



This action is funded by the European Union

ANNEX 7

of the Commission Implementing Decision on the adoption of the Multiannual Action Programme 2016 and 2017 for the European Instrument for Democracy and Human Rights.

Action Document for supporting the UN Special Rapporteurs on human rights defenders, freedom of association, and freedom of expression

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 sections concerning grants awarded directly without a call for proposals: 5.3.

1. Title/basic act/ CRIS number	Supporting key international actors – UN Special Rapporteurs on human rights defenders, freedom of association, and freedom of expression CRIS number: EIDHR/2016/038-672 for EUR 1 600 000 financed under European Instrument for Democracy and Human Rights
2. Zone benefiting from the action/location	Global/Thematic Programme. The locations of the action are open without limitation, in accordance with Regulations (EU) No 235/2014 and (EU) No 236/2014.
3. Programming document	Multiannual Indicative Programme (2014-2017) for the Instrument for Democracy and Human Rights Worldwide - Commission Implementing Decision C(2014) 7529 of 21.10.2014
4. Sector of concentration/ thematic area	Human Rights and Democracy
5. Amounts concerned	Total estimated cost : EUR 1,600,000 Total amount of EU contribution from the general budget of the European Union for 2016: EUR 1,600,000
6. Aid	Project Modality

modality(ies) and implementation modality(ies)	Direct management - grant – direct award to the United Nations Office of the High Commissioner for Human Rights (UN OHCHR)			
7. DAC code(s)	15160 - Human Rights and Democracy			
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"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Trade Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	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"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			

SUMMARY

The objective of this action is to support the activities of the mandates of (i) the UN Special Rapporteur on the situation of human rights defenders, (ii) the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and (iii) the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and (iv) their joint activities as key UN actors playing a key role in fighting the shrinking democratic space for civil society and in defending an enabling and conducive environment for civil society organisations.

This action intends to support the new EU Action Plan on Human Rights and Democracy "Keeping human rights at the heart of the EU agenda" which was adopted by the FAC on 20 July 2015. The new Action Plan aims to reinforce the implementation of the EU's human rights and democracy policy for external action.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

A central element of the United Nations Human Rights architecture is the special mechanisms established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues.

These special procedures mechanisms, who are independent experts, have been mandated to monitor, report and advise on human rights issues. They cover all human rights: civil, cultural, economic, political, and social. With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), special procedures undertake country visits; act on individual cases and concerns of a broader, structural nature by sending communications to States and others in which they bring alleged violations or abuses to their attention; conduct thematic studies and convene expert consultations, contribute to the development of international human rights standards, engage in advocacy, raise public awareness, and provide advice for technical cooperation.

Special procedures report annually to the Human Rights Council; the majority of the mandates also reports to the General Assembly. Their tasks are defined in the resolutions creating or extending their mandates. As of 31 July 2015 there were 41 thematic and 14 country mandates.

1.1.1 Public Policy Assessment and EU Policy Framework

The European Union reaffirmed the high priority accorded to strengthening the OHCHR in the EU Strategic Framework on Human Rights and Democracy, adopted on the 25th June 2012 by the Council. The Regulation (EU) No 235/2014 of the European Parliament and of the Council establishing a financing instrument for democracy and human rights worldwide (EIDHR), adopted the 11 March 2014, includes in its Objective 5 the “support to targeted key actors and processes, including international and regional instruments and mechanisms”. The Regulation (EU) No 236/2014 of the European Parliament and of the Council laying down common rules and procedures for the implementation of the Union's instruments for financing external action, adopted the 11 March 2014, includes the specific financing provision in Article 6.1.c).iii) that EU financing may take the form of direct grants to the OHCHR.

1.1.2 Stakeholder analysis

Stakeholders are governments, legislatures, courts, national institutions, in particular National Human Rights Institutions, civil society, regional and international organisations and the United Nations system.

These special procedures mechanisms; who are independent experts appointed by the UN Human Rights Council, are key mechanisms to alert the international community to certain human rights issues.

Indeed, a number of Member States adopt measures restricting the work of NGOs, limiting their activities and interfering in their governance structure. Such measures lead to violation of the rights to freedom of association, assembly and expression, and the shrinking of the democratic space available to civil society actors, including human rights defenders, to freely operate. .

1.1.3 Priority areas for support/problem analysis

Three special rapporteurs have been monitoring the current trend of a shrinking democratic space for civil society and have repeatedly called for an enabling and conducive environment for civil society organisations.

