criteria**

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions.

The maximum possible rate of co-financing for grants is 90%. Full financing may only be applied in the cases provided for in Article 253 of the Implementing Rules of the Financial Regulations where financing in full is essential to carry out the action in question. This provision is of particular relevance for this action.

Grants awarded under this call are expected to amount to between €150,000 and €1,200,000.

The evaluation criteria for awarding a partnership grant will be adapted to the specific nature of this action.

When publishing the grants awarded under this objective, special attention will be given to the requirements of confidentiality and security.

### **3.5. Schedule of calls for proposals**

The call for proposals was launched in December 2007 and remains open until 2010. The 2010 deadline will be published on the EuropeAid Call for Proposals and Procurement Notices web page. It is expected to fall within the first half of 2010 and will be the final deadline for implementing the 2007-2010 EIDHR Strategy Paper.

### **3.6. Indicative amount of call for proposals**

The indicative total amount for this Action is €14 million in 2010.

Any remaining balance from one Action may be reallocated to the budget of another Action, preferably within the same strategic objective.

## **4. SUPPORT MEASURES**

Given the sensitive nature of this Action, it may be very important to provide political support and to take complementary measures using other EU tools such as

political dialogue. Close information links will therefore need to be maintained with EU Delegations on the spot.

Monitoring missions will be carried out by external experts, and follow-up missions by the operational staff of the Commission. The Action will also be covered by individual project evaluations or thematic evaluations.

## ANNEX 2

### ACTION FICHE 2 – EIDHR 2010 AAP

#### 1. IDENTIFICATION

Title	<b>Contribution to the European Humanities University Trust Fund</b>		
Total cost	EU contribution: €1 million		
Aid method / Management mode	Project approach – Joint Management with the Nordic Council of Ministers (NCM)		
DAC-code	15160	Sector	Human Rights and Democracy

#### 2. RATIONALE

##### 2.1. Sector context

EU assistance to Belarus is guided by successive GAERC conclusions on Belarus. According to the November 2004 GAERC conclusions, assistance to Belarus will aim to “support the needs of the population and democratisation notably by humanitarian, regional, and cross-border cooperation and by projects supporting directly and indirectly democratisation and democratic forces in Belarus”.

The November 2005 GAERC conclusions further specify that assistance will seek to “promote shared democratic values between the people of the EU and Belarus by intensifying people-to-people contacts and by strengthening good neighbourly relations across borders (e.g. through student and scientific exchanges, scholarships, youth travel, contacts between small- and medium-sized enterprises, training local authority officials, etc)”. More recently, the October 2008 GAERC conclusions reiterate the EU’s aim of “encouraging genuine progress towards strengthening democracy and respect for human rights in that country” while the March 2009 GAERC conclusions affirm that “the European Union will continue to provide assistance for Belarusian civil society in order to promote the development of a democratic and pluralist environment.” and that “the European Union remains ready to deepen its relations with Belarus subject to progress made by Belarus on the path towards democracy, human rights and rule of law and to assist Belarus in attaining these objectives.”

Education is one of the most important areas in laying the foundations for democracy, and the European Commission fully acknowledges the key role of Belarusian young people in the democratisation process in Belarus. Since 2005, the European Commission has given sustained support to Belarusian civil society in general and to the higher education sector in particular. The European Humanities University in exile plays an important role in this regard. It is currently the only independent Belarusian university that allows Belarusian students to study such

disciplines as Political Sciences and European Studies, Communication and Media, International and European Law (including Human Rights Law), Belarusian studies, Cultural Studies, Democracy and Civil Society, Social and Political Philosophy, Modern Art, etc, without political interference. The political value of the EHU is therefore evident so long as the current situation in Belarus prevails. In coordination with other donors, the European Commission has agreed to provide longer-term support to the EHU through a dedicated multi-donor Trust Fund, which was set up and is now managed by the Nordic Council of Ministers. Its aim is to help the EHU fulfil its educational and democratisation mission through financial support in the medium-term or until such time as the situation in Belarus allows the EHU to return to the country, and with a view to the university becoming self-sustainable in the future. The Trust Fund has become the main mechanism for channelling the financial contributions of the international donor community to the EHU. In addition to the EU and 12 EU Member States, also the NCM, the United States, Norway and the MacArthur Foundation (a private US foundation) give donations through the Trust Fund

## **2.2. Lessons learnt**

The European Union is currently supporting Belarusian students studying at the EHU and universities in other neighbouring countries like Poland and Ukraine.

The two projects (DDH/2005/113-304 and TACIS/2006/123-919) for supporting higher education for Belarusian students amount to €6.7 million, out of which €5.5 million have been directly allocated to the EHU through the Nordic Council of Ministers, making the EU the main donor of the EHU. The first project helped the EHU to set up in Vilnius (+ 350 students), while the second provides scholarships to repressed Belarusian students (205 at the EHU and 100 in Ukraine) who had been penalised by the Belarusian regime following their participation in the post-election demonstrations of March 2006. The second project also covers the living expenses of students covered by the first project. These projects cover the expenses of students enrolled in 2005 and 2006.

A third project (ENPI/2007/143-031) was established to help bridge the financial gap until a long-term solution for the EHU was in place. It provides scholarships to 65 Belarusian students who enrolled in 2007 in the BA programmes at the EHU in Vilnius. The EU contribution amounts to €1 million.

The EHU is now providing independent education to Belarusian students. Despite the significant support provided by the EU and other donors, the EHU has yet to become a self-sustaining university.

The Nordic Council of Ministers (NCM) is managing the above EU assistance projects to the EHU and has also set up co-ordination mechanisms among the donor community. At the Commission's initiative, the NCM established a Trust Fund on 13 June 2008. This is the main channel for donor support to the EHU. Its purpose is to raise, accept and make use of primarily non-earmarked funds provided by donors for the University while situated in Vilnius, with a view to EHU becoming self-sustainable in the future. The Trust Fund will help ensure sound financial governance and transparency in that it will guarantee regular reporting to contributing donors and audits in accordance with international standards. The EU has contributed €1 million

to the EHU Trust Fund through a fourth (DDH/2008/165-508) and a fifth project (DDH/2009/208-895).

### **2.3. Complementary actions**

In addition to support targeted at studies in the EHU, the Commission has also provided scholarships for Belarusian students under the Erasmus Mundus Programme as from 2007. Under the Erasmus Mundus External Co-operation Window (EMECW), Belarusian students will be able to study abroad at an EU university of their choice. The EU contribution in 2009 set aside for Ukraine, Belarus and Moldova is €5.3 million.

In recognition of the difficult situation that Belarusian students are facing, there is a special measure in the EMECW programme for 'vulnerable groups', which are described as follows: "Nationals of the third-countries concerned by the geographical lot who are in particularly vulnerable situations. It may cover mobility for students holding the nationality of one of the third-countries concerned and having a refugee status or asylum beneficiaries (international or according to the national legislation of one of the European recipient countries) or where it can be proved that they have been the object of unjustified expulsion from university on racial, ethnic, religious, political, gender or sexual inclination grounds".

### **2.4. Donor coordination**

Donor coordination is a matter for the Trust Fund, which will ensure consistent support for the EHU by bringing donors' primarily non-earmarked contributions together and which will thus be able to identify gaps and avoid overlaps in donors' financing. The Trust Fund is open for financial contributions from all kinds of donors.

An EHU International Board, consisting of donor representatives and other committed individuals, was set up at the initiative of the Nordic Council of Ministers (NCM) and the McArthur Foundation. The EHU Governance Working Group was commissioned by the EHU International Board in November 2006 to make recommendations on how to establish a Governing Board within the university structure of the EHU. The international Board of Governors was subsequently established in 2007, with the purpose of providing strategic guidance and fiduciary oversight for the EHU. The Board supports EHU management and administration, and works towards maximising fundraising efforts. An EHU Trust Fund Advisory Committee that will advise the EHU Trust Fund Manager on donor coordination and fundraising is in the process of being established as a follow-up to the EHU Trust Fund proper.

In addition, the Commission organises donor coordination meetings on a regular basis both in Brussels and in Belarus. EU Member States, IFIs and other donors such as the US, Canada, Norway and Ukraine take part.

### **3. DESCRIPTION**

#### **3.1. Objectives**

The overall objective of EU support to the EHU Trust Fund is to boost democratic development in Belarus by giving young Belarusians access to independent higher education.

The specific objectives of the project are as follows:

- to give access to higher education to young Belarusians in an environment of academic and political freedom through the EHU;
- to provide education geared specifically to enabling the target group to develop democratic values in Belarus;
- to contribute to the education, housing and subsistence of Belarusian students throughout their studies (max. 4 years)
- to provide sustainable financial support to the EHU by pooling the contributions of the EU and other international donors via a Trust Fund mechanism.

#### **3.2. Expected results and main activities**

The project is expected to have the following results:

1. enable the EHU to provide education and subsistence to Belarusian students deprived of a chance to acquire relevant higher education;
2. guarantee the long-term sustainability of EHU by pooling the EU funding and the contributions of other donors and encouraging new financial initiatives from the international donor community.

The main activities of the project include running a range of BA and MA degree programmes (spring and autumn semesters in each calendar year) focused on the skills and knowledge necessary for developing democratic institutions, civil society and human rights in Belarus.

Indicatively, and not exhaustively, the contributions will include students' living expenses (including subsistence allowance and housing allowance) and health insurance.

#### **3.3. Stakeholders**

The beneficiaries of the project are the Belarusian students. The main stakeholders are the EHU donor community (EU Member States, international organisations, NGOs and other countries, including the US), and Belarusian civil society as a whole.

#### **3.4. Risks and assumptions**

##### **3.4.1. Risks**

- The political regime in Belarus does not officially object to Belarusian students studying abroad, although it does discourage Belarusian students from studying at the EHU. There is a risk that the Belarusian authorities may apply repressive measures, both against the students and the Belarusian teaching staff, but this risk has not yet materialised and most students and staff are able to move and study without major impediments.
- The degrees awarded by the EHU are unlikely to be recognised in Belarus in the current political situation. Therefore, students might face difficulties finding a job related to their qualifications upon their return to Belarus. This risk applies essentially to State-run and institutional organisations; other entities might on the contrary be keen on employing students with up-to-date knowledge and skills. The issue of recognition is mainly linked to political issues and the fact that Belarus is lagging behind in terms of adapting to the Bologna process standards. It is expected that this gap will be bridged as Belarus moves towards more democratic openness and towards European standards. It is to be noted however that the distance learning section of the EHU allows for several EHU students to study in parallel at Belarusian state universities. Other students take a second degree with the EHU, following a degree with a state university and vice versa. The degrees from state universities can serve as the official degrees when these students apply for work in Belarusian state-run entities.
- The risk of project-funded students not coming back to their home country after they finish their studies is reduced by the fact that they will study in countries neighbouring Belarus, with teaching specific to the Belarusian context and in an expatriate, but Belarusian, environment (staff, academics, etc.). This will enable them to stay in close contact with the home and social networks they had to leave. Most EHU graduates have returned to Belarus.
- The main challenge in selecting grant-aided students procedure of grantees will remain, insofar these have been penalised in Belarusian universities for political reasons, that of combining sound political and academic judgment in assessing each applicant. Close cooperation with experts with first-hand knowledge of Belarusian affairs will ensure maximum efficiency in selecting the most appropriate applicants.

#### 3.4.2. Assumptions

- Good co-operation within the donor community.
- Appropriate financial contributions from EU Member States, international organisations, other countries and NGOs, politically supporting the EHU.
- Sound and transparent management of donors' funds and transparent flow of information on each donor's contribution.
- Sound and transparent accounts of the EHU.

### **3.5. Crosscutting Issues**

The project will contribute to the development of good governance, human rights and gender equality.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Implementation method**

Joint management through the signature of a standard international organisation contribution agreement with an international organisation (NCM), for a contribution to the Trust Fund.

The contractual framework to be signed with the International Organisation will fully observe the conditions laid down in Articles 53 d of the Financial Regulation and 43 of its Implementing Rules. The special and the general conditions of the standard model for International Organisations published on the AIDCO website will thus be signed.

### **4.2. Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

At any event, the International Organisation concerned will be required by contract to apply the EU principles for grants as laid down in Article 43.6 of the Financial Regulation implementing rules.

### **4.3. Budget and calendar**

The project will have a maximum EU contribution of €1 million for the academic year 2010/2011.

The action is envisaged to start on 1 October 2010 for an indicative duration of 12 months.

This Action will be financed by budget line 19 04 01.

Any remaining balance from one action may be reallocated to the budget of another action, preferably within the same strategic objective.

### **4.4. Performance monitoring**

The project will be monitored according to standard procedures. Project monitoring and evaluation will be based on periodic assessments of progress on delivery of specified project results and towards the achievement of project objectives.

### **4.5. Evaluation and audit**

Evaluations will be based primarily on the full annual report on completion of each academic year, the interim report, and the two audited reports prepared by the Trust

Fund for the donors, as scheduled in Article 4.9 of the Terms of Reference of the EHU Trust Fund.

Audits may also be conducted on the systems and procedures used if need be. Audit and evaluation contracts will be concluded by the Commission.

#### **4.6. Communication and visibility**

Communication and visibility will be ensured by dissemination activities. A specific communication and visibility plan will be submitted by the contractor. Visibility tasks will be carried out according to EU rules and recommendations.

### Annex 3

#### Action Fiche 3 – EIDHR 2010 AAP

##### 5. Identification

Title/Number	<b>Country-Based Support Schemes</b> - Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation		
Total cost	<b>€67.2 million</b>		
Method/ Management mode	Project approach - Centralised (direct): Calls for proposals managed by EU Delegations and Procurement contracts for support measures		
DAC code	15160	Sector	Human rights and Democracy

##### 6. Rationale

The EIDHR Strategy Paper 2007-2010 has identified as its Objective 2 "Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation".

This Action Fiche defines the implementation modalities of the EIDHR country-based support schemes (CBSS), which will be managed at country level by European Union Delegations.

This support is a long established element of the European Union's human rights external relations policy and was built on experience with micro project facilities under the previous European Initiative for Democracy and Human Rights.

##### **Complementary actions**

In the interests of complementarity and coherence, EU Delegations were consulted, in May 2007 and July 2008, with a view to selecting priorities which would be complementary to other thematic and geographical programmes. Based on their selected priorities and consultation of civil society, the Delegations prepare their own programming schedules.

The issue of complementarity between geographic and thematic instruments is of particular importance in the case of CBSS, as EIDHR can often be used to complement support under the geographic instruments. Support for democracy and human rights under the geographical instruments is used mainly to support public institutions, but also in support of CSOs. This latter support may address the same

issues but is reserved for situations judged to be more sensitive, where the need for support is not identified by the government within the context of geographic cooperation. This way, EIDHR support complements support under other instruments.

## **7. Description of the calls for proposals**

### **7.1. Basic act and Financing source**

Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1), and in particular Articles 1.2.a and 2.1. a & b.

This Action will be financed by budget lines 19 04 01 for an amount of €67.2 million.

### **7.2. Objectives of the programme, fields of intervention/priorities of the year and expected results**

The objective is to support civil society in third countries in working on human rights (political, civil, economic, social and cultural) and democratisation, so as to:

- i) pursue common agendas for human rights and democratic reform
- ii) build towards consensus on disputed or controversial areas of policy
- iii) enhance political representation and participation
- iv) enhance the inclusiveness and pluralism of civil society
- v) support the implementation of EU guidelines on human rights at local level.

Examples of fields of intervention (where and when these match local priorities):

- gender equality (women's rights, women in decision making, right to participate in peace building and reconstruction processes, fight against violence and harmful practices, sexual and reproductive rights, etc.)
- the rights of the child
- the rights of minorities such as indigenous peoples, or LGBT rights
- the rights of persons with disabilities
- protection of human rights defenders
- support for local civil society campaigns designed to ensure the effective functioning of the International Criminal Court (ICC) and to combat impunity
- support to CSO actions strengthening democratic reform
- support for civil society organisations' activities preparing the ground for elections (e.g. civic and voter education) and post-election monitoring, including following up the recommendations formulated by the EU Electoral Observation Missions (EOM). In such cases and where applicable, consistency with geographic election assistance

programmes, and with the NEEDS (Network of Europeans for Electoral and Democracy Support) programme is needed

- support for the structure and operation of trade unions, enabling social dialogue between different groups, developing mechanisms for exchange of opinions and democratic dialogue.

Other priorities can be pursued if these are more pertinent to the local situation, and can include getting civil society involved in, and contributing to, stronger regional human rights mechanisms.

