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ANNEX 1

ACTION FICHE 1 – EIDHR 2012 AAP

1. IDENTIFICATION

Title/Number	Supporting human rights, fundamental freedoms and human rights defenders, in the most urgent and difficult situations (Objective 1 and 3)		
Total cost	21.300.000 euro		
Method/ Management mode	<i>Centralised (direct)</i>		
DAC-code	15160	Sector	Human Rights and Democracy

2. RATIONALE

2.1 Context

The European Union 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 set out 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 guide all of the 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, in many countries basic freedoms are still systematically repressed and the situation is tending to deteriorate in some of them despite the efforts of the international community.

Support to local civil society organizations active in the promotion and defence of human rights, in these urgent and difficult situations, is reflected in Objectives 1 and 3 of the EIDHR Strategy Paper 2011-2013. Objective 1 is identified as "Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk" while Objective 3 refers to actions aimed at "Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including [...] on human rights defenders".

Support to human rights defenders is also underpinned in the EIDHR Regulation¹, whose article 9.1 allows for the Commission to allocate small grants on an ad hoc basis to human rights defenders responding to urgent protection needs, and in the European Parliament's Resolution on EU policies in favour of human rights defenders of 17 June 2010. In this Resolution, the EP called on the Council and Commission to "prepare and execute specific measures to ease access to Europe for human rights defenders; (...) reiterates its request for Member States to develop as a matter of priority a coordinated policy on the issuing of

¹ Regulation (EC) N° 1889/2006 of the European Parliament and of the Council of 20 December 2006

emergency visas for human rights defenders and members of their families; and (...) emphasises the need to accompany these emergency visas with measures of temporary protection and shelter in Europe for human rights defenders, possibly providing for financial resources and housing to shelter human rights defenders, as well as accompanying programmes (human rights activities, lecturing in European universities, language courses, etc (...))."

This Action therefore covers Objectives 1 and 3 of the EIDHR Strategy Paper.

2.2 Lessons learnt

While several calls for proposals were launched under Objectives 1 and 3 ('Support to human rights defenders') under the EIDHR between 2007 and 2010, one single joint call was launched in 2011. This call had two distinct geographical lots and allowed for both objectives to be addressed under either lot. In practice, this has allowed for the rationalization of the evaluation and selection process of these calls which received similar, when not identical, proposals in the past under these objectives that have many points in common. It has also reduced transaction costs.

Since 2007, five calls for proposal dedicated to objective1 and two calls dedicated to HRD, have allowed to support more than 96 projects. Amongst the 2000 proposals received and evaluated, approximately 15% (300) were judged good quality proposals deserving support. Therefore, only 1 proposal out of 3 can be financed due to limited allocations. The ongoing evaluation of last year joint call objective1/HRD shows the same trend.

2.3. Complementary actions

Actions under Objectives 1 and often also under Objective 3 concern countries where the political situation does not allow for the existence of human rights projects under the CBSS and where actions in support of human rights defenders are not possible without putting the EU in a difficult position vis à vis the authorities or the defenders themselves at risk.

In some countries where CBSS do exist, these two objectives may help the EU address issues that cannot be addressed under the CBSS, thus complementing EIDHR support to civil society in the most optimal way. However, where EU Delegations may include support to human rights defenders in their local EIDHR programmes, this should be highly encouraged.

Finally, under Objective 3 support may be given to regional and/or global initiatives from civil society striving to protect and promote human rights and freedoms and to support human rights defenders in countries where there is no other EIDHR-funded action in that field.

2.3. Risks and assumptions

Projects implemented under this action, dedicated to the situations the most at risk and to individuals in danger, take place in extremely difficult, dangerous and volatile contexts. They are confronted to various political and physical risks that must not be underestimated. Several third parties involved in projects have been, in the past, threatened, imprisoned or even killed. This risk needs to be closely monitored and mitigated.

Due to the sensitive nature of this Action, the names of the final beneficiaries of grants, direct support and temporary shelter support **will not be made public** unless requested otherwise by the beneficiary.

3. DESCRIPTION

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.

