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## ANNEX 12

of the Commission Implementing Decision on the Multi-Annual Action Programme 2018-2020 for the European Instrument for Democracy and Human Rights (EIDHR) to be financed from the general budget of the Union

### **Action Document for Supporting Human Rights Dialogues and their follow-up**

<b>1. Title/basic act/ CRIS number</b>	<b>Supporting Human Rights Dialogues and their follow-up</b>  CRIS number: EIDHR/2018/041-031; EIDHR/2019/041-338; and EIDHR/2020/041-344  financed under the European Instrument for Democracy and Human Rights	
<b>2. Zone benefiting from the action/location</b>	Worldwide	
<b>3. Programming document</b>	Multiannual Indicative Programme (2018-2020) for the Instrument for Democracy and Human Rights Worldwide - Commission Implementing Decision C(2018)6409	
<b>4. Sector of concentration/ thematic area</b>	Human Rights and Democracy	DEV. Aid: YES
<b>5. Amounts concerned</b>	<b>Total estimated cost: EUR 1,000,000</b>  The contribution is for an amount of EUR 300,000 from the general budget of the European Union for 2018,  For an amount of EUR 300,000 from the general budget of the European Union for 2019, subject to the availability of appropriations following the adoption of the relevant budget.  And for an amount of EUR 400,000 from the general budget of the European Union for 2020, subject to the availability of appropriations following the adoption of the relevant budget.	
<b>6. Aid modality(ies) and implementation</b>	Direct management: procurement of services	

<b>modality(ies)</b>				
<b>7 a) DAC code(s)</b>	15160 - Human Rights and Democracy			
<b>b) Main Delivery Channel</b>	Non-governmental Organisations (NGOs) and Civil Society - 2000			
<b>8. Markers (from CRIS DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. Global Public Goods and Challenges (GPGC) thematic flagships</b>	NA			
<b>10. SDGs</b>	<p>The action is contributing to the realisation of the following SDGs:</p> <p>As a main goal:</p> <ul style="list-style-type: none"> <li>- SDG 16: promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</li> </ul> <p>As a secondary goal:</p> <ul style="list-style-type: none"> <li>- SDG 5: achieve gender equality and empower all women and girls</li> </ul>			

## SUMMARY

This Action provides the necessary support to ensure the meaningful participation and valuable contribution of civil society organisations to the human right dialogues expected to take place in 2018, 2019 and 2020, between the EU and third countries or regional organisations. The human rights dialogues are an instrument of the EU's external policy and play a central role in the EU's bilateral and regional engagement on human rights with partner countries and organisations.

The involvement of CSOs will materialise mainly through civil society seminars (under various formats and modalities adapted to the local context) held side by side with the official human rights dialogues. In countries where no formal human rights dialogue is established, civil society seminars can be organised in order to promote human rights dialogue informally.

As such, the action aims to implement the objective 5 set out in the annex of the EIDHR Regulation 2014-2020<sup>1</sup> and in the Multiannual Indicative Programme (2018-2020) for the EIDHR: "Support to targeted key actors and processes, including international and regional human rights instruments and mechanisms".

## **1 CONTEXT**

### **1.1 Sector/Country/Regional context/Thematic area**

#### ***1.1.1 Public Policy Assessment and EU Policy Framework***

The European Union is founded on a strong engagement to promote and protect human rights, and democracy worldwide and distinguishes itself as the largest donor in these two areas of support.

This action shall be firmly embedded in the EU policy framework and be in line, in particular, with the new European Consensus on Development<sup>2</sup>, in particular the key areas of People and Peace, and the 2015-2019 Action Plan on Human Rights and Democracy<sup>3</sup>, in particular objective 7: "Promoting stronger partnership with third countries' Civil Society Organisations (CSO) including social partners and between authorities, parliaments and CSO".

The EU Guidelines on human rights dialogues with third countries (reviewed last in 2009)<sup>4</sup> foresee the possibility of involving civil society in human rights dialogues "under the most suitable arrangement in the preliminary assessment of the human rights situation, in the conduct of the dialogue itself (particularly by organising, in certain cases, seminars with representatives of civil society of the third country and of the European Union in order to discuss specific thematic issues in greater depth in parallel with the formal dialogue), and in following up and assessing the dialogue".

