



This action is funded by the European Union

ANNEX 2

of the Commission implementing Decision on the Annual Action Programme 2015
of the DCI Pan-African Programme

Action Document for "Strengthening the African Human Rights System"

INFORMATION FOR POTENTIAL GRANT APPLICANTS

WORK PROGRAMME FOR GRANTS

This document constitutes the work programme for grants in the sense of Article 128(1) of the Financial Regulation (Regulation (EU, Euratom) No 966/2012) in the following section concerning grants awarded directly without a call for proposals: 5.4.

1. Title/basic act/ CRIS number	"Strengthening the African Human Rights System" CRIS number: DCI/PANAF/037-827 financed under the Development Cooperation Instrument
2. Zone benefiting from the action/location	Pan-African The action shall be carried out at the following locations: Addis Ababa (Ethiopia); Banjul (Gambia), Arusha (Tanzania), Midrand (South Africa) and other places in Africa relevant for the action
3. Programming document	Pan African Programme Multiannual indicative programme 2014-2017
4. Sector of concentration/ thematic area	Strategic Area 2 : Democracy, Good Governance and Human Rights
5. Amounts concerned	Total estimated cost: EUR 10 000 000 Total amount of EU budget contribution EUR 10 000 000 The contribution is for an amount of EUR 10 000 000 from the general budget of the European Union for 2015 subject to the availability of appropriations following the adoption of the relevant budget.
6. Aid modality and implementation modalities	Project Modality Direct management (grants – direct award and procurement of services)
7. DAC codes	15150 – Democratic participation and civil society 15160 – Human Rights 15130 - Legal and Judicial Programme

8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	x
	Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	x	<input type="checkbox"/>
	Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>
	9. Global Public Goods and Challenges (GPGC) thematic flagship	N/A		

SUMMARY

Democratic governance and human rights are at the heart of our partnership with the African continent under the Joint Africa-EU Strategy (JAES). At the 4th Africa-EU Summit in April 2014 in Brussels, the Heads of State and Government of both continents and the Presidents of the African Union Commission (AUC) and the European Commission reiterated their commitment to the principles of good governance, democracy and the rule of law. They committed themselves to work together to ensure full respect of human rights, international law, gender equality, and to fight impunity and all forms of discrimination, racism and xenophobia.

Priority Area 2 of the Africa-EU Roadmap 2014-17 adopted at the Summit sets out jointly agreed governance and human rights priorities. The overall strategic objective for this priority area is: *"To ensure a transparent, democratic and accountable environment in the respect of human rights and the rule of law, contributing to reducing fragility, fostering political stability and effective governance, and enabling sustainable and inclusive development and growth."*

The African Union (AU) Assembly has declared 2016 as "Africa Year of Human Rights with particular focus on the rights of women".

The **overall objective** of the project is to contribute to ensure a transparent, democratic and accountable environment in the respect of human rights and rule of law in Africa.

The **specific objective** is to strengthen the African human rights system in the framework of the African Governance Architecture.

This project is part of a wider approach to governance and human rights under the Pan-African Programme that includes: i) Election Observation support; ii) Support to the African Governance Architecture ("AGA") through the AGA secretariat; iii) Support to Civil Society Organisations; iv) possible future support to public administration and anti-corruption; v) Support to Pan-African Gender interventions.

The implementation will be through direct award grants to the African Union human rights organs and with technical assistance.

1 CONTEXT

1.1 Sector context

As with other regional human rights systems, the African human rights system is composed of four pillars: a) **Norms**: the treaties that enshrine particular human rights. The most important is the African Charter on Human and Peoples' Rights adopted in 1981. Other important treaties are the Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (and its 2014 amendment creating the African Criminal Chamber, which has not come into force yet); the African Charter on the Rights and Welfare of the Child; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and the African Charter on Democracy Elections and Governance (ACDEG); b) **State parties**: to the different instruments; c) **Supervisory bodies** which monitor, interpret, decide, and offer recommendations regarding human rights violations. The main African Union (AU) human rights supervisory bodies are the African Commission on Human and Peoples' Rights (ACHPR), the African Court on Human and Peoples' Rights (Court) and the African Committee of Experts on the Rights and Welfare of the Child (Child Committee); d) and **Non-governmental organisations**, that bring complaints, provide information, and make recommendations to the system.

The overall political and institutional framework for the promotion of democracy, governance and human rights in Africa is the **African Governance Architecture**, established during the 16th Ordinary Session of the AU Assembly of Heads of State and Government in 2011. The AGA is composed of three principal pillars: (i) norms; (ii) organs and institutions and (iii) oversight mechanisms. This programme will mainly focus on the AU organs with a human rights mandate (complementary support to the AGA will be addressed via support to the AUC's Department of Political Affairs, Secretariat of the AGA, under the African Union Support Programme III PANAF AAP 2).