**Specific outcomes** could cover a very wide range of topics, such as (non exhaustive list):

i) parliamentary agreements and government decisions, following concerted CSO campaigns, to legislate on gender equality, on rights for indigenous people, on the abolition of the death penalty, on prevention of torture, on new constitutional provisions for oversight of the military, on the enforcement of provisions on child labour and/or violence against children, or on the independent composition of the electoral commission;

ii) regular reporting from local civil society organisations on the country's international commitments on human rights, e.g. regular reports by a consortia of civil society bodies on the Universal Periodical Review of countries at UN level, and on the implementation of European Neighbourhood Policy action plans; an independent detailed diagnosis of challenges to human rights and democracy, endorsed by leading civil society stakeholders (e.g. produced in advance of an African Peer Review Mechanism (APRM) mission);

iii) broad consensus between groups with opposing interests on directions for legislation on land reform and compensation, on the terms of reference and resources for a truth and reconciliation commission; regular dialogues between CSOs divided on religious or ethnic grounds and certain common activities, regular dialogues between CSOs, the general public, government agencies, armed groups and other parties to conflict and certain common activities;

iv) multi-party agreements and draft legislation, after CSO dialogues, for enhancing participation of women in the political life; party platforms that include commitments to enhance transparency on electoral legislation; changes in the penal code; creation of an ombudsman function; combating discrimination on any grounds; greater decentralisation;

v) new CSOs, membership development and activities by persons with disabilities; AIDS orphans organised and playing an active role in CSO umbrella bodies; special women's officer and women's section created within main trade union, liaising with women NGOs and the media; campaigns for promoting anti-discrimination legislation;

vi) setting up and strengthening social partners organisations (trade unions, etc.)

### 7.3. Eligibility conditions

**Country-based support schemes (CBSS):** managed at country level by European Union Delegations. Each EU Delegation is asked to define the most appropriate objectives within the thematic areas detailed under Point 33 of the EIDHR Strategy Paper and the appropriate eligibility criteria, and to formulate guidelines for local calls for proposals.

The actors will be primarily civil society organisations with no *a priori* geographical restrictions. Civil society organisations which are established in a Member State of the EU, in an accession or official candidate country as recognised by the European Union or in a Member State of the European Economic Area are eligible.

Given the nature of the objectives, however, it is expected that the actions' focus will be on in-country civil society organisations, which may wish to cooperate with regional, European-based or other organisations and national public-sector institutions<sup>1</sup>.

Projects will preferably be based on partnerships of civil society organisations or, where justified, may require the close involvement of a range of in-country organisations and stakeholders. Independent political foundations and national parliamentary bodies will likewise be judged eligible to achieve the objectives of the EIDHR.

Under certain conditions proposed by the beneficiary, accepted by the Commission and strictly defined in the contract, the beneficiary of the CEU financing will be authorised to give financial support in the form of grants to third parties. This financial support will not be the primary aim of the EU financing and the amounts concerned will, in accordance with the Financial Regulation, be small (maximum of €10,000 per third party and up to a maximum total of €100,000 per contract).

The **geographical focus** will be on countries where:

- there is a certain context within civil society allowing for the development and activities of civil society organisations (including human rights and democracy advocacy bodies), but where the latter may be without much organisational capacity, influence or cohesion; **and**
- there is a well-founded need for more effective action by civil society organisations in the field of human rights and democratisation, whereby civil society can become a sustainable force for positive change and reform; **or**
- there is a specific priority established on the basis of EU policy considerations, namely the need for a response mechanism other than by geographical instruments.

Some countries started the programme in 2007, others only in 2008 or 2009. An indicative list of regions, countries and allocations qualifying for country-based support schemes to be launched in 2010 is attached, following a general consultation

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<sup>1</sup> National public-sector institutions include National Human Rights Institutions.

of EU Delegations and in response to their assessment of local situations and the added value of EIDHR.

#### **7.4. Essential selection and award criteria**

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions. Each EU Delegation will define the most appropriate co-financing rate, which should not exceed 95 %. Grants may be fully financed only in the cases provided for in Article 253 of the Implementing Rules of the Financial Regulations, where financing in full is essential to carry out the action in question.

Grants awarded under the CBSS are expected to amount to between €10,000 and €300,000.

Partnerships as defined in the Practical Guide to contract procedures for EU external actions will not be mandatory for all countries, and the evaluation criteria for the award of a grant will be adapted accordingly.

All contracts implementing the action, including for support measures, must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

#### **7.5. Schedule of calls for proposals**

Calls for proposals are expected to be launched during the first half of 2010, but calendars will be decided by the EU Delegations.

#### **7.6. Indicative amount of call for proposals**

The indicative total amount for 2010 is €7.2 million.

Any remaining balance from one country allocation may be reallocated to another country, preferably within the same region. Any remaining balance from one Action may be reallocated to the budget of another Action, preferably within the same strategic objective.

### **8. Support measures**

EU Delegations will be able to spend up to 3 % of the respective annual operational country allocation on support measures accompanying the implementation of country-based support schemes (activities in the field of communication, capacity-building, consultation and meetings with local civil society organisations, etc.).

Administrative credits may be used for monitoring and evaluation activities.

Monitoring missions will be carried out by external experts, and follow-up missions by Commission operational staff. The Action will also be covered by individual project evaluations and by country or thematic evaluations.

**Appendix to Annex 3 - Fiche 3  
EIDHR AAP 2010 - CBSS**

<b>Region</b>	<b>Country</b>	<b>Request 2010</b>
Western Balkans & Candidate countries	Albania	600.000
Western Balkans & Candidate countries	Bosnia Herzegovina	1.200.000
Western Balkans & Candidate countries	Croatia	600.000
Western Balkans & Candidate countries	Former Yugoslav Republic of Macedonia	600.000
Western Balkans & Candidate countries	Kosovo (UNSCR 1244)	900.000
Western Balkans & Candidate countries	Montenegro	300.000
Western Balkans & Candidate countries	Serbia	1.200.000
Western Balkans & Candidate countries	Turkey	1.200.000
	<b>SUB TOTAL</b>	<b>6.600.000</b>
ENPI	Algeria	600.000
ENPI	Armenia	600.000
ENPI	Azerbaijan	1.200.000
ENPI	Belarus	450.000
ENPI	Egypt	900.000
ENPI	Georgia	1.200.000
ENPI	Israel	1.200.000
ENPI	Jordan	900.000
ENPI	Lebanon	600.000
ENPI	Moldova	600.000
ENPI	Morocco	1.200.000
ENPI	Russia	1.200.000
ENPI	Syria	300.000
ENPI	Ukraine	600.000
ENPI	West Bank & Gaza	900.000
ENPI	Yemen	1.050.000
	<b>SUB TOTAL</b>	<b>13.500.000</b>
Central & Latin America	Argentina	600.000
Central & Latin America	Bolivia	600.000
Central & Latin America	Brazil	600.000
Central & Latin America	Chile	600.000
Central & Latin America	Colombia	900.000
Central & Latin America	Costa Rica	300.000
Central & Latin America	Ecuador	600.000
Central & Latin America	Guatemala	600.000
Central & Latin America	Honduras	900.000
Central & Latin America	Mexico	600.000
Central & Latin America	Nicaragua	900.000
Central & Latin America	Panama	300.000
Central & Latin America	Paraguay	600.000
Central & Latin America	Peru	600.000
Central & Latin America	Salvador	600.000
Central & Latin America	Uruguay	600.000
Central & Latin America	Venezuela	1.200.000
	<b>SUB TOTAL</b>	<b>11.100.000</b>
ACP	Angola	900.000

ACP	Burundi	600.000
ACP	Cameroon	1.200.000
ACP	Chad	300.000
ACP	Djibouti	300.000
ACP	Dominican Republic	1.200.000
ACP	DRC	600.000
ACP	Eritrea	300.000
ACP	Ethiopia	300.000
ACP	Fiji	600.000
ACP	Ghana	1.200.000
ACP	Guinea Bissau	600.000
ACP	Guyana	300.000
ACP	Haiti	900.000
ACP	Jamaica	600.000
ACP	Lesotho	300.000
ACP	Madagascar	900.000
ACP	Mali	600.000
ACP	Mauritania	300.000
ACP	Mozambique	600.000
ACP	Namibia	900.000
ACP	Nigeria	900.000
ACP	Papua New Guinea	300.000
ACP	RCA	300.000
ACP	Rwanda	900.000
ACP	Sierra Leone	600.000
ACP	Solomon	300.000
ACP	Somalia	1.200.000
ACP	South Africa	600.000
ACP	Sudan	1.200.000
ACP	Swaziland	900.000
ACP	Tanzania	600.000
ACP	Uganda	600.000
ACP	Zambia	300.000
ACP	Zimbabwe	1.200.000
	<b>SUB TOTAL</b>	<b>23.400.000</b>
Asia & Central Asia	Afghanistan	1.200.000
Asia & Central Asia	Bangladesh	600.000
Asia & Central Asia	Burma/Myanmar	600.000
Asia & Central Asia	Cambodia	1.200.000
Asia & Central Asia	India	1.200.000
Asia & Central Asia	Indonesia	900.000
Asia & Central Asia	Kazakhstan	600.000
Asia & Central Asia	Kyrgyzstan	600.000
Asia & Central Asia	Laos	300.000
Asia & Central Asia	Malaysia	300.000
Asia & Central Asia	Nepal	900.000
Asia & Central Asia	Pakistan	600.000
Asia & Central Asia	Philippines	1.200.000
Asia & Central Asia	Sri Lanka	600.000
Asia & Central Asia	Tajikistan	900.000

Asia & Central Asia	Vietnam	900.000
	<b>SUB TOTAL</b>	<b>12.600.000</b>
<b>All regions</b>	<b>TOTAL</b>	<b>67.200.000</b>

**ACTION FICHE 4 - EIDHR AAP 2010****9. IDENTIFICATION**

Title/Number	<b>Increased budgetary allocation for two calls for proposals under Objectives 2 and 3 of the EIDHR Strategy Paper 2007-2010</b>		
Total cost	<b>€7.13 million</b>		
Method/ Management mode	Project approach — Call for proposals managed by EU Headquarters — <i>Centralised (direct)</i>		
DAC-code, if applicable	15160	Sector	Human Rights and Democracy

**10. RATIONALE**

The EIDHR Strategy Paper 2007-2010 has identified as its Objective 2 "Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation" and as its Objective 3 "Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict".

This Action Fiche increases the budgetary allocation for EIDHR support for

1. transnational and regional activities of civil society to develop greater cohesion in working on human rights, political pluralism and democratic political participation and representation, in contributing to the peaceful conciliation of group interests, combating discrimination on any grounds, and in developing equal participation of men and women in social, economic and political life, thus becoming an effective force for positive change, through cooperation among local civil society organisations and stakeholders (Action Fiche 5 of the EIDHR Annual Action Programme 2008<sup>2</sup>), and

2. the area of Children and Armed Conflict and the Promotion and Protection of the Rights of the Child (Action Fiche 7 of the EIDHR Annual Action Programme 2008<sup>3</sup>).

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<sup>2</sup> C(2008)1582.

<sup>3</sup> C(2008)1582.

This increase will make it possible to fund projects from the reserve list of these two calls for proposals – projects which were seen as meeting very high standards of quality but that could not be considered for financing because of insufficient funds.

## **11. DESCRIPTION OF THE CALL FOR PROPOSAL(S)**

### **11.1. Basic act and financing source**

Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1), in particular Articles 1.2.a, 2.1. a, 2.1.b (vi), 6, and 10.

This Action will be financed from budget line 190401, for a total of €7,130,000.

### **11.2. Objectives of the programme, fields of intervention/priorities of the year and expected results**

Objectives are defined in the corresponding Action Fiches (5 and 7) of the EIDHR Annual Action Programme 2008 — C(2008)1582.

### **11.3. Eligibility conditions**

Eligibility conditions are defined in the corresponding Action Fiches (6 and 7) of the EIDHR Annual Action Programme 2008 — C(2008)1582.

### **11.4. Essential selection and award criteria**

The essential selection and award criteria for grants are laid down in the Practical Guide to contract procedures for EU external actions.

The maximum possible rate of co-financing for grants is defined in the corresponding Action Fiches (5 and 7) of the EIDHR Annual Action Programme 2008 — C(2008)1582. Grants may be fully financed only in cases provided for in Article 253 of the Implementing Rules of the Financial Regulations, where financing in full is essential to carry out the action in question.

### **11.5. Schedule of calls for proposals**

Call for Proposals ref. 127237 — Actions strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation — Transnational and regional actions, closed since 30/09/2008.

Call for Proposals ref. 127873 — Actions supporting human rights and democracy issues covered by the EU guidelines on Children and Armed Conflict and for the Promotion and Protection of the Rights of the Child, closed since 13/03/2009.

### **11.6. Indicative amount of call for proposals**

Call for Proposals ref. 127237 on Actions strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful

conciliation of group interests and in consolidating political participation and representation — Transnational and regional actions — had an initial budget of €24 million. This Action Fiche increases this budget by **€ 3,130,000**. Total amount becomes €27,130,000.

Call for Proposals ref. 127873 on actions supporting human rights and democracy issues covered by the guidelines on Children and Armed Conflict and the Promotion and Protection of the Rights of the Child had an initial budget of €5 million. The budget was supplemented under Action Fiche 17 of the Annual Action Programme 2009 by €772,905.81. This Action Fiche increases this allocation by **€4,000,000**. The total amount becomes €9,772,905.81.

Any remaining balance from one Action may be reallocated to the budget of another Action, preferably within the same strategic objective.

## **12. SUPPORT MEASURES**

Support measures are defined in the corresponding Action Fiches (5 and 7) of the EIDHR Annual Action Programme 2008 — C(2008)1582.

## Annex 5

### **ACTION FICHE 5 – EIDHR 2010 AAP**

#### **13. IDENTIFICATION**

Title/Number	EU-third countries civil society seminars on human rights		
Total cost	EU contribution: € million		
Aid method / Method of implementation	Project approach — Centralised — Direct Management		
DAC code	15160	Sector	Human Rights and Democracy

#### **14. RATIONALE**

##### **14.1. Sector context**

The EIDHR Strategy Paper 2007-2010 has identified as its Objective 3 "Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict". This Action Fiche covers part of the implementation arrangements for EIDHR support for actions on Human Rights Dialogues.

The EU Guidelines on Human Rights Dialogues provide that "civil society should be closely involved" in human rights dialogues, though not actually participate in the dialogue meetings themselves. Moreover, the Council conclusions of June 2006 concerning the first review of the implementation of the Guidelines on Human Rights Defenders provide that human rights defenders should be involved in preparation meetings for human rights dialogues and that the EU should facilitate dialogue between human rights defenders and the authorities of the dialogue country. In February 2008, PSC decided that the EU should continue to make strenuous efforts to persuade third countries to agree to hold a civil society event alongside the human rights dialogue meeting, and that this event should include genuinely independent international and local NGOs. In this light, the Commission is gradually establishing civil society seminars alongside human rights dialogue meetings.

##### **14.2. Lessons learnt**

2009 has been a year of development of civil society seminars, bringing together human rights organisations and/or experts from the EU with equivalent organisations/experts from the other party to the human rights dialogue. In addition to the China legal seminar, civil society seminars have been side by side with human rights dialogues with the African Union, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. Academic workshops have taken place in Vietnam.

Though it has sometimes been a delicate matter to select NGOs from the partner country/organisation, these seminars have met growing interest from civil society organisations on both sides, and have led in many instances to constructive joint recommendations and wishes to undertake follow-up activities to maximise the CSO input to the official human rights dialogue. The need to communicate better on these CSO seminars and their outcome, and to increase their visibility, as appropriate, are further common lessons learned.

### **14.3. Complementary actions**

In addition to this specific Action, the EU Delegations in these third countries will monitor the national development of the human rights situation. DG RELEX will maintain close coordination with the EU Member States, and with the other donors involved in this thematic activity.

### **14.4. Donor coordination**

Coordination with Member States, both at Brussels level and with EU Heads of Missions in the field, is assured.

There is also regular coordination with all international or regional organisations dealing with human rights and democracy issues.

## **15. DESCRIPTION**

### **15.1. Objectives**

The civil society seminars will complement the human rights dialogue meetings at official level held with certain countries/organisations. The seminars are designed to be open discussions feeding into the official dialogue. They are intended to provide an opportunity for discussion between European and local academics and civil society representatives on current human rights issues on the ground and on how to take human rights forward.