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

The overall objective of this Action is to establish a comprehensive human rights mechanism made up of three components and aimed at addressing the most difficult human rights situations in the world by providing support to the local actors who strive to promote and defend them.

Through its first component, support will be given to operations on the ground addressing the specific short and medium support needs of local civil society and/or human rights defenders in the countries and situations where human rights are most under threat. A second component will allow the provision of direct, ad-hoc support by the Commission to individual cases of human rights defenders in emergency situations on the basis of a political decision. Finally, a third component will aim at lending support towards establishing a system to ensure that human rights defenders and other individuals who are forced to leave their countries for security reasons because of their activities in favour of democracy and human rights (e.g. journalists, writers, dissidents, etc) may be provided a safe haven in a third country or in the EU until their return is possible and safe.

This Action will have as target groups local civil society organizations and human rights defenders, i.e. individuals and organizations, irrespective of their legal status, who promote, protect and contribute to preventing and combating violations of human rights and fundamental freedoms, be they civil, political, social, economical, cultural or of any other sort. Examples of these target groups include journalists, bloggers, lawyers, trade unionists, defenders of environmental and land rights, democracy activists, defenders of indigenous rights, LGBTI activists, women rights' activists, etc.

(1) Operational support to local civil society, including human rights defenders, working to enhance the respect for human rights and fundamental freedoms under the most difficult circumstances:

The first component of the proposed human rights mechanism aims at providing tangible support and means of action to local civil society organizations and human rights defenders seeking to promote and defend human rights and fundamental freedoms in the countries, regions and situations where these are most at risk and where human rights defenders the most vulnerable and threatened.

This operational support to local civil society will be given through projects selected under a call for proposals that will regroup Objective 1 and 3 (support to human rights defenders) of the EIDHR Strategy. For the purpose of this call for proposals, the concept "most at risk" refers to countries and situations characterised by a serious lack of respect for human rights and fundamental freedoms; where human rights and fundamental freedoms of all or part of the population are systematically violated; where there exists high risk to human security making it difficult for civil society and human rights defenders to operate and where there is little or no room for political pluralism. Therefore, the gravity and persistence of the

violations together with the effectiveness of the action are two key considerations for assessing and prioritising action proposals.

According to the UN Declaration on the Rights of Human Rights Defenders of 9 December 1998 these countries and situations can be characterised by the following 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, on access to information and to 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, rape and ill-treatment during questioning or detention);
- Restrictions on the right to a fair trial and due process (e.g. regular occurrences of 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).

Actions selected under this call for proposals must therefore focus on the following priorities:

- freedom of thought, conscience and religion or belief;
- freedom of opinion and expression, including artistic and cultural 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 it.
- the protection of human rights defenders and the reinforcement of the capacities of HRDs organizations working on these or other fundamental human rights and freedoms, including the provision of urgent financial, material, legal, medical or of any kind of assistance to the defenders and their families.

This call for proposals will be indicatively divided in two lots allowing for in-country operations or regional and/or global actions, while the actions proposed may address one or more of the priorities mentioned above under either lot.

Under Lot 1 (in-country actions), projects should seek to improve the human rights situation and/or support human rights defenders inside the countries where human rights and

fundamental freedoms are the least secure, where the violation of human rights are the most grave and systematic and where human rights defenders are most at risk. Actions should therefore be primarily carried out at the location of the situations targeted. Such situations may be confined to a particular region, may affect only a particular group in a country which is otherwise less repressive or may be carried out in relation to an area which lies under the effective control of a third country, provided the human rights situation is particularly grave and independently of the overall human rights situation in the country concerned (e.g. territory/area under the control of an occupying power; area under emergency rule, etc.). Furthermore, projects may include operations “out of country” in neighbouring countries, with the Diaspora or refugee community where in-country actions are the most difficult to implement.