1.1.1 Public Policy Assessment and EU Policy Framework

The programme endorses a rights-based approach encompassing all human rights in line with DCI Regulation 233/2014 Article 3.8 (b). It is also in line with the EU Action Plan on Human Rights and Democracy 2015-2019, according to which the EU commits to "strengthening cooperation with...regional Human Rights and Democracy mechanisms".¹

The **roadmap to the Joint Africa-EU Strategy approved in April 2014** by African and European Heads of State and Government identifies democracy, good governance and the defence and protection of human rights on both continents as a priority (priority no. 2). Particular attention is paid to the full operationalisation of the AGA. It also recognises the progress achieved by the annual discussions framed under the EU-AU Human Rights Dialogue which it places at the centre of the implementation of the roadmap. There is a need to set up a result-oriented programme in this area in order to achieve clear and tangible results.

Any actions under this strategic area need to be undertaken with reference to Strategic Area 1 – Peace and Security - where there is potential overlap/complementarity (e.g. mediation, and human right violations in a conflict context). This is particularly the case between the African

¹ Council Conclusions on the Action Plan on Human Rights and Democracy 2015 – 2019, <http://data.consilium.europa.eu/doc/document/ST-10897-2015-INIT/en/pdf>

Peace and Security Architecture (APSA) and the AGA. Improved co-ordination will increase potential synergies and support a more comprehensive approach to both strategic areas.

1.1.2 Stakeholder analysis

African Commission on Human and Peoples' Rights (ACHPR), responsible for promoting and protecting human rights through its oversight and interpretation of the African Charter on Human and Peoples' Rights. The ACHPR has special mechanisms to fulfil its promotion and protection responsibilities: 5 special rapporteurs (freedom of expression and access to information; prisons and conditions of detention; human rights defenders; refugees, asylum seekers, migrants, and internally displaced people; extrajudicial executions; and rights of women); 2 committees (prevention of torture and protection of people living with HIV); and 8 working groups (including death penalty; economic, social and cultural rights; indigenous populations; older people and people with disabilities; and fair trial). The commissioners fulfil the role of special rapporteurs and also act as members of the working groups.

African Court on Human and Peoples' Rights (Court - AfCHPR), a judicial body that can adjudicate human rights complaints and issue binding decisions between parties. Its main sources of jurisprudence are the African Charter of Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, and other continental human rights instruments ratified by African Union Member States (AUMS). It can also seek inspiration from international instruments². The Court can rule over contentious issues and issue advisory opinions on the request of an AU organ or state party. To date only 28 countries have ratified the Protocol. Another major constraint affecting the work of the Court is that only ratifying states, African intergovernmental organisations and AU organs can seize the Court. If countries want to allow non-governmental organisations (NGOs) and individuals to have access to the Court they need to ratify a special declaration to allow them to do so. Only 7 countries have done so. As a result, the Court has received only 33 cases to date. In the majority of the cases so far handled, the Court has stated that it did not have jurisdiction because the states accused had not signed the special declaration. The Court issued its first ruling based on merits in June 2013.

African Committee of Experts on the Rights and Welfare of the Child (Child Committee - ACERCW), established in 2002 by the African Charter on the Rights and Welfare of the Child which is the only region focused child rights instrument in the world. According to article 42 of the Charter, the functions of the Child Committee are to promote and protect the rights and welfare of the child; to monitor the implementation and ensure the protection of the rights; and to interpret the provisions of the Charter³. The Child Committee has also the mandate (article 43) to receive State Party reports. Up to date 29 State Parties have submitted their reports to the Committee. As a quasi-judicial organ, the Committee is also mandated to receive communications from individuals, groups or (civil society organisations) CSOs accredited with the AU, the United Nations (UN) or a Member State or have standing before the African Committee (article 44). The Child Committee to date has received three Communications. Moreover, the Child Committee assesses specific country situations and

². At the AU Summit in Malabo in June 2014, African leaders adopted a protocol, which gives the Court in addition to the existing human rights jurisdiction also criminal jurisdiction; this protocol needs 15 ratifications and is not in force yet. The support to the Court in this programme will be on the basis of the situation before the Malabo protocol.

³ They are required to submit their Initial Report within two years of ratification of the Charter and their Periodic Reports every three years.

regional/continental problems. In December 2014 the Child Committee obtained an advisory opinion from the Court which states that it is "highly advisable" that the Child Committee send cases to the Court, but for that an amendment to the Court Protocol is needed.

Pan-African Parliament (PAP), the African Union's legislative body with advisory and consultative powers. The PAP's primary role is to promote the ratification and implementation of the AU treaties and legislative acts, inclusively in the human rights area, and eventually exercise oversight. It has a specific position in the AGA with direct link with the national parliaments and could be an entry point for the ratification/domestication/implementation/monitoring of the AU decisions (especially in the human rights field). The PAP has a strong collaboration and cooperation with the European Parliament.

Civil Society Organisations (CSO). For the African human rights system, civil society (individual petitioners and NGOs) is the primary catalyst. By bringing cases, providing information on general situations of mass violations in a country or region, and pressing for full implementation, civil society provide the African human rights system with the inputs it needs to generate decisions, resolutions, and reports. Civil society also plays the indispensable role of increasing access to justice to the African human rights system. As a human rights watchdog, civil society can provide early warning signs and serve as a human rights monitoring in emergencies where the State may not otherwise have the access and resources to investigate. And as civil society members often develop expertise on a particular issues or countries, civil society can play an advisory role and offer technical and legal expertise to the AU organs and institutions. Civil society is also in the best position to increase interaction between States and the supervisory bodies.