This action will be implemented following a rights-based approach, encompassing all human rights, with due regard to the working principles of applying all rights, participation and access to the decision making process, non-discrimination and equal access, accountability and access to the rule of law, and transparency and access to information, as outlined in the

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<sup>1</sup> Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide

<sup>2</sup> [https://ec.europa.eu/europeaid/new-european-consensus-development-our-world-our-dignity-our-future\\_en](https://ec.europa.eu/europeaid/new-european-consensus-development-our-world-our-dignity-our-future_en)

<sup>3</sup> Joint Communication "Action Plan on Human Rights and Democracy (2015-2019): Keeping human rights at the heart of the EU agenda" of 28 April 2015 (JOIN(2015)16) adopted by the Council on 20 July 2015 (10897/15)

<sup>4</sup> [https://eeas.europa.eu/sites/eeas/files/eu\\_guidelines\\_on\\_human\\_rights\\_dialogues\\_with\\_third\\_countries.pdf](https://eeas.europa.eu/sites/eeas/files/eu_guidelines_on_human_rights_dialogues_with_third_countries.pdf)

2014 Tool-box "a Rights-Based Approach, encompassing all human rights, for EU development cooperation" and the respective Council Conclusions.<sup>5</sup>

This action shall also contribute to the implementation of the EU Gender Action Plan II (GAP2)<sup>6</sup>.

On the broadest scale, the action will contribute to the realisation of the UN Sustainable Development Goal (SDG) number 16 by promoting peaceful and inclusive societies for sustainable development, access to justice for all and building effective, accountable and inclusive institutions. It is expected to also further the SDG 5 (achieve gender equality and empower all women and girls) and the SDG 17 (strengthen the means of implementation and revitalize the global partnership for sustainable development).

### ***1.1.2 Stakeholder analysis***

Both EU and local civil society organisations active in the human rights field and with expertise on the specific topics under discussion in the formal human rights dialogues will benefit directly from the action.

The EU delegations together with the EC headquarters play a central role in the development of the action, as they are responsible for the financial, organisational and contractual aspects of the CSOs consultation processes, regardless of whether the human rights dialogue takes place in Brussels or in the partner country. The EU Delegations are responsible of the identification of the local CSOs to take part in the action when they take place at local level. The European External Action Service (EEAS) is substantially involved in the process in particular with regard to the European CSOs based in Brussels.

Government officials (EU and third country/organisation) may attend the opening and closing of CSO Seminars.

Other relevant actors can be considered as participants if deemed relevant, such as National Human Rights Institutions (NHRIs) and their networks.

The final beneficiaries of the action are the citizens and the communities living in the countries where the human rights dialogues take place.

### ***1.1.3 Priority areas for support***

The priority issues to be discussed in human rights dialogues are set out in the EU Guidelines for human rights dialogues with third countries and could amongst other include topics such as the implementation of international human rights instruments; combating the death penalty, torture, and all forms of discrimination; children's rights; women's rights; freedom of

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<sup>5</sup> Council conclusions on a rights-based approach to development cooperation, encompassing all human rights, FAC Brussels, 19 May 2014

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/foraff/142682.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/142682.pdf)

<sup>6</sup>Staff Working Document "EU Action Plan for Gender Equality and Women's Empowerment in Development for 2016-2020" (SWD(2015)182 final)

expression, the role of civil society and the protection of human rights defenders; international cooperation in the field of justice, in particular with the International Criminal Court; promotion of the processes of democratisation and good governance; the rule of law and the prevention of conflict.

The CSO seminars funded under this action will, in general, focus on an in-depth examination of a limited number of the above-mentioned topics which are to be selected on a case-by-case basis.

In countries where no formal human rights dialogue is established yet, seminars gathering the civil society active in the concerned third country can also be organised in order to promote the EU human rights priorities and engage in a informal human right dialogues.