Under Lot 2 (regional and/or global actions) actions must take place in at least two countries in the same region having similar human rights issues to be addressed. Actions may also seek to improve the global (or regional) respect of a particular right or freedom; they may be aimed to improve the protection and security capacities of human rights defenders worldwide; they may seek to fight against particular human rights violations pertaining to a specific segment of society such as women (e.g. femicide, sexual exploitation, etc), minorities etc, or they may aim to support the work of particular categories of human rights defenders who, irrespective of the country/region where they work, face similar types of threats and obstacles to their work in defence of human rights and fundamental freedoms. In particular, actions targeting human rights defenders who are subject to the most repression will be prioritized. Such groups include: women human rights defenders; defenders of lesbian, gay, bisexual and transgender (LGBTI) rights; journalists and media professionals; trade unionists; lawyers; defenders of environmental, land and other economic, social and cultural rights, defenders of rights of indigenous peoples and human rights defenders living outside the capitals and in remote areas.

Under Lot 2, specific thematic sub-lots will be introduced in the call for proposals in order to ensure a balanced and comprehensive range of actions that respond both to the specific protection and support needs of the most vulnerable categories of human rights defenders, actions which target specific regions and actions implemented by large international NGO specialized in the protection of HRDs on a global scale.

(2) Direct support for human rights defenders

Through this second component of the proposed human rights mechanism, the European Commission will maintain a small emergency fund to provide direct support to individual cases of human rights defender in urgent protection needs, whether individuals or organizations, on the basis of Article 9.1 of the EIDHR Regulation. The assistance provided under this facility may cover basic support needs such as the coverage of the legal representation of human rights defenders, the medical treatment and rehabilitation of activists victims of torture, the purchase of security material for the home or the office of a defender or an organization, temporary support to the survival of the concerned individual or its relatives, the temporary support for the operations of a key human rights organization or local media in a dire financial situation, etc.

For this purpose, the Commission will keep an indicative amount of €300,000 to be managed centrally and/or by EU Delegations, allowing the direct ad hoc award of small grants to human rights defenders at risk or in need of urgent support. The value of these small grants might be up to €10,000 per action.

(3) Initiative for the temporary relocation of human rights defenders in a third country

As a third component of the proposed action, this initiative will establish a mechanism to facilitate the temporary relocation of human rights defenders forced to leave their place of

residence or their countries for security reasons and until their return to their home country is possible and safe.

This component follows the EU Guidelines on Human Rights Defenders where Member States are encouraged to "provide measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, issuing emergency visas and facilitating temporary shelter in the EU Member States". It feeds on the discussions launched in 2009 by the Czech Presidency to create a "Shelter City Initiative". In its Resolution of 17 June 2010 on EU policies in favour of human rights defenders, the European Parliament also requested the Council and Commission to provide "measures of temporary protection and shelter in Europe for human rights defenders, possibly providing for financial resources and housing to shelter human rights defenders, as well as accompanying programmes (human rights activities, lecturing in European universities, language courses, etc (...)). Such measures have also been reiteratively demanded by the NGO community inside and outside the EU.

Human rights activists generally prefer to stay and work in their countries and relocation is seen as a last resort, when their security and work in their country is no longer secure. Not only the actual number of human rights defenders seeking relocation is considered to be moderate but most of them wish to return to their countries once it's safe. This system would therefore focus on temporary shelter support for HRDs, and possibly their close relatives, for both short periods of time ('rest and respite') to stays of indicatively up to twelve months, with the possibility of prolonging the support to HRDs' stay in third countries or the EU in exceptional cases.

The proposed mechanism will build upon the findings and recommendations of the 2011 European Commission study mapping the existing temporary relocation initiatives for human rights defenders. While many of such initiatives or programmes exist already and are mainly run by NGOs, including several implementing projects under Objective 3 of the EIDHR ('support to HRDs'), there is a lack of information and coordination between them as well as insufficient resources to cover the support needs of HRDs.

The aim of this action is to bring existing shelter initiatives for HRDs in danger under a stable network where the coordination, possible synergies between them will be facilitated, and eventually support would be brought. For this purpose, the EIDHR will act in partnership with those NGOs interested in being part of this network and with any other relevant stakeholders such as local governments, EU Member States, EP, etc. While NGOs are the best placed to identify and organize the urgent departure of a defender at risk, the EIDHR will facilitate the exchanges of information on individual cases between NGOs and EU Delegations on the ground, including the referral of possible cases; it will contribute to the coordination of activities between NGOs and local governments in order to identify and best match the specific needs of individuals to the most suitable initiatives and destinations; and it will provide the financial assistance for the urgent relocation and initial phase of stay of the defender in the host country when necessary.