1.1.3 Priority areas for support/problem analysis

Problem analysis

The African human rights system is widely recognised as being weak and under-utilised. The main constraints faced by the system include:

1. Lack of political will: the AUMS have an ambivalent relationship with the African human rights system. On one hand, they would like to strengthen it as part of their strategy of finding "African solutions to African problems". On the other they do not provide it with sufficient resources and try to interfere with the system in order to avoid being criticised by its supervisory bodies. This lack of political support is also one of the key reasons for the limited amount of compliance with the decisions issued by the ACHPR and the little margin of manoeuvre of the Court. Also, the content of the human rights instruments are a reflection of the political will of African countries at the time of the adoption, and some provisions or lack thereof are hampering litigation with the institutions⁴. There are also political institutions not totally independent from the AUMS.

Proposed solution: (i) the EU should hold regular political dialogue with the AU and AUMS to implement their own decisions and/or amend provisions that are not in line with the indivisibility of human rights; (ii) the EU Delegations in Africa will, in the framework of the article 8, introduce AU issues.

⁴ An example is the African Charter on Human And Peoples' Rights Article 59 which requires ACHPR decisions to be confirmed by the Heads of State level Summit or the provision in the Court Protocol that requires States Parties to make a separate declaration to allow their citizens to seize the Court

2. Lack of universality: the process of ratification by state parties is very slow and several key instruments have not yet been ratified (or domesticated) by even half of the AUMS. Only seven AUMS have ratified all the main governance and human rights instruments. Only the ACHPR can be considered a truly continental instrument with 53 ratifications out of 54. The fact that only 28 countries have ratified the Protocol of the African Court and only 7 countries have signed the special declaration allowing individuals and NGOs to seize the Court seriously undermines access to the system. Being ratified by 47 Member States, the African Children's Charter seems to be placed in better position, however the fact that 7 countries are yet to ratify and the number of reservations placed against the application of some of the key provisions of the Charter undermines its Universal application in the continent. The ACDEG entered into force 2½ years ago and has 23 ratifications. The recent new protocol of the PAP giving some legislative power has not been ratified so far by any AUMS. The main reasons for the slow and incomplete ratification process are weak linkages between the system and national bodies (e.g. parliaments, judiciaries), lack of political will, and insufficient knowledge about the system.

Proposed solution: (i) the AU human rights organs should advocate for ratification, implementation and domestication of the AU human rights instruments; (ii) the AU human rights organs should advertise their existence to African citizens via direct advocacy and communication; (iii) CSOs should lobby AUMS to ratify, implement and domesticate AU human rights related instruments.

3. Lack of human resource capacity: all the AU human rights organs have very weak secretariats. In the case of the Child Committee, it does not have one of its own. They have insufficient qualified manpower, including for the support to the special mechanisms/rapporteurs. This significantly constrains the capacities of the secretariats to fulfil their roles including not being sufficiently responsive to CSOs' requests, communications, etc. This also constrains the synergies that need to be created between the different organs to improve the working of the regional human rights system (e.g. transmission of cases from ACHPR to the Court, in the future, also from the Child Committee to the Court).

Proposed solution: support to both secretariats and elected officials of the AU organs.

4. Lack of financial resources: State Parties provide insufficient resources. However, it is also worth noting that the resources received are probably not used in the most effective way (lack of result oriented action plans).

Proposed solution: (i) the EU should hold regular political dialogue with the AU and AUMS to implement their own decisions and finance the human rights system; (ii) the AU Assembly should continue taking decisions to finance the human rights system and the organs and civil society should hold the AUMS accountable for not doing so; (iii) exit strategies defined before any support.

5. Insufficient numbers of cases and complaints/communications being brought to the human rights supervisory bodies: the heart of any regional human rights system is its capacity to deal with individual complaints. Since their creation, the ACHPR has only received an average of around 20 cases per year, the Court has received 29 cases, dismissed 23, of which 21 due to lack of jurisdiction, and the Child Committee has issued only three communications. This compares very poorly with the number of cases per year received by, for example, the Inter-American Commission or by the European Court of Human Rights.

The lack of ratification of some of the instruments (e.g. making the special declaration of the Court) can partly explain the underutilisation of the system. However, there are another four

important reasons for it. Firstly, CSOs have not yet taken full advantage of the system and are not being as active as those of other regions. Secondly, the lack of capacities in the ACHPR has constrained its ability to bring good quality cases to the Court. Thirdly, there is very limited knowledge by the African population and civil society on the possibilities offered by the African human rights system and the complementarity role with national judiciaries. Finally, the cost of bringing a case to the organs is high owing to the absence of a legal aid fund and the insufficient use of new technologies by the supervisory bodies.

Proposed solution: (i) the cases that the civil society and lawyers bring to the organs should be prepared with good quality; (ii) witness protection should be guaranteed ; (iii) awareness raising with the African citizens to use the continental human rights system should be increased; (iv) a Legal Aid Fund for all organs should be created to provide free counsel to litigants in serious need (underway for the Court and the possibly the ACHPR) and (v) the ACHPR and Child Committee should start sending cases to the Court.