Discussions are still on-going for most of the countries, but it is planned to organise seminars with the same third countries/organisations as in 2009, whilst extending the seminars to new countries with which the EU has started a human rights dialogues, notably in Latin America, if agreement can be reached with those countries. Similarly, a Human Rights Dialogue has been established with Indonesia, where a seminar with civil society should also be organised. Regional civil society seminars will also be explored.

#### **Expected results and main activities**

The civil society seminars will provide an opportunity for discussion between European and local civil society representatives, academics and government officials on human rights topics and on how to enhance the application of human rights. They will allow participants to deepen contacts with their counterparts and to engage in a wide-ranging exchange of views.

The dialogues will, in general, consist of an examination in detail of one or two human rights topics (e.g. freedom of expression, freedom of assembly). Both EU and local NGOs with expertise in the topic under discussion will be invited. The seminar will consist of a series of workshops on particular sub-topics. Each workshop will commence with presentations by participants, followed by a discussion of the topic in question.

The seminar will attempt to adopt joint recommendations. Recommendations of the civil society seminar should be fed into the official dialogue meetings.

## **15.2. Risks and assumptions**

Main risks are changes in political conditions, leading to changes in priorities and/or political orientations.

## **15.3. Crosscutting issues**

The European Instrument for Democracy and Human Rights is mainly focused on consolidating governance and human rights in third countries. Special attention will be on achieving as wide a participation as possible in the Seminars by the main local, national and international actors in human rights and democracy issues in the third country concerned.

## **15.4. Stakeholders**

The main stakeholders will be human rights academics, government officials and CSOs' representatives, both from the EU/ Member States and from the third country or organisation concerned (e.g. African Union).

## **16. IMPLEMENTATION ISSUES**

### **16.1. Method of implementation**

Centralised direct management — procurement contract(s)/framework contract(s).

### **16.2. Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

### **16.3. Budget and calendar**

The total budget committed is €1 million.

As discussions are still on-going for most of the countries, it is too early to finalise a calendar. It is planned to organise seminars with the following third countries/organisations: Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan and Kirgizstan, African Union, South East Asian countries (Indonesia, Cambodia, Vietnam), some of the five Latin American countries in which human rights dialogues have been established, depending on the progress of discussions with those

countries. Regional seminars in addition to or instead of country seminars will also be explored. The final decision on the countries/organisations to be included in the list of civil society seminars is taken by the Commission services and the EEAS in consultation with all stakeholders, taking into account the local situations. Countries not explicitly mentioned above could be added on a case by case basis.

Support for follow-up activities such as thematic meetings and small-scale studies, as well as communication, will also be considered under this budget where necessary.

This Action will be financed by budget line 190401.

Any remaining balance from one Action may be reallocated to the budget of another Action, preferably within the same strategic objective.

#### **16.4. Performance monitoring**

The seminars are closely monitored by the European Commission and the EEAS, and there is direct participation by Headquarters and Delegations involved. The participation of government officials and EU representatives consolidates the monitoring effort.

#### **16.5. Evaluation and audit**

Rules on procurement contracts/framework contracts will be applied.

#### **16.6. Communication and visibility**

Communication and visibility activities will be considered in line with the joint GSC/COM paper on visibility and public diplomacy on the EU's external human rights work, endorsed by PSC on 25 September 2009.

## ANNEX 6

### **ACTION FICHE 6 – EIDHR 2010 AAP**

#### **17. IDENTIFICATION**

Title	<b>Support for Human Rights Defenders</b>		
Total cost	<b>€1.2 million</b>		
Method/ Management mode	(a) Project approach — Call for proposals — Centralised (direct) (b) Direct support for human rights defenders — Centralised management		
DAC-code, if applicable	15160	Sector	Human Rights and Democracy

#### **18. RATIONALE**

The EIDHR Strategy Paper 2007-2010 identifies as its Objective 3 "Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict". This Action Fiche defines the implementation arrangements for EIDHR support for human rights defenders.

Support for human rights defenders is a long established element of the European Union's human rights external relations policy. The Council adopted the EU Guidelines on Human Rights Defenders in June 2004 and made a first review in June 2006, which stressed that the EU should ensure that support took account of their specific financial and protection needs and the urgency of addressing these needs, including giving consideration to increasing funds to periodically finance projects. The Guidelines were again revised in December 2008.<sup>4</sup>

There will be periodical coordination at central and local levels between the Commission, the EEAS, the Member States and all the specialised NGOs which will be providing support with a view to developing synergies, guaranteeing complementarity and avoiding duplication.

#### **19. DESCRIPTION OF THE CALL FOR PROPOSALS AND OTHER ACTIONS**

##### **19.1. Basic act and financing source**

(a) Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of

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<sup>4</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re02.en08.pdf>.

democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1), in particular Articles 1.2.a, 2.1.b (ii), 6, 9 and 10.

This Action will be financed from budget lines 190401 for an amount of €11.2 million

## **19.2. Objectives of the programme, fields of intervention/priorities of the year and expected results**

The EU Guidelines on Human Rights Defenders provide the general framework for assistance to human rights defenders under this Action. The focus will be on human rights defenders as defined by Article 1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, and who work on various topics related to human rights, such as journalists, trade unionists, LGBT rights defenders, etc. Human rights defenders may be not only natural persons but also groups of natural persons without a legal personality and civil society organisations.

### (1) Call for Proposals

The assistance to be provided on the basis of this Call aims mainly at supporting human rights defenders with a view to strengthening their status and their fundamental rights and freedoms, and underpinning their everyday work, e.g. documenting violations of human rights in their countries of work, seeking remedies for victims of such violations, or combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms. Actions aimed at strengthening the capacities of human rights organisations in third countries are thus particularly welcome. Furthermore, activities related to the assistance and consolidation of the capacities of human rights defenders who are outside their country of work for security reasons might be considered on a temporary basis or until their return to their country of work is possible and safe.

Actions in response to urgent protection needs of individual HRDs at risk are also envisaged under the Call for Proposals, in accordance with Article 9.1 of Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on Ad hoc Measures, which provides for a broad range of assistance measures, such as medical and legal assistance, actions aimed at securing the physical integrity of defenders and of their immediate family, emergency relocation plans, etc. To implement this provision, the beneficiary may, within the framework of a contract and with the agreement of the Commission and EEAS, also provide financial support in the form of small grants to human rights defenders (re-granting)<sup>5</sup>.

Expected results of this action are increased international recognition of human rights defenders' activities and rights, enhanced status and capacities of human rights defenders' organisations and individuals, stronger networking among civil society organisations committed to the support of human rights defenders on a regional and a

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<sup>5</sup> Ref. Art 9.1., Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 establishing a financing instrument for the promotion of democracy and human rights worldwide.: '(...) the Commission may allocate small grants on an ad hoc basis to human rights defenders responding to urgent protection needs'.

global scale, and increased availability of assistance, including financial support, for human rights defenders in need of urgent protection.

## (2) Direct support for human rights defenders

Under Article 9.1 of the EIDHR Regulation, the Commission and the EEAS will keep an indicative amount of €100,000 to be managed centrally and/or by EU Delegations, allowing direct ad hoc awards of small grants to human rights defenders at risk on the basis of a centralised political decision and validation process. The value of these small grants might be up to €10,000 per action.

Another indicative amount of €100,000 will be allocated to service providers through procurement contracts (including framework contracts), to provide transport facilities, accommodation (flight booking, tickets, hotel), etc. in the shortest possible delays.

### **19.3. Eligibility conditions**

Applicants for the Call for Proposals will be civil society organisations specialised in the support and protection of human rights defenders, acting on a regional or a global scale on the basis of partnerships and formal or informal networks of regional and/or local civil society organisations. Where possible, local partner organisations should be involved in running a project, though the particular circumstances of each situation will determine how this may be done without putting them at risk.

Local partner organisations benefiting from the projects can be organisations that have lost their legal personality or groups of natural persons and organisations without legal personality, for which reimbursement of expenditure on activities will be eligible. They will be considered as informal partners within the partnership.

### **19.4. Essential selection and award criteria**

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions.

The maximum possible rate of co-financing for grants is 90%. Full financing may only be applied in the cases provided for in Article 253 of the Implementing Rules of the Financial Regulations where financing in full is essential to carry out the action in question. This provision is of particular relevance for this action.

Grants awarded under this call are expected to fall between €300,000 and €2,000,000.

In accordance with the Financial Regulation, the maximum amount of financial support that may be paid to third parties (re-granting) by a beneficiary will be €100,000, with a maximum of €10,000 for each third party.<sup>6</sup>

For partnerships, the evaluation criteria for the award of a grant will be geared to the specific features of this action.

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<sup>6</sup> Article 184 (a) of Council Regulation (EC, Euratom) No 1605/2002, Financial Regulation and implementing rules applicable to the general budget of the European Communities.

All other contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Due to the nature of these actions, the very small amounts involved, the emergency nature of the situations and the relative confidentiality, the intention is to seek simplified implementing rules for contracting, with the aim of obtaining the beneficiaries' commitment to a minimal level of reporting.

#### **19.5. Schedule of calls for proposals**

The call for proposals is expected to be launched in the first half of 2010.

#### **19.6. Indicative amount of call for proposals**

The indicative amount for the Call for Proposals is €1,000,000.

The indicative amount for the centralised fund for ad-hoc direct support is €200,000.

Any remaining balance from the call for proposals under this Action may be reallocated to the centralised fund for ad-hoc direct support, and vice-versa. Any remaining balance from one Action may be reallocated to the budget of another Action, preferably within the same strategic objective.

### **20. SUPPORT MEASURES**

Support measures will include the organisation by the Commission and the EEAS of two annual coordination meetings with the beneficiary organisations and individual human rights defenders supported under the EIDHR, provided that their security would not be at risk. Grant contracts with the selected civil society organisations will include the necessary resources for the participation of two representatives of each organisation.

Public statements and/or press releases by the Commissioner and the High Representative of the Union for Foreign Affairs and Security Policy, when appropriate and if security allows, informing the public about support for a given human rights defender under a scheme financed by the European Union will also be considered.

Monitoring missions will be carried out by external experts, and follow-up missions by Commission operational staff. The Action will also be covered by individual project evaluations or thematic evaluations.

## ANNEX 7

### ACTION FICHE 7– EIDHR 2010 AAP

#### 21. IDENTIFICATION

Title/Number	<b>Support for the 2010-2011 Master’s Degree in Human Rights and Democratisation, the EU-UN Fellowship Programme and other education, training and research activities promoting human rights and democratisation run by the European Inter-University Centre for Human Rights and Democratisation (EIUC)</b>		
Total cost	Maximum EU contribution €1,900,000 (77 % of total cost)		
Aid method / Method of implementation	Project approach — centralised (direct) — Operating grant.		
DAC code	15160	Sector	Human Rights and Democracy

#### 22. RATIONALE

##### 22.1. Sector context

Recognising the importance of education and training in this field, the Declaration of the European Union marking the 50th anniversary of the Universal Declaration on Human Rights, Vienna, 10 December 1998, states that “the Union should further develop cooperation in the field of human rights, such as education and training activities, in coordination with other relevant organisations, and ensure the continuation of the European Masters Programme in human rights and democratisation”. This commitment was strengthened by the joint decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004, which included EIUC within “a Community action programme to promote bodies active at European level and support specific activities in the field of education and training” and ensured funding for the period 2004-2006.

Regulation (EC) No1889/2006 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide, adopted in December 2006, ensures continued financial support for EIUC under the EU financial perspective 2007-2013 and thus once again confirms the high priority accorded by the European Union to education, training and research in the area of human rights and democratisation as undertaken and spearheaded by EIUC.

##### 22.2. Lessons learnt

The activities of the EIUC were included in the "Evaluation of the Community's action programme to promote bodies active at European level and support specific

activities in the field of Education and Training". The conclusion was that there is a clear rationale for the institution to exist and that the organisation demonstrates clear European added value. The evaluation recommends that funding be continued.

In addition, it suggests that future funding decisions: look into the value of simplifying the network for delivering the E.MA. programme; do the selection for the fellowship programme at an earlier date; monitor the employment of graduates more closely; seek a clearer profile outside the E.MA programme for the EIUC; explore the possibility of using permanent staff to enhance the research capacity of the institute; make more effort to change the main organisation's impacts from raising awareness to improving practice; and look into the allocation of additional funds for conferences and other events in new Member States, and ensuring successful participation from new universities in the programme from these countries.

### **22.3. Complementary actions**

The success of the EIUC Master's Degree in Human Rights and Democratisation (E.MA) has given rise to additional regional human rights master's programmes funded by the European Union. Being generally modelled on it, the regional master's programmes have many core features in common, and there is considerable cooperation between them, including exchange of staff and students, joint publications and conferences.

Additional regional programmes have been financed in the Balkans (University of Sarajevo), Africa (University of Pretoria), Latin America (Universidad Nacional De General San Martin in Buenos Aires), and Asia — Pacific (University of Sydney).

A new call for proposals to support regional master's degree programmes in human rights and democratisation outside the European Union will be launched in November 2009.

### **22.4. Donor coordination**

The EU is the main donor for this action (maximum 77%). Other donors are the region of Veneto, the city of Venice and the EU Presidency.

## **23. DESCRIPTION**

### **23.1. Objectives**

The grant is for the operation of the European Inter-University Centre for Human Rights and Democratisation (EIUC) and its main activities. EIUC will act as an interdisciplinary European Centre for education and research in the area of human rights and democratisation, ensuring the continuity of the Master's Degree in Human Rights and Democratisation and EU-UN Fellowship Programme and initiating new academic and operational activities in this area, including a cooperation network between the different Regional Masters supported by the European Union.

## **23.2. Expected results and main activities**

EIUC aims to further consolidate itself as a European — and global — centre of excellence in the field of human rights and democratisation. After seven years of operation, EIUC is well on its way to achieving this purpose. The high standards of the E.MA programme, the E.MA internship programme, the EU-UN fellowship programme, and other core activities have been safeguarded and maintained, and innovative new activities, notably in the areas of research cooperation, democracy promotion, and the promotion of human rights in the cultural sphere, are being added to EIUC's annual calendar.

The E.MA Programme, which remains at the centre of EIUC's activities, will provide a unique educational experience for 90 students from EU Member States, candidate and potential candidate countries, neighbourhood countries, and other continents.

The grant for 2010/2011, specifically, is intended to support:

- 1) the underlying operation of EIUC (staff, meetings of governing bodies, missions, promotional materials and publications, office and other running costs, equipment and related services, administration costs, etc.);
- 2) the European Master's programme in Human Rights and Democratisation, including an internship programme for the best 15 graduates of the previous year;
- 3) the EIUC EU-UN Fellowship Programme; and
- 4) additional activities, including the promotion of the Regional Masters network, the EIUC Summer School on Cinema and Human Rights, various seminars and conferences, formulation of expert opinions, specialised training activities, research cooperation and joint publications, and promotion of human rights and democracy in the cultural sphere.

## **23.3. Risks and assumptions**

The sustainability of this proposed action depends mainly on EU support.

## **23.4. Crosscutting Issues**

The action will take into account the rights of children, women, people with disabilities, indigenous peoples and minorities, and the links between the environment and human rights.

## **23.5. Stakeholders**

The European Inter-University Centre for Human Rights and Democratisation (EIUC) is a centre for education, training and research in European policy areas related to the promotion of human rights and democracy. It is a European university cooperation scheme currently involving 41 prestigious universities, representing the 27 EU Member States. The EIUC was created by a public act under Italian law in September 2002 and assumed full responsibility in September 2003 for running the

E.MA, the EU-UN Fellowship Programme (formerly known as the Advanced Internship Programme), and a range of additional activities.

The activities of EIUC are supported by important Inter-Governmental Organisations, including the United Nations Office of the High Commissioner for Human Rights (OHCHR), UNESCO, the Council of Europe, and OSCE. Several leading NGOs active in the area of human rights and democratisation cooperate with the Centre and are represented on its Advisory Board. EIUC has also entered into strategic partnerships with GTZ, the Venice Biennale, and the Fundacion Tres Culturas (Seville) about advancing issues of human rights and democracy in the field of development cooperation and the cultural sphere.

Cooperation with other organisations concerns not only IGOs and NGOs which are members of the EIUC Advisory Board, but also Governments — primarily the Human Rights Contacts at the Foreign Ministries of the EU Member States — and relevant academic and training institutions.

## **24. IMPLEMENTATION ISSUES**

### **24.1. Method of implementation**

Centralised management (direct) — operating grant awarded to the European Inter-University Centre for Human Rights and Democratisation (EIUC) in accordance with Article 13 (e) of Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1).