This third component of the proposed Action complements other EIDHR support to the protection and work of human rights activists on the ground through projects and through direct support to defenders at risk. It is also meant to complement, not substitute, the existing initiatives run by NGOs and local governments in Europe so that a stable network of shelter initiatives for HRDs is able to cover the needs of defenders forced to seek urgent relocation in a fast and flexible way.

3.3. Eligibility conditions

(1) Call for Proposals

This Call for Proposals will be divided into two Lots, while additional sub-lots may be included in the guidelines for applicants.

Eligible applicants or partners under this call for proposals will be primarily civil society organisations as defined in Article 10 of Regulation (EC) No 1889/2006, preferably based in the targeted country (ies), in the region or in the EU; although no nationality restriction will be imposed on to applicants or partners. Local organisations, as well as individuals if appropriate, should be involved in the actions through formal or informal partnerships, 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 may be organisations that have lost their legal personality or groups of natural persons and organisations without legal personality who will be eligible for reimbursement of their expenditure on the activities involved. In such a case, they will be considered as informal partners participating in 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.

The inclusion of 're-granting' in the action whereby an applicant gives financial support in the form of grants to third parties, will be compulsory under this call for proposals in order to channel funds to small local organizations in order to support their operations on the ground. However, the non-inclusion of re-granting in an action due to the particular situation of a target country may be exceptionally accepted if duly justified reasons are provided by an applicant.

(2) Direct support for human rights defenders

Under the emergency facility Article 9.1 of the EIDHR Regulation, direct support to individuals will be granted to civil society organisations as defined in Article 10 of Regulation (EC) No 1889/2006, with no nationality restriction, by means of grant contract. Local organisations that have lost their legal personality or groups of natural persons and organisations without legal personality may also receive such ad-hoc support in the same way.

(3) Initiative for the temporary relocation of human rights defenders

Eligible applicants or partners under this initiative will be mainly civil society organisations as defined in Article 10 of Regulation (EC) No 1889/2006. No nationality restriction will be imposed on to applicants.

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.

3.4. 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.

(1) Call for Proposals

The maximum possible rate of co-financing for grants is 90%. Full financing may only be applied in the cases provided for in Financial Regulation's Article 253 of the Implementing

Rules where financing in full is essential to carry out the action in question. This provision is of particular relevance for this Action.

(2) Direct support to human rights defenders (Art. 9.1. EIDHR Regulation)

Under the emergency facility for human rights defenders, individual grants may not exceed €10.000.

(3) Initiative for the temporary relocation of human rights defenders

The various components of this initiative will be implemented via a mix of award criteria, including call for proposal, public procurement, direct support and/or additional contribution to existing projects;

3.5. Schedule of the Action

The publication of the call for proposals is expected to take place within the second trimester of 2012. The call will be published on the Commission's webpage.

The emergency facility (direct support to human rights defenders) will be open for assistance requests throughout the year.

The establishment of the temporary shelter initiative for human rights defenders is expected to take place in the second trimester of 2012.

3.6. Indicative amount of the Action

This action will have an indicative total amount of **€21.3 million**.

The indicative amount for the call for proposals is €20 million in 2012, indicatively divided in €12 million allocated for Lot 1 and €8 million for Lot 2.

The indicative amount for the centralised fund for small ad-hoc grants to human rights defenders is: € 300,000.

The indicative amount for funds for the initiative for temporary relocation of human rights defenders is €1 million.

A reserve list, if the quality of received projects allows, will be established with a tentative threshold of €5 million for each sub-lot of this call. This reserve list could be financed with any remaining balance under this AAP.

Any remaining balance from any of the three components of this Action may be reallocated to the other two. Any remaining balance from this 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 and to guarantee the security of local partners/applicants, special attention will be paid to the requirements for confidentiality and security.

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