6. Insufficient interaction between various peace and security institutions and governance and human rights institutions: this needs to be corrected within the framework of the Joint Africa EU Strategy roadmap. Some clear linkages could be easily reinforced in terms of preventive diplomacy and early warning systems, including in the human rights area (i.e. fact-finding missions).

Priority areas

The project focuses on strengthening the supervisory bodies pillar of the African human rights system to deliver on their mandates and in supporting a better access to the organs by civil society. The support to the Pan African Parliament will focus on promoting human rights in the continent. Support to the civil society pillar will be covered in a separate action addressing support to CSOs at pan-African level working to promote democratic governance and human rights. Strengthening supervisory bodies (and CSOs) is likely to lead to the elaboration of new human rights instruments (e.g. guidelines, protocols) and also promote their universal ratification. Stronger and more independent supervisory bodies and better access of civil society and end-users to the human rights system are also expected to create momentum towards greater respect of human rights within Member States as well as more financial support. This will come as the AUMS realise the value added of having a strong, African-owned human rights system that reflects the continent's context, specificities and priorities in this area.

In this context, the project has to be complemented by a robust political dialogue with the African Union, AU Member States and civil society and to focus its capacity building on the AU organs to deliver their mandate. A priority will also be to increase awareness of the system for the AU citizens, with a strong role for civil society (awareness and monitoring).

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Lack of AUMS political willingness to support the AU Human Rights System	High	Enhanced political dialogue and link between the national and continental levels (introduction of the AU agenda and the need to advocate for ratification of AU decisions in the political dialogue/article

		8). Promotion of civil society demand through national and regional programmes
Resistance among institutions and different pillars to cooperate with each other and to undertake reforms	High	This project is part of a comprehensive intervention to implement the JAES Road map (priority no. 2) linked with technical and political dialogue between EU and the different African stakeholders
Lack of capacity severely hinders the implementation of the programme	Medium	The programme will provide capacity building directly to the stakeholders, technical assistance is foreseen and the EU will monitor directly the programme
Piece meal approach and poor link with the JAES roadmap ⁵	Low	The project will be part of a global programme linked with political dialogue in line with the JAES roadmap's results expected
Financial risk	High	The Court and the PAP have gone through a pillar assessment, and both organisations are non-compliant.
Assumptions		
<p>The four pillars of continental human rights system are responsive to changes in the others. The AU organs, AU Member States, supervisory bodies, and members of civil society are committed to a sufficient degree to the African human rights system.</p> <p>The various stakeholders have the capacity and political will to pursue reforms in the mid- to long-term.</p> <p>Technical and political dialogue between EU and the African stakeholders (AU organs, AUMS and civil society) is further developed in the framework of the JAES Road map and is effective.</p>		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The EU has been supporting Africa's human rights organs since 2011 in the framework of the African Union Support Programme. The final evaluation indicated that the support has been essential for the AU organs' capacity development but challenges remain due to their specific mandate covering human rights and involving interactions with civil society organisations across the continent as well as limited financial and human resources. There is a need to focus directly on their mandate with a comprehensive capacity building and more specific thematic support in the human rights area.

Some support has been also provided ad hoc (through the Joint Africa EU Strategy Support Mechanism and the European Instrument for Democracy and Human Rights (EIDHR)) targeting the implementation of the recommendations of the EU- AU Human Rights Dialogue.

The use of mixed instruments has been adapted to the complexity of the AU organs and some successes have been noted: i) the support for the set-up of a legal aid fund in the Court which has mainly to be financed by AUMS, ii) the restructuring of the PAP, iii) the preparation of the ACHPR protocol for the abolition of the death penalty and iv) the strong involvement of

⁵ Recommendation no. 1 of the Scoping Study 'Strengthening Human Rights, Anti-corruption and Gender in EU Support to the African Governance Architecture and Civil Society Network', 2014.

CSOs with the AU organ (as support to special mechanisms through the EIDHR). Another notable outcome is the enhanced political dialogue between the EU and these stakeholders.

Despite their internal weaknesses observed in the results of the Pillar Assessment of the Court and the PAP (2010), there is a strong recommendation to have a direct contract arrangement with these AU organs and no longer channel funds via the AUC. The type of contract with mitigating measures, to reduce fiduciary risks and reinforce internal capacities, has to be defined on the basis of lessons learnt and also pillar assessments and/or structural view that could be done in 2015 (strengthening of the secretariats and independence of the system).

The scoping study "Strengthening Human Rights, Anti-corruption and Gender in EU Support to the African Governance Architecture and Civil Society Network", carried out in 2014 indicated the need to: i) avoid a piece-meal approach and provide smart, comprehensive support to AGA; ii) to focus structural support to human rights, gender and youth ; iii) to trigger complementarity and synergies between AGA and APSA and to iv) enable capacity building for improved functioning of the AGA and, in particular, the African Governance Platform (AGP) by supporting joint proposals.