### **24.2. Procurement and grant award procedures**

Contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

### **24.3. Budget and calendar**

EU maximum contribution €1,900,000 (maximum 77% of total cost).

This Action will be financed from budget line 190401.

Main activities will take place from 1 August 2010 to 31 July 2011 (12 months). However, most activities in preparation for the academic year 2010-2011 are undertaken during the last period of the academic year 2009-2010 and therefore technically fall outside the present action period.

Any remaining balance from one Action may be reallocated to the budget of another action, preferably within the same strategic objective.

#### **24.4. Performance monitoring**

For the first years of the project, evaluation mechanisms have been put in place, such as guidelines for appraisal of all participants in the programmes, evaluation forms and exit questionnaires, that have yielded relevant information for regular statistics. These instruments have been essential for evaluating activities, and obtaining information with respect to follow-up measures to improve the management of the programmes. They will be relied upon in evaluating the implementation of the current project as well.

#### **24.5. Evaluation and audit**

Regular audits are done by independent external firms. The European Commission is considering launching in 2010 an external evaluation of the EIDHR financed Master's Programmes in Human Rights and Democratisation.

#### **24.6. Communication and visibility**

EU visibility is guaranteed by the nature of the action and the beneficiary and the participation of the EU in several aspects of the programme.

## ANNEX 8

### ACTION FICHE 8– EIDHR 2010 AAP

#### 25. IDENTIFICATION

Title/Number	<b>Support for the United Nations Office of the High Commissioner for Human Rights</b>		
Total cost	<b>Maximum EU contribution — €4 million</b>		
Aid method / Method of implementation	Project approach — Joint Management with the UN-OHCHR		
DAC code	15160	Sector	Human Rights and Democracy

#### 26. RATIONALE

##### 26.1. Sector context

The UN Office of the High Commissioner for Human Rights (OHCHR)'s Plan of Action, which was released in May 2005, presented an overall vision for the future direction of the Office. The OHCHR 2010-2011 Strategic Management Plan details the means by which it aims to work with Member States to continue putting this vision into operation. The Strategic Plan provides a comprehensive overview of the areas of work on which OHCHR will focus during 2010-2011 and the resources that will be required. The OHCHR is currently formulating its 2010-2011 Strategic Management Plan.

The 2010-2011 Strategic Plan will, like its predecessor, be based on OHCHR's fundamental goals — to protect human rights and empower all people to realise those rights — and is driven by the need to identify and address critical human rights problems in the world today, namely: poverty, discrimination, conflict, impunity, democratic deficits, and institutional weaknesses. The magnitude of the challenges has to be acknowledged, giving rise to the need to prioritise OHCHR's activities so that limited resources can be used effectively. In it, the current Strategic Plan elaborates on five focus areas: developing effective, appropriate strategies for country engagement; exercising leadership within the field of human rights; strengthening partnerships; providing high-calibre support to the United Nations human rights programme; and strengthening the management of OHCHR.

The OHCHR Strategic Management Plan is a biennial plan, geared to the biennial budget cycle of the United Nations Secretariat to provide a comprehensive picture of its objectives, activities and requirements, irrespective of funding sources. By adopting a two-year cycle, not only for activities funded from the regular budget but for all the work, the OHCHR can plan more effectively and enter into longer-term

agreements with its partners. This Plan is also results-based and assumes a cross-branch, one-office approach to planning and implementing activities.

Regulation (EC) No1889/2006 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR), adopted in December 2006, confirms the high priority accorded by the European Union to strengthening the Office of the UN High Commissioner for Human Rights, and states in Article 13.1.d) that Community financing may take the form of grants to support its operating costs.

The EIDHR Strategy Paper 2007-2010 includes an annual contribution to support operations of the OHCHR, and under its Objective 4 says that specific contributions based on Article 13(1) of EIDHR Regulation (EC) No 1889/2006 to the UN High Commissioner for Human Rights of up to €4 million annually will be made.

## **26.2. Lessons learnt**

The European Commission is a regular donor to the OHCHR. In 2004 its commitments amounted to €4.8 million, compared with €3.1 million in 2005, €3.0 million in 2006, €4 million in 2007, €4 million in 2008 and €4 million in 2009. There has been previous support for the Special Procedures, the Treaty Bodies mechanisms, gender and antidiscrimination programmes, and field activities.

From previous actions it became clear that project-based cooperation with the OHCHR was not the most efficient option, so Regulation (EC) No1889/2006 establishing the EIDHR introduced the possibility for EU financing to take the form of grants to support its operating costs. Due to the nature of the unearmarked support, the level of cooperation between EU and OHCHR is also changing, and a number of informal consultations take place between the two parties; visits and exchanges between task managers are on the increase, and events centred on human rights issues relevant to both Institutions are organised jointly.

## **26.3. Complementary actions**

This project in no way constitutes the only EIDHR support for the rights and activities covered by the OHCHR Strategic Management Plan. Proposals for projects specifically targeting some of these rights may be presented by other organisations under EIDHR calls for proposals to be launched during the present and following years.

## **26.4. Donor coordination**

In 2006 the donors to the OHCHR included 62 governments, several NGOs and foundations and some private donors. Although resources to support OHCHR have increased over recent years, funding does not match the proposed budget. The OHCHR must, therefore, complement its requirements from extra-budgetary sources. The OHCHR Strategic Management Plan needs the full support of donors and encourages them to provide funds that are either lightly earmarked or not assigned to a particular activity.

## **27. DESCRIPTION**

### **27.1. Objectives**

Under the OHCHR Strategic Management Plan, the EIDHR support relates to specific objectives, including: enhancing the High Commissioner's global leadership, strengthening the New York Office, broadening partnerships, and building management capacity to ensure more responsive engagement in the protection of human rights; support for human rights bodies and organs; support for human rights special procedures; human rights mainstreaming, right to development, research and analysis; the expansion of geographic desks and the rationalisation and wider deployment of human rights staff to regional and country offices; support for programmes.

### **27.2. Expected results and main activities**

(a) Greater country engagement through an expansion of geographic desks, increased deployment of human rights staff to countries and regions, the establishment of standing capacities for rapid deployment, investigations, field support, human rights capacity building, advice and assistance, and work on transitional justice and the rule of law.

(b) An enhanced human rights leadership role for the High Commissioner, including greater interaction with United Nations bodies and actors and regular system-wide human rights consultations, a reinforced New York presence, an annual thematic human rights report, a global campaign for human rights, and more involvement in efforts to advance poverty reduction and the Millennium Development Goals.

(c) Closer partnerships with civil society and United Nations agencies by establishing a civil society support function, support for human rights defenders, stepped-up commitment to Action 2 activities for rights-based approaches and national protection systems, and human rights guidance to the resident coordinator system.

(d) More synergy in the relationship between OHCHR and the various United Nations human rights bodies.

(e) Strengthened management and planning for OHCHR by setting up a policy, planning, monitoring, and evaluation unit, significantly increased staffing levels, staff diversity initiatives, updated staff training, a staff field rotation policy, and new administrative procedures.

### **27.3. Risks and assumptions**

- Practical implementation can be affected by the situation prevailing in countries and regions.

- Political crisis, insecurity, lack of commitment.

- Coordination difficulties between the OHCHR Geneva and its partners.

- Partners should have the capacity to deliver in time, including capacity of civil society actors for sustained follow-up of activities.

#### **27.4. Crosscutting issues**

The OHCHR directly targets the protection and promotion of all human rights for all people. Mainstreamed issues identified in the EIDHR Strategy are not only taken into account by the OHCHR, but are also the subject of specific activities: children, women, gender-based discrimination, people with disabilities, indigenous peoples, and minorities.

There are two on-going projects financed by the EIDHR to support OHCHR activities on women's human rights and the effective implementation of the Durban Declaration and its Programme of Action.

#### **27.5. Stakeholders**

Governments, legislatures, courts, national institutions, civil society, regional and international organisations and the United Nations System.

### **28. IMPLEMENTATION ISSUES**

#### **28.1. Method of implementation**

Joint management through the signature of a standard international organisation contribution agreement with the OHCHR (multi-donor).

The contractual framework to be signed with the International Organisation will fully observe the conditions laid down in Articles 53 d of the Financial Regulation and 43 of its Implementing Rules. The special and general conditions of the standard contract model for International Organisations published on the AIDCO website will thus be signed.

The OHCHR is covered by the Financial and Administrative Framework Agreement signed by the EU and the UN on 29 April 2003.

#### **28.2. Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents as laid down and published by the International Organisation concerned.

#### **28.3. Budget and calendar**

The OHCHR's resource requirements for 2010-2011 were estimated at USD 390,310 million, of which an estimated USD 138 million will be funded from the United Nations regular budget.

EU maximum contribution is €4 million – Annual contribution (1 January 2011 to 31 December 2011) to support OHCHR's operations.

This Action will be financed from budget line 190401.

Any remaining balance from this action may be reallocated to the budget of another action, preferably within the same strategic objective.

#### **28.4. Performance monitoring**

As mentioned in the SMP 2008-09, OHCHR uses its monitoring and evaluation function to generate and record evidence to inform decision-making.

OHCHR continues to work on setting up an Office-wide Performance Monitoring System, by refining the indicators, developing data protocols, establishing base-lines and creating an IT system that will allow for the consistent collection of data throughout the Office.

With respect to evaluation, an overall policy was adopted in 2007; an evaluation plan was then formulated for 2008-2009. A new plan will be adopted once the planning process, currently ongoing, has been completed for the next two-year period.

As the support is unearmarked, reporting to the EU takes the form of the OHCHR Annual Report, in relation to the strategic management plan.

#### **28.5. Evaluation and audit**

The OHCHR is developing an evaluation policy which will include country-engagement results. Moving the focus from the project level to the programmatic, thematic, and strategic levels, the OHCHR is working towards an evaluation culture built around the needs of users and the impact on rights holders. Evaluation serves as a tool for learning and for enhancing performance. Regular audits of the OHCHR are undertaken by their independent external auditor.

The independent UN audit body, OIOS, recently published an audit of the OHCHR, and the recommendations from that report will be discussed with UN member countries, including donors, and will be reflected in the next OHCHR strategic management plan.

#### **28.6. Communication and visibility**

The OHCHR will propose a tailored Visibility Strategy designed to raise the awareness of European audiences of human rights in general, the work of the OHCHR in particular and the support being provided to both by the EU. The strategy, which will be part of the Contribution Agreement, will include one or more high-visibility initiatives and events, which would be directly funded by the EU contribution.

## ANNEX 9

### ACTION FICHE 9– EIDHR 2010 AAP

#### 29. IDENTIFICATION

Title	<b>Promoting ethnic and racial equality and protecting the rights of traditionally excluded groups in Latin America</b>		
Total cost	Estimated total cost: €99,555 EU maximum contribution: €600,000		
Aid method / Management mode	Project approach — Joint Management with the Organisation of American States		
DAC code	15160	Sector	Human Rights

#### 30. RATIONALE

##### 30.1. Sector context

This project is the continuation of earlier financial support under the EIDHR to the IACHR/OAS, which was approved in 2006 for a period of 24 months.

The overall objective of the new project application is to secure the rights of traditionally excluded groups in the Americas, including afro-descendants, indigenous peoples and women, and addressing racial and ethnic discrimination through individual cases.

The Strategy paper of the European Instrument for Democracy and Human Rights, regulated by Regulation (EC) No1889/2006 of the European Parliament and of the Council, identifies as one of its main objectives the need to support and strengthen the international and regional framework for protecting human rights, justice, the rule of law and the promotion of democracy.

##### 30.2. Lessons learnt

Due to delays in running the previous project, and in submitting financial and narrative reports, the EU will be closely monitoring this project and will, during the implementation phase, consider whether to carry out an external evaluation or ROM towards the end of the project period.

The issues of specific reporting to the EU, detailed activities and indicators (including clear definition of expected outputs), visibility arrangements and implication of the EU in the planning of joint activities, will be given close consideration in the preparation of the project and detailed attention in the description of the activities.

### **30.3. Complementary actions**

This action is the continuation of another IACHR/OAS action supported by EIDHR: "Promoting Racial Tolerance and securing equality of traditionally excluded groups in Latin America". The EU support for the previous project was €650,000 for a 24-month period, and the project is managed by the EU Delegation in Managua.

This project runs as a complement to support in the domain of International Criminal Justice, where EIDHR supports action for the International Criminal Court and a number of NGOs working globally towards the universality of the Rome Statute, and as a complement to national legislation.

### **30.4. Donor coordination**

The EU will be the main donor for this action. The remaining 20% will be covered by the applicant OAS. OAS/IACHR will receive funds from Canada to fully or partly cover the remaining project costs.

## **31. DESCRIPTION**

### **31.1. Objectives**

Specific objectives are:

- strengthening the efficiency and effectiveness of the IACHR individual case system, including strengthening its recommendations and follow-up mechanisms;
- increasing the capacity of IACHR promotion and monitoring mechanisms;
- increasing the capacity of IACHR to provide disenfranchised groups with possibilities for amicable settlements in cases of human rights violations; and
- disseminating at regional level lessons learned and good practices resulting from IACHR racial discrimination and social exclusion mechanisms.

Most importantly, the Inter American Commission will boost its authority to deal with individual petitions regarding human rights violations. It is important to stress here that a large proportion of petitions presented to the IACHR concern traditionally excluded groups, precisely because they are excluded from remedies at domestic level. The delay in processing their cases means that they retain a low profile. In this respect, the IACHR aims to strengthen its case handling procedures by ensuring that petitions are handled promptly. Further, the processing of petitions will create a situation in which States will be advised to change whatever policies and regulations are contrary to

human rights standards, strengthen their legitimacy and promote public debate on these issues.

### 31.2. Expected results and main activities

#### Expected results:

- Fall in case backlog with regard to discrimination and excluded groups.

In terms of outputs, the Secretariat expects that over the next 24 months, the Registry will carry out an estimated 5520 evaluations and remove 3698 petitions from the backlog. The professionals hired under this Project will be expected to carry out an estimated 1380 evaluations, and cut 925 petitions from the backlog.

- Increase in the number of amicable settlements reached between States and victims under the auspices of the IACHR, thereby increasing the number of instances in which traditionally excluded groups see their rights guaranteed.
- Situations of traditionally excluded groups addressed at a regional level.

#### Main activities

- *Support for the case backlog reduction team*

This project is conceived to increase IACHR response capacity and at the same time speed up the processing of petitions related to racial and ethnic discrimination. To this end, it will support the team that deals with the backlog ('the Registry') with the services of two junior lawyers and an administrative assistant working under the supervision of a principal specialist of the IACHR.

- *Creation of an amicable settlement group*

The Commission is proposing to create a 'Friendly settlement Group' (FSG), comprising one senior lawyer and two junior lawyers. Thus, the IACHR would strengthen its role in amicable solutions by: — making an assessment on its past and current amicable settlement practices; — building its capacity to deal with the more challenging aspects of assisting the parties in reaching an agreement while ensuring compliance with human rights; — drawing up internal protocols to be followed by Commissioners and IACHR specialists; — strengthening follow-up on ongoing amicable settlement processes; and disseminating the experience in the Member States with a view to encouraging amicable solutions.

- *Reports*

The present project will cover the expense of issuing three reports during the funding period, two in connection with on-site visits by the IACHR and one on the preliminary observations of the IACHR on the rights of Afro-descendants and against racial discrimination to the Republic of Colombia in May 2007. The idea is that the hired junior lawyer should prepare the first two reports and will also participate in the inspection visits. The third report is now ready for publication and distribution.

### **31.3. Risks and assumptions**

The Inter-American Commission is particularly concerned with discrimination and social exclusion in Latin America. The foregoing analysis reflects the lack of specialised instruments in both the international and inter-American human rights setting, more specifically regarding the rights of afro-descendants and indigenous peoples. Although there has been piecemeal legislation in the past decade to recognise and protect indigenous rights, in practice this has not resulted in effective implementation of the legal provisions. Recommendations issued by IACHR have on several occasions not been implemented by the Latin American government concerned, and this is a clear risk in terms of achieving the objectives of the project.

With respect to racial discrimination, the first crucial element to consider is that the failure to acknowledge racist practices and intolerance affecting people of African descent continues to be a serious problem throughout Latin America. The existence of racial discrimination and racism continues to be denied or ignored by societies and governments in Latin America, and this is another factor that prevents the project's goals from being achieved.

### **31.4. Crosscutting issues**

The present two-year proposal of the Inter-American Commission on Human Rights seeks to improve the human rights situation of traditionally excluded groups in the Americas, including afro-descendants, indigenous peoples, women and children and, through individual cases, to address racial and ethnic discrimination, at both national and international levels.