## 2 RISKS AND ASSUMPTIONS

<b>Risks</b>	<b>Risk level (High/Medium/Low)</b>	<b>Mitigating measures</b>
'Shrinking space' limits the participation of independent CSOs and the space for a genuine dialogue on sensitive issues is limited (fear of reprisal by local CSOs)	Low	<p>Selection of CSO participating in the process to take this risk into account.</p> <p>Consultation of CSO roadmaps of the concerned countries if available.</p> <p>Restricting visibility of the consultations.</p>
<b>Assumptions</b>		
<p>Political conditions and local context allow these dialogues to take place.</p> <p>EU delegations have the capacity to organise the CSO dialogues and manage the resulting contracts.</p>		

## 3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

### 3.1 Lessons learnt

Civil society organisations, both EU-based and from the country where the dialogue is taking place, have welcomed the possibility to be consulted by EU Delegations before, during and after the human rights dialogue. These consultations have resulted in many constructive joint recommendations and a desire to undertake preparatory and follow-up activities to maximise CSO input to the official human rights dialogues.

Several lessons learnt and best practices on these seminars have been identified in a 2013 COHOM Note (14819/13) entitled "Best Practices in Human Rights Dialogues" and can be summarised as follows:

- The importance to look beyond capital-based and registered NGOs, as well as paying particular attention to GONGOs, when selecting participating CSOs from the partner country. Efforts are to be made to better integrate the CSO seminars and the human rights dialogues, notably in connecting the themes of the seminars with the agenda of the official dialogues. Useful oral reports by NGO representatives at the opening of the official dialogue have been managed in a number of cases and represent a best practice to promote in other dialogues.
- Particular attention should be paid to women's rights and the most vulnerable groups and organisations defending their rights (LGBTI, indigenous peoples, children, migrants and other discriminated groups and minorities) when reaching out to CSOs in order to involve them in the human rights dialogues process.
- The need to ensure proper and broad communication on civil society seminars and their outcomes, and to increase their visibility. A summary of the outcomes and recommendations made by the CSOs should ideally be submitted by civil society itself at the opening of the official human rights dialogue.

### **3.2 Complementarity, synergy and donor coordination**

In addition to this specific action, the EU continues to support civil society dialogue processes in the framework of the CSO-LA Programme. For instance, the Policy Forum on Development addresses regularly, at global and regional levels, the issue of enabling environment for CSOs. The strategic engagement with civil society is also strengthened through the elaboration and the implementation of 107 country Roadmaps. EU Delegations are encouraged to consult these roadmaps, where they exist, as they provide a detailed analysis of the civil society landscape, which can be useful in the preparation of the CSOs seminars. These roadmaps present a comprehensive and shared EU and member states analysis of the civil society landscape, identify EU priorities and concrete steps for engaging with and supporting CSOs in partner countries.

Moreover, the EU Delegations in third countries/regional organisations continue to monitor the development of the human rights situation at national and regional levels.

The European Commission and the European External Action Service (EEAS) will maintain close coordination with EU Member States, the Commission services, EU Delegations and with other donors involved in this thematic activity.

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

### **3.3 Cross-cutting issues**

In line with the 2030 Agenda and the motto of leaving no-one behind, particular attention will be paid to ensure the participation of civil society organisations representing traditionally excluded and discriminated individuals and groups, e.g. women, indigenous peoples, representatives of minorities, children, persons with disabilities, the elderly, refugees and migrant workers, human rights defenders (including the environment of human rights defenders) ), trade unionists promoting labour rights, and LGBTI persons. In line with art. 3.8

of the Development Cooperation Instrument (DCI), all actions shall be designed and implemented following a rights-based approach, encompassing all human rights, as detailed in section 1.1.1. of this action document.

Dialogues held under this action will be gender sensitive and place special emphasis on gender mainstreaming and gender equality in line with the EU Gender Action Plan II<sup>7</sup>.

## **4 DESCRIPTION OF THE ACTION**

### **4.1 Objectives/results**

The **overall objective** of this action is to ensure and strengthen the involvement of civil society organisations in the process of dialogues on human rights taking place between the European Union and third countries.

The **specific objectives** are:

- to allow for CSOs' contributions, expertise and perspectives to be taken into account and feed into the official human rights dialogues between the European Union and third-country governments;
- to ensure the sustainability and overall success of the process by involving civil society organisations in the preparation and follow-up of the human rights dialogues;
- to provide a space for discussion and cooperation among CSOs themselves, as well as between the European Union and civil society representatives from concerned third countries and/or at regional level, on human rights and democracy related issues;

The action will aim at achieving the following **results**:

- An estimated number of 25 CSOs seminars will be held;
- Joint civil society recommendations will be adopted during these seminars and will feed into the official EU dialogues with third countries;
- Local civil society organisations will be strengthened in their capacities and network;
- EU will receive CSO input on priority human rights issues.