3.2 Complementarity, synergy and donor coordination

Joint Africa-EU Strategy/EU support

This programme is part of a comprehensive approach to support the implementation of the priority no. 2 of the JAES road map adopted at the 4th EU-Africa Summit in order to support African governance priorities.

A comprehensive approach to governance is being taken in the Pan-African programme to ensure (i) complementarity with other interventions financed by others EU instruments at national, regional and thematic level); (ii) coordination with different stakeholders (European and African) and to achieve iii) a holistic overview linked with technical and political dialogue.

This project is one intervention in the area of "Democracy, Good Governance and Human Rights" financed under the Pan African Programme including potentially: 1) supporting sustainable democracy in Africa by increasing the AU's capacity in election observation, gender and governance; 2) support to the development of the AGA (including by reinforcing the AGA Secretariat); 3) tackling corruption/strengthening public administration; 4) support to CSOs to contribute to pan-African governance initiatives in the areas of good governance, democracy and human rights and 5) Public Financial Management. Some interventions are already underway.

This project is also complementary to other currently on-going actions supported by the EU such as the African Union Support Programme II (current support to the AUC and AU organs) financed under the Intra-ACP 10th EDF and initiatives supported under the JAES Support Mechanism and the European Instrument for Democracy and Human Rights for the implementation of the EU-AU Human Rights Dialogue decisions (i.e. support to ACHPR special rapporteur; support to the continental conference on death penalty; support to the freedom of association and assembly working group and specific programme supporting civil society action with a pan-African scope addressing AU human rights bodies). Other complementary action includes EIDHR (European Instrument Democracy and Human Rights) support to National Human Rights Institutions including their international and regional networks and support to the pan-African Network of Human Rights Defenders.

A number of institutions identified for support in this action are currently being funded via the EU's African Union Support Programme (AUSP). Once the programme identified in this action document is operational, support to those institutions currently funded under the AUSP will cease under the AUSP with funding provided to them via the new programme. The

AUSP will however continue to fund the African Union Commission and in particular the Political Affairs Department for its specific support of its governance-related activities.

Donor coordination

In 2014, the AUC signed with several partners – including the EU, United Kingdom, Sweden, Denmark, and Netherlands – a Joint Partnership Agreement to support the activities undertaken by the Department of Political Affairs. This is a joint programmatic document that forms the basis for donor coordination in the area of governance. This framework does not cover the support specifically to the African Union Rights system, where there is ad hoc coordination between some partners, mainly the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the World Bank. As indicated⁶ above, the AU human rights system depends partly on international partners' funding. The EU Delegation to the AU has set up an informal EU technical meeting on human rights (quarterly and ad hoc meeting) in order to enhance knowledge and coordination among the EU Member States in the African Union human rights system.

3.3 Cross-cutting issues

The action will mainstream cross-cutting issues such as promotion of human rights including disability rights, gender equality, democracy, good governance, children's rights; rights of indigenous peoples and persons belonging to minorities, deployment of modern tools like information and communication technologies (ICT) in the cause for the protection of human rights. It is complementary to other actions financed under the Pan-African Programme, as for example, to support the fight against FGM (female genital mutilation).

Its main aim is to improve the respect of human rights in the African context.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

The **overall objective** of the project is to contribute to ensure a transparent, democratic and accountable environment in the respect of human rights and rule of law in Africa.

The **specific objective** is to strengthen the African Governance Architecture and the African human rights system.

The **results** expected are:

1. Expedited universal ratification, domestication, and effective implementation of democracy and human rights instruments as well as regular reporting;
2. Strengthened institutional capacity and capability of the human rights organs of the African human rights system (ACHPR, Court⁷, Child Committee), in particular of their secretariats and the capabilities of the special mechanisms (e.g. women's rights, human rights defenders), as well as the work of the PAP in this area;
3. Increased coordination and engagement between the four pillars of the African human rights system – AU Member States, treaties, supervisory bodies, and civil society;
4. Increased awareness of and access to the African human rights system and by extension to the African Governance Architecture, in particular by civil society and other relevant actors.

⁶ 1.3 – Problem analysis.

⁷ No activities relating to the Malabo Protocol will be funded under this Action.

4.2 Main activities

1) Capacity building, including financing specific staff to reinforce the secretariats of the human rights organs and provide support to the work of special mechanisms with a sustainability perspective in dialogue with the AU.

Possible activities:

African Court on Human and Peoples' Rights (AfCHPR or Court): Reinforcement of Legal Unit, Communications/Public Relations (PR) Unit and programming/ monitoring;

African Commission on Human and Peoples' Rights (ACHPR): Reinforcement of special mechanisms with legal staff who prepare good quality litigation for the ACHPR sessions and prepare good quality cases for sending to the Court, PR, communication, advocacy capacity to AUMS and African citizens and programming/monitoring;

African Committee of Experts on the Rights and Welfare of the Child (ACERCW or Child Committee): Reinforcement of technical expertise and communication (and possible capacity of litigation towards the AfCHPR in the future);

Pan African Parliament (PAP): Reinforcement of future capacity in the context of the recent protocol (possible legislative power) with possible support of the European Parliament (peer to peer review);

2) Support to the implementation of the strategic plans of the ACHPR, Court, PAP and Child Committee in order to fulfil their mandates in the core business of protection of human rights in Africa.