Regarding the rights of children, the project's recommendations urge the States to meet the challenge of protecting children and taking positive action to ensure their rights, together with their human development, security, health, and education.

Petitions concerning indigenous peoples, children, afro-descendants and racial discrimination, freedom of expression, migrant workers, human rights defenders and

issues concerning the rights of women are examined under special assistance from specialised staff within the Secretariat.

### **31.5. Stakeholders**

The target groups are members of traditionally excluded groups and their families, particularly victims of racial and ethnic discrimination, women and children. The final beneficiaries are traditionally excluded groups of the Americas, including afro-descendants and indigenous peoples.

The target groups being unable to solve their human rights problems at the national level alone, the experience in the Commission demonstrates the effectiveness of addressing these problems at the international level as well.

## **32. IMPLEMENTATION ISSUES**

### **32.1. Implementation method**

Joint management through the signature of a standard international organisation contribution agreement with an international organisation (the Organisation of American States).

The contractual framework to be signed with the International Organisation will fully observe the conditions laid down in Articles 53 d of the Financial Regulation and 43 of its Implementing Rules. The special and the general conditions of the standard model for International Organisations published on the AIDCO website will thus be signed.

### **32.2. Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

### **32.3. Budget and calendar**

Estimated total cost: €09,555

EU maximum contribution: €600,000 (approx. 66%).

This Action will be financed from budget line 190401.

The activities will start in 2010 with an indicative duration of 24 months.

Any remaining balance from this action may be reallocated to the budget of another action, preferably within the same strategic objective.

#### **32.4. Performance monitoring**

While the project is running, a number of internal evaluations will take place:

The Executive Secretary of the IACHR will supervise the entire project. For the visits there will also be a crosscutting evaluation consisting of a meeting of the support team and a presentation to the staff of the Executive Secretariat. In the meeting, the members of the Mission analyse the fulfilment of the visit's objectives.

Another internal evaluation will be made by the Special Rapporteur, together with the IACHR President or the Commissioner in charge of the visit.

The Case Backlog Reduction Team ('Registry') will be supervised by a senior lawyer, working under the supervision and authority of the Executive Secretary.

The "Friendly Settlement Group" will also be supervised by a senior lawyer, working under the supervision and authority of the Executive Secretary.

#### **32.5. Evaluation and audit**

The General Secretariat of the OAS will maintain an accounting system and related controls to provide reasonable assurance that financial records are a reliable basis for preparing financial statements. The system includes a programme of internal audit to provide assurance that proper procedures and methods of operations are being used to implement the plans, policies and directives of the General Secretariat. The General Secretariat of the OAS administers and is responsible for the financial administration of the Regular Fund and the supervision of the specific funds. In that capacity it prepares and presents statements to the General Assembly and to the specific funds' donors.

The OAS also has an external auditing system. The Board of External Auditors (BEA) is authorised to audit all accounts, funds and operation of the OAS. The BEA has engaged the services of the independent accounting firm of Ernst and Young LLP to audit the financial statements. Their opinion on the financial statements is based on accounting procedures which include a review of internal control and selected tests of transactions and records. These procedures are intended to provide a reasonable level of assurance that the financial statements are fair in all material respects. The BEA meets with the independent auditors, officials of the General Secretariat, and internal auditors to review and evaluate accounting, auditing and financial reporting activities

and responsibilities. The BEA, the independent auditors, and the internal auditors have unrestricted access to all records maintained by the General Secretariat.

### **32.6. Communication and visibility**

The following steps will be taken by the IACHR to make EU support visible:

- EU Logo and acknowledgement of the EU funding in the published reports
- Press releases:
  - 1) when the contract is signed
  - 2) at the end of the IACHR sessions
  - 3) after the report is published
- At the President's presentation of the IACHR Annual Report before the General Assembly and the Political and Juridical Committee.
- Invitation of a EU delegate to a special acknowledgment ceremony at the end of an IACHR session.

## ANNEX 10

### ACTION FICHE 10– EIDHR 2010 AAP

#### 33. IDENTIFICATION

Title/Number	Promoting the freedom, professionalism and pluralism of the media		
Total cost	EU maximum contribution: €750,000		
Aid method / Method of implementation	Project approach — Joint Management with the Council of Europe		
DAC code	15153	Sector	Free flow of information

#### 34. RATIONALE

##### 34.1. Sector context

Regulation (EC) No 1889/2006 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR), adopted in December 2006, confirms the priority accorded by the European Union to promoting freedom of opinion and expression, independent media, unimpeded access to information and measures to combat administrative obstacles to the exercise of these freedoms, including the right against censorship, as set out in Article 2.1 (a) i).

The EIDHR Strategy Paper 2007-2010 mentions the Council of Europe as one of the organisations that may receive assistance under Objective 4 "*Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy*".

In seeking to achieve greater unity between the countries of Europe through respect for the shared values of human rights, pluralist democracy and the rule of law, and thus promoting democratic stability, the experience and contribution of the Council of Europe to the EIDHR have always been valuable in past joint activities between it and the European Union - through its standards and instruments for the protection of the rights of individuals and the enhancement of democratic awareness.

Freedom of expression and information is essential for the functioning of a democratic society. This freedom is guaranteed by Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by all 47 member countries of the Council of Europe.

This Article 10 and the relevant case-law of the European Court for Human Rights, which act as the Council of Europe's standards in the field of freedom of expression and information, serve as the basis on which member countries need to set up and

implement a legal framework to guarantee freedom of expression and information and freedom of the media.

### **34.2. Lessons learnt**

The European Union regularly supports joint management programmes with the Council of Europe, under a strategic partnership which has been reiterated in the Memorandum of Understanding between the EU and the Council of Europe, signed in 2007.

This EU — Council of Europe cooperation has led to positive outcomes in a number of areas, such as in awareness-raising on human rights and, more specifically, freedom of expression, and in capacity building of the judiciary system.

A horizontal evaluation of the joint programmes between the EU and the Council of Europe is expected to be undertaken in 2010.

For many years, the Council of Europe has carried out a wide range of activities aimed at guaranteeing and promoting freedom of expression and information and freedom of the media. They include legal reports, expert inspection visits, training programmes, conferences, workshops and other events. The resultant experience and the comprehensive body of standards created by the Council of Europe over the years have been put to good use in a number of joint programmes with the European Union.

This action builds on the results of a previous EIDHR-funded project that also targeted Armenia, Azerbaijan, Georgia and Moldova. The first noticeable impact of this project on the target groups — primarily public authorities and media — was an increased awareness and understanding of Council of Europe standards regarding freedom of expression and information and freedom of the media. This has influenced the target countries as a whole, contributing to a climate which favours free expression. Moreover, tangible results were achieved in bringing the media-related regulation, as well as self-regulation by the journalist community, closer to Council of Europe standards (which are also the standards used by the European Union).

Despite varying degrees of progress, a significant amount of work remains to be done in all four countries to guarantee freedom of expression, freedom of information and freedom of the media. As the problems and challenges are not the same throughout the region, the assistance and cooperation have to be tailored to the needs of each country. The previous EIDHR-funded project laid a solid foundation for this. Important lessons were learnt about the role and sensitivities of local state and non-state actors and the approach needed to maximise the success of such projects. This experience and the relationship already created between the Council of Europe staff and the relevant actors (notably state officials, media professionals and civil society) will be very helpful in the proposed new project, which is expected to contribute to the fundamental objective — to create, through laws, practice and professionalism in the media, an environment which guarantees the right to freedom of expression and information and consequently provides the foundation for a sustainable democratic society.

### **34.3. Complementary actions**

The action constitutes a continuation of a previous project of the Council of Europe funded by the European Union under EIDHR: Freedom of expression and information and freedom of the media in the South Caucasus and Moldova, 2007.

The European Union is starting two major projects under the Instrument for Stability 2009 in Georgia, with the overall objective of advancing the role of the independent media. One project will address more effective freedom advocacy, and greater professionalism in media management/journalism. The other seeks to strengthen the media's role as a watchdog institution by such measures as strengthening the function of Association of Broadcasters and establishing a Media Legal Defence Centre. Two smaller projects under the EIDHR 2008 are in the pipeline. They will deal with Investigative Journalism and support for greater freedom of speech in Ajara region through a range of activities. Some of the Council of Europe partners are also partners in the above projects, so it is essential to ensure that there is full synergy and coordination. To avoid duplication and ensure the visibility of EU-funded events, the Delegations/Commission intend to undertake regular coordination between all the EU-funded projects.

Descriptions of the activities planned under projects in the region have been thoroughly consulted in order to create synergies and to avoid any duplication. Full complementarity with these projects will be sought.

### **34.4. Donor coordination**

The EU will be the main donor for this action (approx. 50%), taking an active part in any joint meetings with other donors to ensure a strategic vision of its support given to the Council of Europe.

## **35. DESCRIPTION**

### **35.1. Objectives**

The action will seek to develop legal and institutional guarantees for the freedom of expression and information, higher quality journalism and a pluralistic media landscape, in line with the standards of the Council of Europe.

Both traditional and new media will be targeted.

Activities will take place in Armenia, Azerbaijan, Georgia, and Moldova.

### **35.2. Expected results and main activities**

The expected results are as follows:

- The quality of journalism education is improved; graduates have better knowledge and understanding of the applicable standards concerning freedom of expression and the media and are trained to apply these standards in their future work.

- Journalists have a better understanding of their rights, adhere to ethical rules and are trained to do their work in a professional and responsible manner, as recommended under the applicable standards of the Council of Europe.
- The regulatory framework for freedom of expression and for the media is brought closer into line with European standards (relevant laws are introduced or amended).
- The broadcasting regulatory bodies in the target countries are better equipped to be independent and effective. Decision-making becomes more transparent and consistent.
- The public service broadcasters in the target countries are more professional and are better trusted by the political leaders, civil society, media professionals and the public at large.

In order to achieve these results, the following activities will be undertaken: the development of curricula, preparation of textbooks and other teaching materials and training of trainers (academic staff and practising journalists). Other activities include awareness-raising, training, study visits, workshops and other events aimed at familiarising media professionals with the above subjects.

Some work will also go into creating or improving self-regulatory mechanisms supported by the journalists, media managers and owners. Training of media lawyers (notably working in watchdog NGOs) would also be part of the activities.

Legal advice to the authorities (through written reports and expert meetings on the ground) on drafting and amending relevant legislation and on training and awareness-raising for public officials as regards the implementation of this legislation will also be undertaken.

Activities will be tailored to the needs of each of the countries. Many synergies will be possible for activities in Armenia and Georgia.

There is a transversal and regional element of the project which will allow exchanges of experience, cooperation, networking and synergies in such areas as journalism education and training, self-regulation and broadcasting regulation.

### **35.3. Risks and assumptions**

The main risks include the possible lack of political will to promote freedom of expression. All relevant actors have to understand and accept the importance of free speech as well as the need for responsible journalism. Authorities should be willing to cooperate, which is not always the case. Media professionals need also to understand and accept the important role of professionalism and ethics. Political instability in various forms, such as military or other conflicts and changes of government, may slow down the project or halt it entirely.

The Council of Europe has significant experience in such circumstances. This, coupled with a reasonable degree of flexibility in running the project, should allow for effective risk management, except in extreme situations.

#### **35.4. Crosscutting issues**

The project seeks to promote the exercise of human rights — the right to freedom of expression and information. As such, it is expected to be of benefit to all groups in society — male and female, children and adults, majorities and minorities. Moreover, the project will pay special attention to disadvantaged groups.

#### **35.5. Stakeholders**

The target beneficiaries are: public authorities, journalism students, media professionals, broadcasting regulatory bodies, public-service broadcasters, public at large.

### **36. IMPLEMENTATION ISSUES**

#### **36.1. Method of implementation**

Joint management through the signature of a standard international organisation contribution agreement with an international organisation (the Council of Europe).

The contractual framework to be signed with the International Organisation will fully observe the conditions laid down in Articles 53 d of the Financial Regulation and 43 of its Implementing Rules. The special and the general conditions of the standard model for International Organisations published on the AIDCO website will thus be signed.

#### **36.2. Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

#### **36.3. Budget and calendar**

Estimated total cost €1.5 million; EU maximum contribution €750,000 € (approx. 50 %)

This Action will be financed from budget line 190401.

The activities are scheduled to start in 2010 with an indicative initial duration of 24 months.

Any remaining balance from this action may be reallocated to the budget of another action, preferably within the same strategic objective.

#### **36.4. Performance monitoring**

Monitoring will be by reference to standard procedures. Project monitoring and evaluation will be based on periodic assessment of progress on specified projects results and project objectives.

**36.5. Evaluation and audit**

The Action will be evaluated and audited according to standard procedures.

**36.6. Communication and visibility**

Visibility of EU-funded action will be in accordance with the EU Visibility Guidelines.

## ANNEX 11

### ACTION FICHE 11– EIDHR 2010 AAP

#### 37. IDENTIFICATION

Title/Number	<b>Legal Tools Project of the International Criminal Court</b>		
Total cost	Estimated total cost: €488,629 EU maximum contribution: €300,000		
Aid method/ Method of implementation	Project approach — Joint Management with the International Criminal Court		
DAC-code	15130	Sector	Legal and Judicial Development

#### 38. RATIONALE

##### 38.1. Sector context

Regulation (EC) No 1889/2006 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide, adopted in December 2006, confirms the high priority accorded by the European Union to promoting and strengthening the International Criminal Court.

The EIDHR Strategy Paper 2007-2010 has identified as its Objective 4 '*Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy*'.

With the Rome Statute, international criminal law has been established as a common standard. However, the legal standards are complex and not easy to digest. Capacity building for human rights defenders, training of activists, multipliers, local NGOs and practitioners of law is a key measure in terms of efficiently creating local knowledge, awareness and the ability to apply the law.

In order to end impunity, it is vital to establish domestic capacity to investigate, prosecute and adjudicate core international crimes. The ICC can only take on cases when national jurisdictions are unable or unwilling to do so: the principle of complementarity. The success of the ICC largely depends on the extent of legislative and institutional preparedness to investigate and prosecute core international crimes cases at the national level. The state of such national preparedness is therefore in many ways a new frontline issue in the discourse on criminal justice for atrocities.

Since 2002, the ICC has steadily progressed on a range of electronic legal services known as the Legal Tools Project. Through an innovative approach that brings modern technologies into the investigation, prosecution and defence of core

international crimes, the ICC has designed this comprehensive range of resources geared to the theory and practice.

### **38.2. Lessons learnt**

The EU's support for the International Criminal Court (ICC), since 2000, through projects run by non-governmental organisations (NGOs) and by the ICC itself, has been subject to an external evaluation, which was finalised in December 2008. The main conclusions were that EIDHR-funded activities have been very relevant, generally very effective, and have had a positive impact on the establishment and functioning of the ICC.

The main recommendations have been addressed by the ICC and were included in the project proposal that was submitted in 2009. The European Union will closely monitor the implementation and the follow-up to these recommendations.

### **38.3. Complementary actions**

The ICC has already received financial support over many years from the European Union through the European Instrument for Democracy and Human Rights (EIDHR). Broadly similar activities were pursued under each of these projects, with minor modifications every year.

These projects included support for the Internship and Visiting Professional Programme. In 2009, support for the Seminar and Training of all lawyers on the ICC list of Council was added as a second component.

The Internship and Visiting Professional Programme continuously and coherently supports complementarity by allowing people from various regions to get first-hand experience at the International Criminal Court. The Seminar and Training of all lawyers on the ICC list of Council involves the legal profession in developing internal counsel in the Court, which in turns builds trust and confidence in the Court as a transparent actor amongst the legal profession and in the public eye in general.

Support for Legal Tools Projects is complementary to these programmes as it not only provides free access to many sources of international criminal law, but also provides an opportunity to have highly specialised training and coaching in the use of these services.

Previous projects with the ICC include:

- Strengthening the International Criminal Court and increasing awareness at the national level, particularly as regards complementarity and the rights of victims (2003)
- Strengthening the International Criminal Court and increasing awareness at the national level with regard to complementarity (2004)
- Strengthening the International Criminal Court — enhancing its universality and increasing awareness at the national level with regard to complementarity (2006)
- Strengthening the International Criminal Court — enhancing its universality and increasing awareness at the national level with regard to complementarity (2007)

- Strengthening the International Criminal Court — reinforcing the principle of complementarity and universality and building a high quality defence (2009)

Several projects are also being run by NGOs in support of the ICC. A new call for proposals has been launched in the second half of 2009, focusing on the following themes: support for awareness raising on the ICC; universal ratification of the Rome Statute and the Agreement on Privileges and Immunities of the ICC; securing the complementarity principle between the ICC and the different national judicial systems; support for the adoption or strengthening of national implementing legislation concerning the Rome Statute and the Agreement on Privileges and Immunities of the ICC; promotion of cooperation between the ICC and the States Parties.