### **4.2 Main activities**

The following activities could be carried out under this action:

- Preparatory activities, such as small-scale studies, prior consultations and technical meetings with civil society organisations active in human rights in the third country concerned, both in Brussels and third country, to prepare for the formal dialogue;
- Seminars and meetings with civil society organisations of the third country and of the European Union in order to discuss specific thematic issues in greater depth. These seminars can take place in parallel with the formal human rights dialogue or as a standalone CSO seminar in case where no formal HR dialogue is established or where the purpose is to consult CSOs on a specific EU human rights priority (e.g. on the implementation of the UN Declaration on Indigenous Peoples Rights or on the issue of democratic and civic space);

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<sup>7</sup> Staff Working Document "EU Action Plan for Gender Equality and Women's Empowerment in Development for 2016-2020" (SWD(2015)182 final)

- Follow-up activities, such as debriefings with civil society organisations on the outcomes.

### **4.3 Intervention logic**

This action aims at supporting one of the key actors of the international human rights and democracy arena, the civil society. At the same time, it aims to strengthen one of the key processes of the EU human rights toolbox, the human rights dialogues with third countries. In so doing, this action contributes to the achievement of the EIDHR specific objective 5.

The human rights dialogues play a central role in the EU's bilateral and regional engagement on human rights with partner countries and organisations. They address the whole spectrum of EIDHR priority themes, including civil, political, socio-economic and cultural rights, the death penalty, torture, non-discrimination, multilateral aspects, etc. The EIDHR is therefore supporting them with regards to mobilising expertise and civil society input, as it is in the nature of the instrument to support and strengthen civil society organisations in promoting human rights and democratic governance.

In order to ensure that the civil society is given a voice also in the framework of the less formal EU policy dialogue, this action also provides space for civil society consultations/seminars outside the formal human-rights-dialogue context.

Civil society organisations could also be supported through, for example, mobilising experts and organising civil society seminars at local and regional levels.

## **5 IMPLEMENTATION**

### **5.1 Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country.

### **5.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

### **5.3 Implementation modalities**

Both in indirect and direct management, the Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review



procedures, where appropriate, and compliance of the action with EU restrictive measures affecting the respective countries of operation<sup>8</sup>.

### 5.3.1.1 Procurement (direct management)

Subject in generic terms, if possible	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure
Procurement (direct management)			
On 2018 EU Budget	Services	7 contracts	Demand and need driven throughout the year.
On 2019 EU Budget	Services	8 contracts	
On 2020 EU Budget	Services	10 contracts	

### 5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

### 5.5 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
5.3.1.1 – Procurement (direct management)		
- Contracts from 2018 budget	300,000	
- Contracts from 2019 budget	300,000	
- Contracts from 2020 budget	400,000	
5.8 – Evaluation, 5.10 – Audit		N.A.
5.10 – Communication and visibility		N.A.
Totals	<b>1,000,000 EUR</b>	

<sup>8</sup> [https://eeas.europa.eu/sites/eeas/files/restrictive\\_measures-2017-04-26-clean.pdf](https://eeas.europa.eu/sites/eeas/files/restrictive_measures-2017-04-26-clean.pdf)

## **5.6 Organisational set-up and responsibilities**

The overall action will be managed by the European Commission.

EC Headquarters are in charge of managing the EIDHR budget line dedicated to support to human rights dialogues and more specifically to give clearance to requests from EU Delegations/EEAS to use the EIDHR dedicated budget line in order to fund the organisation of CSO seminars described above.

In most cases, the EU Delegations of the countries where the human rights dialogues are taking place are in charge of signing and managing the service contracts related to the organisation of the CSOs seminars.

CSO Seminars are run by civil society organisations themselves, which decide their own agenda.

## **5.7 Performance monitoring and reporting**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the list of result indicators (for budget support). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

## **5.8 Evaluation**

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The evaluation reports shall be shared with key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

## **5.9 Audit**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

## **5.10 Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.