Possible activities:

AfCHPR (Court):

- Core Business of human rights cases (enhanced transparency by timely communication of sessions, cases, decisions, state reports, including on the website, enhanced capacity to monitoring the implementation of Court decisions, Legal Aid Fund);
- Advocacy and knowledge management activities: sensitisation visits to AUMS which have not ratified the African Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and made the special Declaration (not the Malabo Protocol), promotion and launching of the Pan-African Human Rights Institute, publications;
- Enhanced Networking with the European Court of Human Rights (and other regional mechanisms, for example the Inter-American) and the national African judiciaries.

ACHPR:

- Core Business of Human Rights Cases (enhanced transparency by timely communication of sessions, including on the website, enhanced capacity to monitoring the implementation of ACHPR communications);
- Advocacy and knowledge management activities: sensitisation visits to AUMS on human rights capacity to dispatch human rights monitoring missions to AUMS and state reports of good quality, studies.

PAP: sensitisation/promotion towards AUMS on human rights instruments.

ACERCW (Child Committee):

- Support to ACERWC's plight to amend the African Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights in a way which would allow the Child Committee to send cases to the Court;
- Capacity to dispatch child rights monitoring missions to AUMS, communicate about the mission before, write good quality reports and publish those reports as quickly as possible;
- Capacity to take grave child rights violations to AU PSC;
- Studies;
- Enhance capacity to monitor the implementation of Child Committee decisions, state reports recommendations and human rights statements;
- sensitisation visits to AUMS to ratify the African Charter on Rights and Welfare of the Child, submit state reports

3) Support to the capabilities of the relevant **special mechanisms of the ACHPR to allow for better access of the citizens to the ACHPR and the Court.**

Possible activities:

- Reinforce special mechanisms with legal staff who prepare good quality litigation for the ACHPR sessions and especially to prepare good quality cases for sending to the Court;
- Enhance capacity to make good quality background research to litigate with the Court;
- Improve complaints handling procedure to make it more effective and transparent;
- Reduction of backlog of cases;
- Enhance capacity to monitoring the implementation of ACHPR decisions, state reports recommendations and human rights statements;
- Enhance transparency by timely communication of sessions, cases, decisions, state reports, including on the website;
- Promotion seminars in AUMS for lawyers, NGOs, with an aim to enhance litigation with the ACHPR;
- Capacity to dispatch human rights monitoring missions to AUMS, communicate about the mission before, write good quality reports and publish those reports as quickly as possible;
- Capacity to analyse and make immediate statements on human rights violation situations in AUMS.

A support will be provided to regional human rights initiatives linked with the EU-AU priorities defined in the EU-AU Human Right Dialogue in coordination with the special mechanisms (i.e. business and human rights, freedom of association and assembly, abolition of death penalty, women's rights, etc). Consequently, this support will build on synergies created under the ongoing EIDHR civil society programme addressing AU human rights bodies.

4) Coordination activities within the AGA and with the African Peace Security Architecture.

Possible activities: conflict prevention, human rights observers and fact finding missions in conflict situations, AU human rights organs' experts' in AU Election Observation Missions, AU Commissions of Inquiry, AU human rights missions, AU investigations into alleged human rights abuses (e.g. United Nations Multidimensional Integrated Stabilization Mission in Mali - MINUSMA), participation enhancing the visibility and role of the AU organs in the Peace and Security Council (bringing human right violations), sensitisation on sexual violence.

The programme will be supported by EU and Member States' **regular political dialogue**, including the EU-AU Human Rights Dialogue, with the AU and AU Member States in order to advocate: (a) utilisation of the African human rights system by African citizens; (b) ratification, implementation and domestication of the African human rights instruments and regular reporting; (c) recommendations for amendment of those clauses in the African human rights instruments that hamper the realisation of indivisible human rights of African citizens and (d) ultimately to draw attention to human rights violations on the continent.

A special focus will be given to the **African Union Human Rights Year 2016** and the implementation of its action plan. The Human Rights Year will cover activities such as: outreach and communication activities, joint meeting on establishment of Pan-African Human Rights Institute, moot court, human rights awards and a Continental Conference on Human Rights.

Furthermore gender initiatives will be promoted in line with the **follow up of the African Union Year 2015 dedicated to women's empowerment** through possibly a support to the ACHPR special rapporteur on joint mainstreaming actions of the different AU organs (outreach and sensitisation activities).

4.3 Intervention logic

The direct support to the AU organs will be a mix of institutional support to enhance their capabilities to fulfil their mandate and target support to human rights priorities and focus on EU-AU human rights priorities in line with the JAES roadmap. The focus will be on the coordination between the AU organs (in the framework of the AGA) and access of African citizens to these bodies.

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, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

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 **42 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 of the budget support component

Not applicable.

5.4 Implementation modalities

5.4.1 Grant: direct award to:

(A) the Pan-African Parliament (PAP) in Midrand, South Africa (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The direct support to the PAP will be a mix of institutional support and support to EU-AU human rights priorities in line with the JAES road map.