#### **38.4. Donor coordination**

The EU will be the main donor for this action (61 %). Other expected donors include several States Parties to the Rome Statute. The EU will play an active part in joint meetings with other donors, to ensure a strategic vision of its support given to the ICC.

### **39. DESCRIPTION**

#### **39.1. Objectives**

The overall aim of the Legal Tools Project is to strengthen capacity, primarily at the national level, to work effectively and professionally on core international crimes, as enshrined in the Rome Statute and complementary national legislation, by providing (a) free access to legal information in international criminal law, legal digests of such information, and specialised software to work with such law; and (b) training and coaching in the use of these services.

The project is focused on capacity building in countries where fundamental freedoms are least secure and resources most restricted. As such, the project seeks to be a practical vehicle for knowledge transfer and legal empowerment.

In support of this overall aim, the specific objectives of this Action are to:

- continue to build a comprehensive, virtual and fully text-searchable library on international criminal law and justice that is freely accessible to the public and key entities involved in international criminal law;
- develop and maintain the knowledge transfer platform and the law-driven case management tool (Case Matrix) so as to equip and empower those working on core international crimes under the Rome Statute;
- give effect to complementarity through cascade training and by building regional community user networks, bringing the tools of international justice to regions and actors with limited resources, thus building national capacity to apply the law consistently and to a high standard;
- build an Internet-based discussion forum for key stakeholders and in support of Case Matrix advisory services;

- expand and coordinate the network of outsourcing partners and (pro bono) Case Matrix Advisers contributing to and sustaining the Tools in a practical and cost-effective manner.

### **39.2. Expected results and main activities**

The expected results include:

- Wider network of outsourcing partners (funded by own means) to collect and process core legal texts, digests and jurisprudence
- Outsourcing Partners Network representing all regions
- Bigger document collection holdings (historic and current texts)
- More documents with full text searchable meta data
- Sustainable quality control system for the work of the Outsourcing Partners
- New language versions of the Case Matrix
- Revised manual for Case Matrix Users and Trainers
- Expanded Case Matrix User groups and communities covering all regions (including installation and training)
- Case Matrix User forum on the web to provide for discussions and advisory services
- Case Matrix User Groups all provided with most recent versions and updates

The following indicative indicators have already been identified: increase network from 9 to 13 outsourcing partners and include outsourcing partners from Asia, Africa North and Latin America; increase of 6 000 – 12 000 documents per annum, focused as a priority on national jurisdictions and cases; increase from 90% to 100% the proportion of documents with full text searchable meta data; completion of Bosnian/Croatian/Serbian, French and Spanish version of the Case Matrix.

Special attention will be paid to the clear identification and implementation of specific indicators.

The project activities include the hosting and development of the Legal Tools Website, the rapid prototyping of case matrix software, travel and communication on the part of the Project Manager and the case matrix advisers to raise awareness of the project and expand the network of users.

The project keeps costs down by utilising pro bono Advisers and self-funded Outsourcing Partners wherever possible. This has been wholly successful in the first years of the project, with nine Outsourcing Partners and ten regional Case Matrix Advisers effectively contributing to the project at no cost to the ICC. The role of these partners is determined on the basis of specialist skills possessed and is underpinned by Cooperation Agreements with the ICC. The Legal Tools and Case Matrix Users (the latter entering Case Matrix Understandings with the ICC) also contribute invaluable to the project by way of quality assessment reviews informing subsequent developments of software and services.

### **39.3. Risks and assumptions**

Disengagement of the outsourcing partners (not funded by this project proposal) could reduce the output in terms of cataloguing new legal texts and digests and updating the virtual library.

Limitations on the number of users that can be supported with the current resources, in the absence of sufficient pro bono regional advisers.

The pro bono adviser and self-funded outsourcing partner concept may limit progress in developing and least developed countries, where external sponsorship is not available.

Accessibility could be restricted as a result of insufficient language versions (reliant on external partners not funded by this project)

The stability of the technical platforms is a prerequisite for development and access.

#### **39.4. Crosscutting issues**

The Rome Statute makes clear provisions for the protection of children and women. Thus, using the Legal Tools Project to empower key actors in implementing the Rome Statute de facto supports the application of the international criminal law as defined by the Rome Statute and corresponding national legislation.

#### **39.5. Stakeholders**

The reach of the project is intended to be universal; however, with the concept of open access, developing countries and those in (post) conflict situations in particular are target beneficiaries. The Legal Tools Website and the concept of regional platforms are used to enhance awareness of and provide access to the Tools at the regional level.

The target beneficiaries are all parties interested in and working on international crimes, as defined in the Rome Statute, particularly national authorities, NGOs and professional societies where, for instance, limited resources or experience otherwise reduce the capacity to implement the Rome Statute by documenting, investigating, prosecuting and adjudicating core international crimes. The intended benefit to these parties is enhanced knowledge and preparedness to apply criminal law in response to crimes covered by the Rome Statute.

### **40. IMPLEMENTATION ISSUES**

#### **40.1. Method of implementation**

Joint management through the signature of a standard international organisation contribution agreement with an international organisation (the International Criminal Court).

The contractual framework to be signed with the International Organisation will fully observe the conditions laid down in Articles 53 d of the Financial Regulation and 43 of its Implementing Rules. The special and the general conditions of the standard model for International Organisations published on the AIDCO website will thus be signed.

#### **40.2. Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

#### **40.3. Budget and calendar**

Estimated total cost: €488,629

EU maximum contribution: €300,000 (approx. 61.4%).

The Action will be financed from budget line 190401.

The activities are scheduled to start in 2010 with an indicative duration of 24 months.

Any remaining balance from this action may be reallocated to the budget of another action, preferably within the same strategic objective.

#### **40.4. Performance monitoring**

The project will be monitored according to standard procedures, based on periodic assessment of progress in terms of specified project results and project objectives.

A Court-wide Legal Tools Advisory Committee has been established with members from all Court Organs to carefully assess the needs of all relevant users within the Court and among other participants in proceedings before the Court, such as defence and victims' counsel. An ICC Legal Tools Expert Advisory Group has also been set up with leading IT and law experts to serve as an advisory board for the further technical and strategic development of the Legal Tools.

The EU will actively seek participation in the meetings of the Legal Tools Advisory Committee and the Legal Tools Advisory Group

#### **40.5. Evaluation and audit**

Regular audits of the ICC are undertaken by its external auditor.

The EU's support for the establishment and functioning of the ICC was subject to an external evaluation during 2008. No additional external evaluation is envisaged during the implementation period of the project.

#### **40.6. Communication and visibility**

During the Programme, the visibility of the European Union's contribution will be ensured in the relevant publications of the ICC, when appropriate.

## ANNEX 12

### ACTION FICHE 12– EIDHR 2010 AAP

#### 41. IDENTIFICATION

Title/Number	<b>Outreach Programme of the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY)</b>		
Total cost	Estimated total cost: <b>€1,219,000</b> EU maximum contribution: <b>€1,000,000</b>		
Aid method / Method of implementation	Project approach — Joint Management with the International Criminal Tribunal for the former Yugoslavia		
DAC code	15130	Sector	Legal and Judicial Development

#### 42. RATIONALE

##### 42.1. Sector context

Regulation (EC) No1889/2006 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR), adopted in December 2006, confirms the priority accorded by the European Union to promoting and strengthening ad hoc international criminal tribunals, as set out in Article 2.1.a).iii).

The EIDHR Strategy Paper 2007-2010 mentions the ICTY as an international criminal justice mechanism that may receive the EIDHR's assistance under its Objective 4, paragraph 58, ii) "...EIDHR may assist in particular....international criminal justice mechanisms, such as the ICC and the ICTY..."

The ICTY, established by UN Security Council Resolution 827 on 25 May 1993, set up its Outreach Programme in 1999.

The primary aim was to dispel the misconceptions and provide the general public of the former Yugoslavia with accurate information about the work and accomplishments of this institution, so as to bridge the gap between the ICTY and the people of the former Yugoslavia. Since then, the Outreach Programme has been in the forefront of the Tribunal's efforts to combat these misperceptions and actively engaged a number of target groups in this regard: decision makers, the media, non-governmental organisations, local legal professionals, educational institutions, think tanks and the general public.

Throughout the first decade of its existence, the Tribunal's Outreach Programme has become a fundamental vehicle for ensuring that accountability prevails over impunity,

that facts beat propaganda, and that the rule of law remains the most effective tool for addressing violations of international law and human rights.

The continued existence of the programme is indispensable if it is to carry on imparting balanced, complete and transparent information about the Tribunal to its key constituencies.

Current projections envisage completion of final trial and appeal activities in 2013, with the vast majority expected to be finalised in 2011 and 2012. Effective Outreach activities during this period will be imperative for the successful completion of the Tribunal's wider mission.

The Outreach Programme of ICTY has received financial support from the European Union through the European Instrument for Democracy and Human Rights (EIDHR)<sup>7</sup> since 2002.

#### **42.2. Lessons learnt**

The Outreach Programme is an integral part of the Tribunal's public relations machinery. Additionally, the Programme's field offices in the region have been called upon to assist officials from the Tribunal with increased frequency.

The Programme's organisational structure and operational procedures have been in place for many years. Through many projects with local judicial practitioners, NGOs and academic institutions, the Tribunal has enhanced the capacity of these groups to initiate, plan and implement their own undertakings. It is reasonable to conclude that the expert advice and training that these organisations and professionals receive from Tribunal experts leads not only to a better understanding of international human rights law but also to improved judicial and legal practice in domestic judicial systems. The Tribunal's President has also initiated a number of partnerships with likeminded international organisations in order to identify the remaining capacity building needs in the region. Successful implementation of these projects will require expertise and facilitation from the Outreach Programme.

Finally, the greater understanding and appreciation of the Tribunal by the target groups, particularly decision-makers, the greater the impact on state policy in the region towards the Tribunal. There has been a marked improvement in the level of cooperation between the states in the region and the Tribunal. The political changes in the region have had a crucial impact on the improved relationship. However, this is also because there is a much greater awareness and understanding of the Tribunal and therefore less resistance to it.

The Outreach Programme of ICTY has been receiving EU support for several years and is viewed in a positive light. The activities have been carried out as planned. Reporting has been very specific and detailed. Attention will be paid in the preparation of the project to the clear definition of expected outputs and the involvement of the EU at the planning stage.

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<sup>7</sup> Before Regulation (EC) No1889/2006 of the European Parliament and of the Council, adopted in December 2006, the European Instrument for Democracy and Human Rights was called the European Initiative for Democracy and Human Rights.

### **42.3. Complementary actions**

The project constitutes a continuation of several projects funded by the European Union under the European Instrument for Human Rights and Democracy<sup>8</sup> including:

-Support for ICTY: Library, Outreach and Defence Counsel training, 2000

-ICTY Witness Protection project, 2001

-Cooperation between the Commission and ICTY, 2002

-Support for the Outreach Programme for the ICTY from 2002 to 2010.

The EU decided to finance in 2009 a project supporting the transferral of war crimes cases from the ICTY to national jurisdictions under the Instrument for Stability. The purpose of this action is to assist in capacity building of national legal systems of countries in the Former Yugoslavia responsible for dealing with war crimes by facilitating the sustainable transfer of knowledge and materials from ICTY. The project will be led by OSCE ODIHR and carried out jointly with ICTY, the United Nations Interregional Crime and Justice Research Institute (UNICRI) and OSCE field operations. This project is concerned specifically with the capacity building element and needs of the local judiciary and national authorities dealing with war crimes, whereas the ICTY's Outreach Programme targets a wider net, including civil society, the media and the general public. Special attention will be given to ensure that this project and the ICTY Outreach programme fully complement, build on and feed into each other.

### **42.4. Donor coordination**

The Outreach Programme of the ICTY relies mostly on contributions from EU. The EU will take an active part in any joint meetings with other donors, to ensure a strategic vision of its support given to the ICTY.

## **43. DESCRIPTION**

### **43.1. Objectives**

The overall objective of the Outreach Programme is to contribute to efforts to restore and maintain lasting peace in the region of the former Yugoslavia.

The specific objective is to increase awareness of the Tribunal's jurisprudence and assist local judiciaries in processing war crimes cases and thus upholding the rule of law in the region.

The Outreach Programme will be implemented in Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia (FYROM), Serbia, Montenegro and

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<sup>8</sup> Before Regulation (EC) No1889/2006 of the European Parliament and of the Council, adopted in December 2006, the European Instrument for Democracy and Human Rights was called the European Initiative for Democracy and Human Rights. .

Kosovo (under UNSCR 1244), with a coordination office at the ICTY headquarters in The Hague, the Netherlands.

The Outreach Programme also aims to expand its activities in the region and internationally to ensure that its legacy is preserved in the years to come and its achievements accepted and built upon. The Tribunal's efforts to define and communicate its legacy, work and achievements will be intensified. The lasting impact of the ICTY in fighting impunity and promoting accountability for the worst crimes in the region and internationally is closely linked to ensuring widespread understanding and acceptance of the Tribunal's work and achievements.

#### **43.2. Expected results and main activities**

Assuming full and consistent implementation of the project, the expected results of the Outreach Programme include:

- increased respect and support for the rule of law and international justice
- preservation of the legacy of the ICTY beyond the completion date of its mandate
- increased skills of key professionals (judiciary, police, lawyers, investigators, etc) of the national judiciary
- conflict resolution and reconciliation for a wide segment of society
- civil society development
- media development

In order to achieve these results, the Outreach Programme will deploy many activities, including:

- judicial capacity building through training and education; organisation of seminars, workshops, conferences, roundtables and meetings in the region and in The Hague by facilitating visits to the Tribunal
- training and information for NGOs, including victims' associations and advocacy groups, on ICTY's work
- response to information needs of all target groups: distribution of ICTY legal documents in the languages of the region, providing direct access to ICTY's proceedings and documents (the Outreach Programme will contribute to the maintenance and development of the ICTY website in the local languages; live audio and video Internet broadcast from the ICTY's Courtrooms)
- expanding and developing networks of contacts, working relationships and communication channels with the media, non-governmental and international organisations and the diplomatic community in the region
- answering queries, giving interviews, engaging in special topic programmes, distributing press releases in local languages

- providing the Tribunal with up-to-date information and analysis on the best ways of achieving Completion; monitoring developments, performance and reforms of domestic criminal justice systems

The ICTY will be invited to submit a detailed description of the activities, including an action plan and logical framework, identifying concrete activities to be undertaken, clear indicators and a timeline for the implementation of the project.

### **3.3. Risks and assumptions**

Whilst the primary task of the Tribunal is judicial, the wider impact of its work must not be ignored. The Tribunal faces the risk of operating within a politicised environment. While pro-democratic political changes have taken place in many parts of the region, vestiges of the previous nationalist regimes still exist and hold considerable sway. Therefore, manipulation and misrepresentation of the Tribunal's work still exists and harms its efforts.

Also, the security situation in each of the countries impacts on the programme's ability to implement activities. Currently the situation can be assessed as stable, though experience shows that keeping it that way may be precarious.

A number of Outreach activities are organised with NGO partners from the region. Their availability, skills and capacity impact on how and when events are organised. The profile of the participants from target groups is an important factor. Their education, skills level, willingness and availability determine the results, and their sustainability, to a large degree. It must also be kept in mind that any awareness-raising process is a long-term one, and results cannot be expected immediately.

### **3.4. Crosscutting issues**

In its activities, the Outreach Programme puts special focus on the victims of war crimes, and includes victims' NGOs at the top of its agenda in its information activities, conferences, round tables, and printed material, and stays in constant contact to receive feedback on the needs of this important group.

Women's groups are the object of special attention, and the Outreach programme is planning to better reflect in its activities the consideration the Tribunal gave to gender-based crimes, which in its majority, concerned violence against women. A special feature on ICTY achievements in prosecuting sexual violence is envisaged, describing the growing trend of punishing sexual crimes, the associated challenges and the cases at the Tribunal dealing with gender violence. The Outreach Programme will highlight the work of the victims and witness section and its psychological support of female victims of war crimes.

Another of the key target groups for the Tribunal is young people. They are the ones who have been relatively untainted by the war experience and will be able to move forward the process of facing the past and reconciliation in a less emotional manner.

### **3.5. Stakeholders**

The Outreach Programme targets the following groups:

- Political decision-makers
- Judicial organisations and practitioners
- Police and Military
- Non-governmental organisations, especially victims' associations
- Educational institutions and think tanks
- Young generation
- Media
- General public at grassroots level

#### **44. IMPLEMENTATION ISSUES**

##### **44.1. Method of implementation**

Joint management through the signature of a standard contribution agreement with the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY).

##### **44.2. Procurement and grant award procedures [*/programme estimates*]**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

##### **44.3. Budget and calendar**

Estimated total cost: €1,219,000

EU maximum contribution: €1 million (approx. 82 %).

This Action will be financed from budget line 190401.

The activities are foreseen to start in 2011 with an indicative duration of 24 months.

Any remaining balance from this action may be reallocated to the budget of another action, preferably within the same strategic objective.

##### **44.4. Performance monitoring**

The actions will be monitored according to standard procedures. Project monitoring and evaluation will be by reference to specified projects results and project objectives.

Since the Outreach Programme is located in the Registry, the Registrar reviews its progress and objectives. In addition, as the Programme is an integral part of the ICTY,

which in turn is a UN-administered and funded body, the Programme is subject to strict UN rules and procedures governing its operations, which must be of the highest quality.

#### **44.5. Evaluation and audit**

Reports will be made available to the European Union by the ICTY. The Tribunal will also liaise closely with EU Headquarters.

The accounts of the Tribunal will be audited by both internal and external auditors.

#### **44.6. Communication and visibility**

The ICTY will ensure that all EU-funded activities are made visible and are publicised in all activities and publications.

## ANNEX 13

### ACTION FICHE 13– EIDHR 2010 AAP

#### 45. IDENTIFICATION

Title/Number	Enhancing Respect for International Humanitarian Law		
Total cost	EU maximum contribution: € million		
Aid method / Method of implementation	Project approach — Joint Management with the International Committee of the Red Cross		
DAC code	15220	Sector	Civilian peace-building, conflict prevention and resolution

#### 46. RATIONALE

##### 46.1. Sector context

International humanitarian law seeks to assist and protect the victims of armed conflicts and to limit recourse to certain means and methods of warfare.

Regulation (EC) No 1889/2006 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide, adopted in December 2006, confirms the high priority accorded by the European Union to promoting observance of international humanitarian law.

The EIDHR Strategy Paper 2007-2010 has identified as its Objective 4 "*Supporting and strengthening the international and regional framework for the protection of human rights, justice, rule of law and the promotion of democracy*".

The EU Guidelines on promoting compliance with international humanitarian law<sup>9</sup>, adopted in 2005, recognise the treaty-based and long established role of the International Committee of the Red Cross (ICRC) as a neutral, independent humanitarian organisation, in promoting compliance with international humanitarian law.

Under the constitution of the International Red Cross and Red Crescent Movement, countries have entrusted the ICRC with the task of working towards understanding and disseminating knowledge of international humanitarian law applicable in armed conflicts and any developments thereof.

ICRC prevention activities are one substantial branch of ICRC work, together with protection and assistance activities. ICRC prevention activities are ongoing in more than

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<sup>9</sup> Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:327:0004:0007:EN:PDF>.

60 countries world-wide and account for more than 14% of ICRC overall budget in 2009. The prevention activities aim to foster an environment conducive to respect for the life and dignity of persons affected by armed conflict or internal violence and for ICRC action. In particular, they encompass efforts to communicate, develop, clarify and promote the implementation of international humanitarian law and other relevant bodies of law, as well as efforts to facilitate acceptance of ICRC action and to raise awareness of issues of humanitarian concern. The prevention activities also comprise the integration of humanitarian law into official, legal, educational and operational curricula and the promotion of humanitarian law through teaching and training.

Current EU support for ICRC activities focuses on crisis situations and on ICRC assistance and protection activities. It has been channelled through the European Commission's Humanitarian Aid Office (ECHO).

The activities proposed under the present Action Fiche, recognising the unique status, access and activities of the ICRC, as mentioned in the EU Guidelines on promoting compliance with international humanitarian law, and the specific objectives of the EIDHR, seek to complement humanitarian assistance and protection activities by promoting prevention activities in countries that are not necessarily affected by a crisis situation, but can have an influential role in promoting humanitarian law internationally or regionally, and can play a role in neighbouring crisis situations.

The proposed project will take place in the countries covered by ICRC Regional delegations in Kuwait and Tunis. The ICRC regional delegation in Kuwait covers the Member States of the Gulf Cooperation Council (GCC), namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates (UAE). The ICRC regional delegation in Tunis covers Libya, Mauritania, Tunisia, and Morocco and Western Sahara.

Compliance with international humanitarian law differs from country to country in these two regions, for instance in terms of establishing national IHL Committees, or ratifying important conventions such as weapon-related treaties or the Rome Statute. It is expected that regional ICRC activities will not only raise the individual commitments of each country, but will also foster a multilateral movement in the two regions to support humanitarian law and activities both politically and possibly financially — especially in GCC countries. This could spill over into neighbouring conflict situations.

#### **46.2. Lessons learnt**

Over the past decade, the ICRC has carried out a number of studies on people's attitudes to international humanitarian law, on the roots of combatants' behaviour, and on violations of international humanitarian law. They have given the organisation a clearer understanding of the complex psychological and social factors influencing behaviour, and

have highlighted both the limitations of strategies to influence that behaviour and the need to define clear and realistic objectives for prevention activities. Periodic evaluations and reviews of prevention activities have confirmed these conclusions, helped to clarify the success criteria and emphasised the synergies between different ICRC activities.

Based on a framework agreement signed in 1993, the ECHO-ICRC partnership has led to substantial support for ICRC activities over the years. ICRC is ECHO's second most important partner after the World Food Program, with more than 9% of ECHO total contracts for humanitarian aid concluded with the ICRC, representing €78.8 million<sup>10</sup>.

These activities focus on ICRC assistance and protection activities, under ECHO specific rules. However, for the sake of the proposed project, lessons can be drawn from this cooperation, notably those highlighted in the 2006 external *Evaluation of the Partnership between DG ECHO and the ICRC and of ICRC's activities funded by DG ECHO*<sup>11</sup>. This confirmed the major importance of the partnership in the defence, promotion and development of the basic IHL and humanitarian principles. It also confirmed that assistance and protection operations undertaken by ICRC for crisis-affected populations are of extremely high quality, and that its operations achieve considerable results, even though in many situations, statistics fail to portray the true value of these achievements. Some difficulties in the partnership between ECHO and ICRC were noted, notably linked to the differences between ECHO's and ICRC's funding policies and financial regulations. The ICRC is for example looking to increase the amount of non-earmarked funding it receives, whereas ECHO functions with a 'project logic'. The evaluation also noted the lack of indicators used to plan ICRC activities and monitor performance, however recognising the difficulties involved in measuring outcome of activities that include negotiating access to prisons, setting up a safe passage for families or messages across the front line, trying to locate missing persons, training combatants in IHL, etc. The question of EU visibility via ICRC activities was also flagged in the evaluation as an issue, as the ICRC seeks to protect its specific independent and neutral status. Arrangements have now been found, such as communication on the ECHO-ICRC partnership for an EU audience only. In 2008, DG ECHO revised its partnership instruments with the objective of improving the quality and diversity of its partnerships, and to introduce more results-based management.

The issues of specific reporting to the EU, detailed activities and indicators (including clear definition of expected outputs), visibility arrangements and involvement of the EU in planning the joint activities should therefore be given high priority in the preparation of the project and should be set out in the description of activities.

### 46.3. Complementary actions

In the regions to be covered under the proposed project, the EU's main activities concern the Occupied Palestinian Territory and Iraq. The EU continues its response to the serious humanitarian situation in the West Bank and Gaza Strip. In 2008<sup>12</sup>, funding of €82.8 million was provided, to cover food needs of the most vulnerable population in the West

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<sup>10</sup> Figures for 2008. Source: ECHO financial report for 2008, available at: [http://ec.europa.eu/echo/files/funding/figures/financial\\_report2008.pdf](http://ec.europa.eu/echo/files/funding/figures/financial_report2008.pdf).

<sup>11</sup> Available at: [http://ec.europa.eu/echo/files/policies/evaluation/2006/cicr\\_final\\_en.pdf](http://ec.europa.eu/echo/files/policies/evaluation/2006/cicr_final_en.pdf).

<sup>12</sup> Information from ECHO financial report for 2008, [http://ec.europa.eu/echo/files/funding/figures/financial\\_report2008.pdf](http://ec.europa.eu/echo/files/funding/figures/financial_report2008.pdf).

Bank and Gaza Strip and Palestinian refugees in Lebanon. Other aid sectors included protection and psychological support, water, health, shelter, and support services, such as security. €30 million was also used to respond to the humanitarian and food needs resulting from the Iraqi crisis for beneficiaries inside and outside Iraq.

In 2008, ECHO concluded two contracts with the ICRC for activities in Iraq on food aid and protection, and water and sanitation, and one contract on protection and assistance activities in the Occupied Palestinian Territory. It also had one contract with the ICRC in the region for economic security and hospital activities in Yemen. These contracts represented €17.65 million. In 2009, three contracts on the same issues and countries have been concluded, for a total amount of €13.5 million.

The proposed project will therefore complement these urgent, protection- and assistance-oriented activities, by raising awareness on and support for international humanitarian law in other countries of the region. The EU does not give any financial support to ICRC prevention activities, nor does ECHO run humanitarian activities in general in any of the countries covered by the proposed project, except for Western Sahara. Over the last three years, the EU allocated €10 million yearly to improve the living conditions of Sahrawian refugees. Particular attention was placed on water and decontamination, through projects aimed at directly connecting the camps to a water supply, and on health, covering almost all needs in medicines. Public-awareness campaigns on hygiene and the training of local hospital personnel were also established. About half of the amount has been allocated to food aid, including efforts to combat malnutrition.

#### **46.4. Donor coordination**

ICRC activities are coordinated with the International Red Cross and Red Crescent Movement partners, UN agencies and other humanitarian players in fields of common interest, in order to maximise impact and avoid gaps or duplication of effort.

The EU will play an active part in joint meetings with other donors, to ensure a strategic vision of the support it gives to the ICRC.

### **47. DESCRIPTION**

#### **47.1. Objectives**

The overall objective is to contribute to full compliance with the rights of victims of armed conflict and internal violence and of the ICRC mandate and action.

The specific objectives include:

- a better knowledge of international humanitarian law (IHL);
- improved reference and respect for IHL in the legislation and in practice by those who can, in the event of armed conflict or internal violence, determine directly or indirectly the fate of people affected;
- the development of IHL norms and the enhancement of its applicability in the North Africa and Gulf regions;

- an enhanced understanding and respect for ICRC action.

#### **47.2. Expected results and main activities**

To achieve the above objectives, the EU will contribute to ICRC prevention activities, focusing on support for its regional offices in Tunis and Kuwait.

ICRC prevention activities focus on four main strands:

- Implementing international humanitarian law, including:
  - promoting humanitarian treaties among the relevant authorities by making representations to governments, providing training in international humanitarian law and drafting technical documents and guidelines to further national implementation;
  - providing technical advice and support for the implementation of international humanitarian law, undertaking studies and carrying out technical assessments of the compatibility of national legislation with this body of law;
  - translating existing IHL and human rights texts and materials into different languages;
  - encouraging and helping authorities to integrate IHL into the doctrine, education and training of national armed, police and security forces, and into the training and education programmes for future leaders and opinion-makers in universities and schools.
- Developing international humanitarian law, including:
  - taking part in meetings of experts and diplomatic conferences held to develop new treaties or other legal instruments, and formulating bilateral and multilateral initiatives to promote their acceptance by governments and relevant organisations;
  - monitoring new developments, carrying out studies, organising meetings of experts and drafting proposals.
- Communicating publicly on international humanitarian law:
  - public communication which aims to inform and mobilise key stakeholders on priority humanitarian issues and to promote a greater understanding of and support for international humanitarian law and the work of the ICRC;
  - developing communication strategies and tools to mobilise key target groups — such as leaders and opinion-makers — in favour of respect for IHL and accept ICRC action on behalf of victims of armed conflict;
  - supporting the ICRC youth education programme — to help young people embrace humanitarian principles and the social and legal norms intended to protect life and human dignity;
  - reinforcing links with academic circles to consolidate a network of IHL experts, and developing partnerships with institutes and research centres specialising in IHL.
- Organising specific activities on weapons or involving weapon bearers:
  - making representations to governments and other weapon bearers;

- providing an international humanitarian law perspective on weapons issues in national and international forums;
- holding meetings of military, legal, technical and foreign affairs experts to consider issues relating to emerging weapons technology and the impact in humanitarian terms of the use of certain weapons;
- promoting the full and faithful implementation of treaties such as the Ottawa Convention and the Convention on Certain Conventional Weapons, and providing IHL perspectives in meetings on relevant arms treaties.

Drawing on these four strands, the ICRC will be invited to submit a detailed description of activities, including an action plan and a logical framework, identifying concrete activities to be undertaken, and a timeline for the project. The proposed project will therefore increase the prevention activities of the two regional offices of the ICRC.

Indicative expected outputs of the action include: local media reports on IHL; integration of IHL into university curricula and primary and secondary education; public commitments to IHL by authorities; national IHL committees set up; increased ratification of IHL treaties. The ICRC will also conduct regional courses and training on IHL and human rights law for government officials including parliamentarians, diplomats, judiciary, police and military officers

### **47.3. Risks and assumptions**

It is assumed that the two regions will remain politically stable, although some factors might challenge this stability. Security forces throughout the region covered by the Regional ICRC Delegation in Tunis remain regularly on alert following acts of violence carried out by radical Islamic groups, and a coup d'Etat occurred in Mauritania in August 2008. The status of Western Sahara remains a contentious issue. Political tensions have also been observed in Bahrain and Kuwait over recent years.

The activities are dependent on cooperation with local actors, and in particular with the public authorities. Attitudes towards international humanitarian law and the ICRC can be influenced by such external factors as the aftermath and repercussions of the armed conflict in Iraq or the international tensions surrounding Iran. In both regions, the authorities continue to implement security measures to counter acts of violence by extremists, with various levels of respect for human rights and international humanitarian law.

ICRC has long experience in effective risk management and has proven able to undertake activities regardless of the circumstances. Its recognised and long-established role as a neutral, independent humanitarian organisation should guarantee access to a wide range of interlocutors.

#### **47.4. Crosscutting issues**

Good governance and human rights are at the core of the proposed activities. The project will contribute to the development of gender equality, women's rights and the rights of the child.

#### **47.5. Stakeholders**

The activities will target the three specific groups that the ICRC has pinpointed in setting its prevention activities. They are:

- civil society (including the media, associations of various kinds, NGOs, religious circles, economic entities, academics, young people, and the public at large);
- authorities (civil, administrative or legislative authorities, whether official or unofficial);
- armed forces and other weapon bearers (armed, police and security forces, and all State and non-State actors involved in armed violence).

These specific target groups are influential individuals and institutions that may, by dint of their roles and functions, directly or indirectly take action to curb, avoid or put an end to violations of IHL or other fundamental rules protecting persons in situations of violence, and protect or aid those affected when humanitarian problems arise. The ICRC endeavours to persuade them to take action, in the manner most conducive to promoting full respect for those fundamental rules and to ensuring that the people in need receive protection and assistance.

## **4. IMPLEMENTATION ISSUES**

### **4.1 Method of implementation**

Joint management (multi-donor) through the signature of a standard international organisation contribution agreement with an international organisation (ICRC).

The contractual framework to be signed with the International Organisation will fully observe the conditions laid down in Articles 53 d of the Financial Regulation and 43 of its Implementing Rules. The special and the general conditions of the standard model for International Organisations published on the AIDCO website will thus be signed.

Bearing in mind that neutrality and independence are core values of the ICRC, the beneficiary will propose a comprehensive project description in conformity with the joint management provisions, notably in terms of planning new activities, and ensuring joint management mechanisms, regular exchange of information and reporting.

## **4.2 Procurement and grant award procedures**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

## **4.3 Budget and calendar**

Estimated total cost: €3.4 million

EU maximum contribution: €1 million (approx. 29.4%)

The Action will be financed from budget line 190401.

The activities are scheduled to start in 2010 with an indicative duration of 24 months.

Any remaining balance from this action may be reallocated to the budget of another action, preferably within the same strategic objective.

## **4.4 Performance monitoring**

The performance will be monitored according to standard procedures. Project monitoring and evaluation will be by reference to specified project results and project objectives.

## **4.5 Evaluation and audit**

The action will be evaluated and audited according to standard procedures.