The support aims to reinforce its current and future capacities in the context of new protocol in order to fulfil its mandate in the human rights area. Focus will also be on the coordination between the AU organs (in the framework of the AGA) and access of African citizens to the African human rights system.

This direct award grant will mainly include capacity building towards the secretariat and support to the implementation of the Pan African Parliament strategic plan. Enhanced coordination between the African Peace and Security Architecture and the AGA and AU-EU political dialogue will be also expected.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the Pan African Parliament.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the PAP, due to its specific and unique mandate in the AGA, is in legal monopoly situation (Article 190 (1)(c)RAP).

The PAP is the only AU legislative body with advisory and consultative powers. It has a unique position in the AGA with direct link with the national parliaments.

(c) Essential selection and award criteria

The essential selection criteria are the financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100% in accordance with Article 192 of Regulation (EU, Euratom) No 966/2012.

The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to conclude the grant agreement

First quarter 2016.

(B) the African Commission on Human and Peoples' Rights (ACHPR) in Banjul, Gambia (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The direct support to the ACHPR will be a mix of institutional support and support to EU-AU human rights priorities in line with the JAES road map.

The support aims to reinforce its current and future capacities to fulfil its mandate in the human rights area. Focus will also be on the coordination between the AU organs (in the framework of the AGA) and access of African citizens to the African human rights system.

This direct award grant will mainly include capacity building towards the secretariat and support to the implementation of its strategic plan and to the human rights regional mechanisms (i.e. death penalty). Enhanced coordination between the APSA and the AGA and AU-EU political dialogue will be also expected.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the ACHPR.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the ACHPR, due to its specific and unique mandate in the AGA, is in legal monopoly situation (Article 190 (1)(c)RAP).

The ACHPR has a unique position in the AGA as responsible for both promoting and protecting human rights through its oversight and interpretation of the African Charter on Human and Peoples' Rights. Furthermore is the only organ with special mechanisms to fulfil its promotion and protection responsibilities.

(c) Essential selection and award criteria

The essential selection criteria are the financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100% in accordance with Article 192 of Regulation (EU, Euratom) No 966/2012.

The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to conclude the grant agreement

First quarter 2016.

(C) the African Court on Human and Peoples' Rights (AfCHPR) in Arusha, Tanzania (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The direct support to the AfCHPR will be a mix of institutional support and support to EU-AU human rights priorities in line with the JAES road map.

The support aims to reinforce its current and future capacities to fulfil its mandate in the human rights area. Focus will also be on the coordination between the AU organs (in the framework of the AGA) and access of African citizens to the African human rights system.

This direct award grant will mainly include capacity building towards the secretariat and support to the implementation of its strategic plan to enhance the litigation. Coordination between the APSA and the AGA and AU-EU political dialogue will be also expected.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the AfCHPR.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the AfCHPR, due to its specific and unique mandate in the AGA, is in legal monopoly situation (Article 190 (1)(c)RAP).

The AfCHPR is in unique position in the AGA as the only judicial body that can adjudicate human rights complaints and issue binding decisions between parties at continental level.

(c) Essential selection and award criteria

The essential selection criteria are the financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100% in accordance with Article 192 of Regulation (EU, Euratom) No 966/2012.

The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to conclude the grant agreement

First quarter 2016.

(D) the African Committee of Experts on the Rights and Welfare of the Child (ACERCW) in Addis Ababa, Ethiopia (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The direct support to the ACERCW will be a mix of institutional support and support EU-AU human rights priorities in line with the JAES road map.

The support aims to reinforce its current and future capacities to fulfil its mandate in the human rights area (child rights). Focus will also be on the coordination between the AU organs (in the framework of the AGA) and access of African citizens to the African human rights system.

This direct award grant will mainly include capacity building towards the secretariat and support to the implementation of its strategic plans. Enhanced coordination between the APSA and the AGA and AU-EU political dialogue will be also expected.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the ACERCW.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the ACERCW, due to its specific and unique mandate in the AGA, is in legal monopoly situation (Article 190 (1)(c)RAP).

The ACERCW established by the African Charter on the Rights and Welfare of the Child which is the only region focused child right instrument in the world has an unique position in the AGA to promote and protect the rights and welfare of the child, to monitor the

implementation and ensure the protection of the rights; and to interpret the provisions of the Charter.

(c) Essential selection and award criteria

The essential selection criteria are the financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100% in accordance with Article 192 of Regulation (EU, Euratom) No 966/2012.

The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to conclude the grant agreement

First quarter 2016.

5.4.2 Procurement (direct management)

Subject in generic terms, if possible	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure
Technical Assistance(planning, monitoring, communication and human rights expertise)	services	1	Fourth quarter 2015

5.5 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.

The Commission’s authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.6 Indicative budget

Budget	EU contribution (in EUR)
Strengthening the African Governance Architecture and the African Human Rights System.	
5.4.1 Grants: direct award (direct management)	
<i>(A) Direct grant to the Pan African Parliament</i>	1 800 000
<i>(B) Direct grant to the African Commission on Human and Peoples' Rights</i>	2 500 000
<i>(C) Direct grant to the African Court on Human and Peoples' Rights</i>	2 000 000
<i>(D) Direct grant to the African Committee of Experts on the Rights and Welfare of the Child</i>	1 200 000
5.4.2 Procurement (direct management)	2 500 000
5.9. Evaluation – 5.10. Audit	will be covered by another decision
Total	10 000 000

5.7 Organisational set-up and responsibilities

The project will be implemented in direct management by the European Commission.

During the annual African Union Programme Budget consultations, including African Union Member States and international partners, AU organs will seek and obtain additional funding from its Member States in order to progressively increase complementary funding during the period of implementation of the programme and for greater ownership.

The AU organs will provide an updated organigramme showing currently occupied posts and mentioning key vacant posts to be funded by international partners in the context of the implementation of the programme and more especially the implementation of the Joint Africa EU Strategy Roadmap, and will regularly update it. The AU endeavours to gradually take over the funding of the permanent positions.

The AU organs will keep the Contracting Authority informed about eventual modification of the functional structure foreseen, as part of the policy dialogue.

Specific **technical assistance** (key and non-key experts) will be provided to support the AU organs with experts embedded in the organisations (planning, monitoring, communication and human rights expertise). The technical assistance will ensure the link between these AU organs, other relevant stakeholders (such as CSOs) and the Contracting Authority. The service tender for recruiting the technical assistance will be launched with suspension clause before the decision.

The performance monitoring mechanism will be enhanced by the set-up of a specific steering committee (EU⁸ represented with an observer status). It will meet once a year back-to-back with the EU-AU Human Rights Dialogue or the Joint Annual Forum or other event (alignment on existing structures and mechanisms in order to enhance AU political willingness).

5.8 Performance monitoring and reporting

Policy dialogue will be carried out through regular technical contacts with the different stakeholders and regular contacts between the two institutions (European Union and the African Union) with a view to assist the methodological development and capacity building aspects of the programme. The logframe below sets out the basis upon which the action will be monitored.

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 partners shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (preferably 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 with clear deliverables towards the implementation of the Joint Africa-EU Roadmap. 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 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).

5.9 Evaluation

Having regard to the importance and nature of the action, a final evaluation may be carried out for this action or its components via independent consultants contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the contribution of this programme to enhanced access for African citizens to the Africa human rights system and to deliver towards the Joint Africa EU Strategy Roadmap.

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

The Commission shall inform the implementing partner at least 30 days in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

⁸ EC and EEAS

The evaluation reports shall be shared with the partner country and other 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.

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

5.10 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.

5.11 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 each grant.

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.

APPENDIX - INDICATIVE LOGFRAME MATRIX

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action without an amendment to the financing decision. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for listing the activities as well as new columns for intermediary targets (milestones) when it is relevant and for reporting purpose on the achievement of results as measured by indicators.

	Intervention logic	Indicators	Sources and means of verification	Assumptions
Overall objective: Impact	To contribute to ensure a transparent, democratic and accountable environment in the respect of human rights and rule of law in Africa	Improved respect of African legal instruments in the area of democratic governance and human rights by individual states. Decreased number of violations, increased access to African human rights system.	Reports on human rights	AU retains political will to contribute to improving the human rights situation in the continent
Specific objective: Outcome 1	To strengthen the African Governance Architecture and the African Human Rights System	Number of reports to the AU organs with a mandate on good governance, democracy and human rights. Improved monitoring and awareness at a continental level of the state of human rights and good governance.	AU Human Rights organs reports, CSO reports	
Outputs	Expedited universal ratification, domestication, and effective implementation of democracy and human rights instruments as well as regular reporting	Number of ratified and/or domesticated international and regional/continental legal instruments at country level. Number of African states that have recognised the jurisdiction of the African Court of Human and Peoples' Rights and accepted the right of petitions submitted by individuals.	AU reports, AU organs decisions/communications	Access for the citizens to the African Human Rights system

	Intervention logic	Indicators	Sources and means of verification	Assumptions
	Strengthened institutional capacity and capability of the human rights organs of the African human rights system (ACHPR, Court, Child Committee), as well as the work of the PAP in this area	Number of state visits, queries, investigations and reports produced by the special mechanisms of the ACHPR, which lead to concrete recommendations and their effective implementation by AUMS.	AU reports, AU organs decisions/communications	AUMS political willingness
	Increased coordination and engagement between the four pillars of the African human rights system – AU Member States, treaties, supervisory bodies, and civil society	Number of reports by CSOs to the ACHPR/AfCHPR/ACERCW.	AU and CSO reports	Space for CSOs participation insured and respected
	Increased awareness of and access to the African governance architecture and human rights system by the different stakeholders increased	At continental level, number of cases submitted by individuals and organisations to the protection mechanisms of the ACHPR and AfCHPR and the Child Committee; Number of media articles, and publications by African civil society on the rights and freedoms recognised in the African Charter on Human and Peoples' Rights (including its Protocol on the Rights of Women), the African Charter on Democracy, Elections and Governance and other key AU human right instruments.	AU and CSO reports	Space for CSOs participation insured and respected