Furthermore, it is noted that the ICRC has developed a methodology for ensuring a cohesive and comprehensive approach to evaluating the effects of its prevention activities, both at headquarters and in the field.

## **4.6 Communication and visibility**

During the project, European Union involvement will be publicised according to the EU visibility guidelines or commonly agreed arrangements.

## Annex 14

### Action Sheet 14 — EIDHR 2010 AAP

#### 48. IDENTIFICATION

Title	<b>2010 EU Election Observation Missions Project (EU EOM)</b>		
Total cost	<b>€31 044 000</b>		
Aid method / Management mode	Project approach — Centralised — Direct Management or Joint Management		
DAC-code	15161	Sector	Elections

#### 49. RATIONALE

##### 49.1. Sector context

Elections are an essential component of a functioning democracy. Support for genuine elections can make a major contribution to peace and development. Deployment of European Union Elections Observation Missions (EU EOMs) in third countries is an effective way of helping to build confidence, enhancing the reliability and transparency of democratic electoral processes, and to discouraging irregularities, abuse and electoral violence. It also provides indications on how to develop a political dialogue with the country concerned and to steer governance-related assistance.

##### 49.2. Lessons learnt

Since 1993, i.e. for more than 15 years of operations, the European Union has deployed more than 110 Elections Observations Missions (EOM). Since 2000, the precise methodology on which the EOMs are based has been steadily improved on the basis of experience. Best practices and lessons learnt have been grouped in the Election Observation Handbook and the Compendium of International Standards (published in 2007) and updated in 2008 and 2009 respectively.

##### 49.3. Complementary action

Election assistance to third countries via the European Development Fund (EDF) or the Development Cooperation Instrument (DCI), action under the Instrument for Stability (IFS) crisis management component of short-term measures, action under EIDHR projects, and action and programmes aiming at improving democratic control and good governance, are complementary to the EU EOM programme.

The NEEDS (Network for Enhanced Elections and Democracy Support) project, which provides specific training, supports methodological improvements and promotes partnerships with other international players and domestic observers, is complementary to the EU EOM programme.

Action proposed in action sheet 15 are likewise complementary to this action.

#### **49.4. Donor coordination**

Coordination with Members States is at the centre of the process and is ensured during the whole EOM cycle, including programming, exploratory missions and EOM implementation. Non-EU donors (Canada, Switzerland and Norway) are associated.

Coordination also takes place in the field with other international or regional organisations, civil society and domestic observers dealing with elections observation. Operational partnerships and exchanges of good practice are being developed with the OSCE, the African Union, the Commonwealth, the Arab League and the OIF.

Coordination has to be such as to not jeopardise the independence and impartiality of EU EOMs

#### **49.5. Objectives**

Overall objectives: support to strengthen democratisation, good governance and conflict prevention; help to reduce the possibility of fraud, manipulation, intimidation, and other disruptions of genuine elections which could undermine the electoral process, and to improve the legal framework and conduct of future elections, as well as public confidence in the institutions; to inform the European institutions on the conduct of elections in selected third countries.

Specific objective: to produce a detailed and informed assessment of the organisation and conduct of the election process in all its aspects for each country on the following indicative list: Palestine, Guinea, Ivory Coast, Togo, Sudan, Chad, Ethiopia, Afghanistan, Burundi, Madagascar, Nepal, Venezuela. This list could change, and other countries could be added, conditional on possible new EU priorities in 2010 and the beginning of 2011. Considering the average cost, the budgetary allocation allows for a maximum of 12 EOMs in 2010.

The final decision on the deployment of an EU EOM is taken by the RELEX Commissioner when the following criteria are met (cf. Communication from the Commission on EU Election Assistance and Observation COM(2000) 191 final):

- EU participation is advisable (minimal acceptable technical conditions are met by the electoral framework)
- EU participation is useful (contributes to confidence-building, can reduce the risk of political violence, fraud, etc)
- EU participation is feasible (in operational, security and financial terms).
- These criteria are assessed by an Exploratory Mission sent to the country.

Assessment missions: Depending on the political context, the decision might be not to deploy a full EOM but to limit it to an Assessment Mission. Assessment Missions cover a limited part of the full EOM scheme; in particular they do not apply full political visibility, nor do they appoint a Chief Observer.

## 49.6. Expected results and main activities

### *Expected results:*

- Elections take place in a peaceful way, fraud and irregularities are limited;
- EU Member States are informed on the way elections were organised and handled by the government in place;
- in each country, a report is provided to the authorities and stakeholders, proposing possible improvements to the electoral process and ways and means of implementing them (including the role of civil society players and electoral assistance);
- institutions in place after the elections gain legitimacy and public confidence;
- the personnel involved, international and local, are safe.

### *Main activities:*

In order to achieve these results, the EOM is composed of

**Observers.** The mission includes a Chief Observer (Member of the European Parliament), and a Core Team composed of a Deputy Chief Observer and various European experts (election, legal, political, media, press & public outreach, observers coordinator human rights / gender expert etc..). In addition, the EOM is composed of European Long-Term Observers (LTOs) and Short-Term Observers (STOs), proposed to the Commission by Member States. The number of observers varies between 80 and 200. LTOs stay approximately two months in the country, while STOs stay one to two weeks.

**Support staff.** The EOM includes a Service Provider, in charge of any logistical and security aspect of the mission (transport, accommodation, offices, telecommunications, technical support). He provides key experts (manager, security, logistics, IT experts) and staff to support the Observers. Depending on the size of the mission, the number of support staff varies between 50 and 300. The operational life of an EOM is about six months.

## 49.7. Stakeholders

In the country, voters, election authorities, public institutions and administration, political parties, civil society at large, as well as the international community; European Parliament, European Council, Commission.

## 49.8. Risks and assumptions

Main risks are changes in political conditions leading to changes in the election timing and in EU priorities for election observation; the conjunction of post-conflict countries, in the 2010 electoral calendar, adds a serious risk in terms of security.

#### **49.9. Crosscutting issues**

This programme is focused on consolidating governance and human rights in third countries. Gender balance is ensured in the selection of observers, and in the careful observance of gender issues in the organisation and implementation of the elections.

There is no specific impact on the environment. Carbon offset policies are encouraged in the running of the EOM.

#### **50. IMPLEMENTATION ISSUES**

##### **50.1. Implementation method**

Individual EOMs are run either by joint management or centralised direct management.

##### **50.2. Procurement and grant award procedures**

The specific nature of EOMs requires the capacity to deal with a number of observers to be deployed in a quick, efficient and secure way. EOMs are implemented by a Service Provider selected by a tendering process and under a specific Framework Contract (No Europeaid/125666/C/SER/multi), established in 2009 with five potential bidders (GTZ, ICON, OIM, TRANSTEC, UNOPS).

In exceptional circumstances, a grant or joint management procedure might also be used with an ad-hoc Implementing Partner selected according to the following criteria:

- presence and specific capacities at field level;
- technical skills and human resources available at very short notice;
- absence of any possible conflict of interest.

In all cases, full financing (100%) is required to ensure the independence and impartiality of EOMs

In the case of joint management, the contractual framework to be signed with the International Organisation will fully observe the conditions laid down in Articles 53 d of the Financial Regulation and 43 of its Implementing Rules. The special and the general conditions of the standard model for International Organisations published on the AIDCO website will thus be signed.

The provision of standard EU observers working equipment, medical and security gear and visibility kit is organised case by case and forms part of the tasks required of the Service Provider. To achieve economies of scale, and for reasons of speed, this equipment will be standardised by setting up in 2010 a strategic stock for all EU EOMs. There will be a separate procurement procedure for this.

### 50.3. Budget and timetable

Each EOM can cost from €1 million to €10 million. On an indicative basis, the budget for a 'standard' EU EOM mobilising approx. 100 observers is around €3 million, made up as follows:

Observers (fees, allowances)	€660 000
Transport (international and local)	€960 000
Equipment	€300 000
Offices, local staff, training, contingencies, direct costs, overheads	€1 080 000
Total:	€3 000 000

This action (**€31 044 000**) will be financed from budget line 190403.

Average duration of EOM implementation is six months; indicative total duration of the programme is 24 months.

Any remaining balance from one action may be reallocated to the budget of another action, preferably within the same strategic objective.

### 50.4. Performance monitoring

Commission staff from the Election Desk keep a close check on each EOM (including monitoring missions in the field, briefing and debriefings with Core Team and Implementing partners, end of mission reports from observers).

### 50.5. Evaluation and audit

All categories of observers are included in a formal evaluation process which is registered on the EOM data base (election roster). EOMs are debriefed with the Member States by way of biannual informal working meetings of National Focal Points. They are also debriefed with the five potential bidders at monthly formal meetings.

Specific internal audits are required in the Terms of Reference of the request for provision of an EOM and are standard practice. In ad hoc circumstances, the Commission reserves the right to request an external audit.

### 50.6. Communication and visibility

Visibility is very high, in particular when the Chief Observer delivers his preliminary statement. Standard EU rules and guidance for communication and visibility are applied.

A specific campaign is being launched for 2009/2010 to mark the 15 years anniversary of EU Election observation activities.

## ACTION SHEET 15– EIDHR 2010 AAP

## 51. IDENTIFICATION

Title	<b>Complementary activities (exploratory missions, election experts missions, pre-election and post-election experts missions) to the 2010 EU Election Observation Missions</b>		
Total cost	<b>€1 870 000</b>		
Aid method / Management mode	Project approach / Centralised — Direct Management		
DAC-code	15161	Sector	Elections

## 52. RATIONALE

## 52.1. Sector context

Elections are an essential component of a functioning democracy. Support for genuine elections can make a major contribution to peace and development. Deployment of European Union Elections Observation Missions (EOMs) in third countries is an effective way of helping to build confidence, enhancing the reliability and transparency of democratic electoral processes, and discouraging irregularities, abuse and electoral violence. In some specific cases, it might be decided to send an Election Experts Mission (EEM) instead of a fully-fledged EU EOM, or when other types of electoral assessment are required.

The final decision to deploy an EU EOM, or an EEM, and the specifications of such a mission, are based on the information gathered by an Exploratory Mission sent by the EC to the country at its request.

In certain complex and evolving situations, in particular at times of constitutional or legal upheaval, it is important to have information and updates in advance of the Exploratory Mission proper. This is a job for Pre-election Experts Missions sent by the EC to the considered country at its request.

One of the outcomes of EOMs and EEMs are a set of recommendations to the authorities of the country, on how to improve the conduct of future elections. Post-election Experts Missions might be organised, to take stock of the way these recommendations have been dealt with, to help develop a political dialogue with the country on democracy and human rights, and to help donors, in the context of the Paris Declaration, to support these improvements.

## 52.2. Lessons learnt

Since 1993, i.e. for more than 15 years of operations, the European Union has deployed more than 110 Elections Observations Missions (EOM). Since 2000, the

precise methodology on which the EOMs are based has been steadily improved on the basis of experience. Best practices and lessons learnt have been grouped in the Election Observation Handbook and the Compendium of International Standards (published in 2007) and updated in 2008 and 2009 respectively.

Terms of reference, guidelines and templates have been developed accordingly. The EC also started in 2008 to deploy Election Expert Missions in cases where a fully-fledged EOM was not possible or appropriate, and terms of reference for such missions have also been adapted. The need for systematic impact, better preparation and follow-up of EU EOMs has also been underlined by the Member States and the European Parliament.

### **52.3. Complementary action**

Election assistance to third countries via the European Development Fund (EDF) or the Development Cooperation Instrument (DCI), action under EIDHR projects, and action and programmes aiming at improving democratic control and good governance, are complementary to the EU EOM programme.

The NEEDS (Network for Enhanced Elections and Democracy Support) project, which provides specific training, supports methodological improvements and promotes partnerships with other international players and domestic observers, is complementary to the EU EOM programme.

Action proposed in action sheet 14 are likewise complementary to this action.

### **52.4. Donor coordination**

Coordination with Members States is at the centre of the process and is ensured during the whole EOM cycle, including programming, exploratory missions and EOM implementation. Non-EU donors (Canada, Switzerland and Norway) are associated.

Coordination also takes place in the field with other international or regional organisations, civil society and domestic observers dealing with elections observation. Operational partnerships and exchanges of good practice are being developed with the OSCE, the African Union, the Commonwealth, the Arab League and the OIF.

### **52.5. Objectives**

Overall objectives: support to strengthen democratisation, good governance and conflict prevention; help to reduce the possibility of fraud, manipulation, intimidation, and other disruptions of genuine elections which could undermine the electoral process, and to improve the legal framework and conduct of future elections, as well as public confidence in the institutions; to inform the European institutions on the conduct of elections in selected third countries.

Specific objective: to enhance EU election observation tools, their relevance and impact by way of: (i) sound preparation, (ii) tailor-made approach, in addition to or instead of EU EOM by Elections Experts Missions when appropriate, (iii) better integration into the electoral cycle during pre-election and post-election phases, and

(iv) strengthening the link between election observation recommendations and official development assistance.

## **52.6. Expected results and main activities**

### ***Expected results:***

(i): information / reports on whether EU elections observation in a given country is advisable (are minimum acceptable technical conditions met by the electoral framework?); useful (does it contribute to confidence-building, can it reduce risks of political violence, fraud, etc.?); feasible (under which form and conditions, e.g. number of observers, equipment and logistics, security, budget, etc.?);

(ii) information / reports (for EU Member States, European Parliament) on the way electoral processes (legal, operational aspects, voter registration, etc.) are organised and handled by the government, and reports to the authorities and stakeholders, proposing possible improvements to the electoral process and ways and means of implementing them (including the possible role of civil society players and electoral assistance);

(iii) assessment on the implementation of EU EOMs recommendations and impact, and proposals for further action (projects, electoral assistance, civil society support).

### ***Main activities:***

In order to achieve these results,

(i) an Exploratory Mission is deployed in a country (at its invitation), around four months prior to the elections, for a period of approx. two weeks, typically composed of up to three experts (electoral expert; operations expert; security expert);

(ii) an EU Election Experts Mission is deployed in a country (in liaison with its authorities), for around eight weeks, typically composed of up to four experts (electoral expert; legal expert; political expert; human rights/gender expert) and administrative support staff;

(iii) a Pre-election Expert Mission is deployed in a country (in liaison with the country's authorities), between six months and a year before elections will take place, for around six months, typically composed of two experts (electoral expert and legal expert);

(iv) a Post-election Expert Mission is deployed in a country (in liaison with the country's authorities), between one and two years after an EU EOM has taken place, for around six months, typically composed of two experts (electoral expert and legal expert), and involving the EU EOM Chief Observer.

## **52.7. Stakeholders**

In the country: voters, election authorities, public institutions and administration, political parties, civil society at large; European Parliament, European Council, Commission.

## **52.8. Risks and assumptions**

Main risks are changes in political conditions leading to changes in the elections timing and in EU priorities for elections observation; the conjunction of post-conflict countries, in the 2010 electoral calendar, adds a serious risk in terms of security.

## **52.9. Crosscutting issues**

This programme is focused on consolidating governance and human rights in third countries. Gender balance is ensured in the selection of observers, and in the careful observance of gender issues in the organisation and implementation of the elections.

There is no specific impact on the environment. Carbon offset policies are encouraged in the running of the EOM.

## **53. IMPLEMENTATION ISSUES**

### **53.1. Implementation method**

Centralised direct management — procurement contract(s)/framework contract(s).

### **53.2. Procurement and grant award procedures**

All contracts must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the EU for the implementation of external operations, in force at the time of the launch of the procedure in question.

### **53.3. Budget and timetable**

The average cost for an Exploratory Mission is around €60 000; ten Missions are scheduled.

The average cost for an Election Experts Mission is €150 000; four Missions are scheduled, from mid-2009 to mid-2010.

The average cost for a Pre-election Expert Mission is around €150 000; two missions are scheduled, from mid-2009 to mid-2010.

The average cost for a Post-election Expert Mission is around €150 000; two missions are scheduled for 2010.

Total budget for this project amounts to €1 870 000.

This action will be financed from budget line 190403.

Work will start in 2010; indicative total duration of the project is 24 months.

Any remaining balance from one action may be reallocated to the budget of another action, preferably within the same strategic objective.

**53.4. Performance monitoring**

EU staff from Election Desks (AIDCO and RELEX) closely monitor each mission within this project.

**53.5. Evaluation and audit**

The rules on Framework Contracts and services contracts will be applied.

**53.6. Communication and visibility**

Standard EU rules for communication and visibility will be applied.

A specific campaign is being launched for 2009/2010 t the 15 years anniversary of EU Election observation activities.