- ✓ The mandate of the **Special Rapporteur on the situation of human rights defenders** was established in 2000 by the Commission on Human Rights resolution 2000/61. In 2014, with resolution 25/18, the Human Rights Council, decided to continue this mandate for a consecutive period of three years. In June 2014, Mr. Michel Forst was appointed as the third UN Special Rapporteur on the situation of human rights defenders.
- ✓ The mandate of the **Special Rapporteur on the rights to freedom of peaceful assembly and of association** was established in 2010 by the Human Rights Council resolution 15/21. In May 2011, with resolution 24/5, the Human Rights Council appointed Mr Maina Kiai as the first UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. In October 2013, resolution 24/5 extended its mandate and appointment for a period of three years.
- ✓ The mandate of the **Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression** was established in 1993, by the Commission on Human Rights resolution 1993/45. In 2014, with resolution 25/2, the Human Rights Council, decided to continue this mandate for a consecutive period of three years. In August 2014, Mr. David Kay was appointed as the third UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
<p>The implementation of the activities can be affected by a number of factors including:</p> <ul style="list-style-type: none"> • Lack of host country commitment and cooperation in case of events convened by the SRs; • Political crisis in the concerned countries • Commercial priorities (on-going trade negotiations) 	M	<p>OHCHR will seek the cooperation of a number of countries willing to host events and activities of the SRs; OHCHR will do so by engaging closely with these countries and providing clear information on the nature of these activities; establish regular contacts with CSOs activists and HRDs at risks and refer them to NHRIs, and other available national protection systems, regional mechanisms; monitor reprisals cases and alert the S-G through his report on this.</p> <p>OHCHR uses an innovative web-based Performance Monitoring System.(PMS)</p>

		which facilitates planning, monitoring, reporting, knowledge management and financial monitoring. This system increases OHCHR capacity to make strategic decisions for mitigation of the risks.
The SRs can tackle, threats to and reprisals against civil society actors, including human rights defenders, who wish to cooperate or have cooperated with the activities of the SRs (i.e. attending events and consultations; etc.), in particular in countries under crisis.	M	OHCHR will establish regular contacts with CSOs activists and HRDs at risks and refer them to NHRIs, and other available national protection systems, regional mechanisms; monitor reprisals cases and alert the S-G through his report on this. OHCHR uses an innovative web-based Performance Monitoring system (PMS), which facilitates planning, monitoring, reporting, knowledge management and financial monitoring. This system increases OHCHR capacity to make strategic decisions for mitigation of the risks.
Assumptions		
OHCHR has made considerable efforts to become a fully results-based organization. Consequently, knowledge of results-based management (RBM) has increased within the Office and supportive tools and practices have been adequately developed and applied. It led to an increased capacity to make strategic decisions. The Office uses an innovative web-based Performance Monitoring System (PMS), which facilitates planning, monitoring, reporting, knowledge management and financial monitoring. In addition, in order to implement this project, OHCHR ensures genuine engagement of all actors to be involved in the SRs activities; responsiveness of national protection systems; cooperation by Member States with the SRs.		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The work of the three rapporteurs has been hindered by limited resources hampering de facto their capacity to conduct field visits and follow-up on recommendations. These budget restrictions are also reducing the possibility to have dedicated support staff within the UN OHCHR. It is important to boost their capacity to increase their impact.

Moreover, while each Special Rapporteur conducts his own activities on its area of mandate, addressing the shrinking space implies to combine various elements from each of these mandates.. The complexity of the matter and the interaction between the three mandates call for supporting joint activities and synergies between the rapporteurs.

3.2 Complementarity, synergy and donor coordination

This project is not the only EIDHR support for the rights and activities covered by the OHCHR. Proposals for projects specifically targeting some of these rights may be presented by other organisations under EIDHR calls for proposals to be launched during the present and following years.

In particular, supporting Human Rights and their Defenders where they are the most at risk is the first objective of the EIDHR and 20-25% of the funds to be provided have been earmarked in the EIDHR Multi-annual Indicative programme for this purpose. This implies in – depth operational coordination and exchange of practices, In particular regarding the EU HRD mechanisms put in place under the EIDHR AAP 2014.

3.3 Cross-cutting issues

Cross-cutting issues for the implementation of this Action include: promotion of human rights, gender equality, democracy, good governance, children's rights and the rights of indigenous peoples, environmental sustainability, non-discrimination, the rights of persons belonging to minorities, the rights of persons with disabilities and other vulnerable groups.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

The purpose of this action is to support the activities of the mandates of (i) the UN Special Rapporteur on the situation of human rights defenders, (ii) the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and (iii) the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and (iv) their joint activities

4.2 Main activities

The activities under this action will follow two interlinked sub-streams of actions:

- ✓ Support the activities of the three Special Rapporteurs, focussing on support measures and staff for country visits, reports and follow-up missions.
- ✓ Supporting the joint activities of the three rapporteurs, in particular joint reports and interventions on the shrinking space for civil society.

The main following activities are foreseen:

- Support individual field visits by the three Rapporteurs to assess in-country situation in the area of their mandate, including civil society consultation on the ground, and cover travelling costs of UN OHCHR supporting staff accompanying the three Rapporteurs in their field visits;
- Support the research and consultation capacity of the three Rapporteurs;
- Support reports and in-country missions and reports by the three rapporteurs on relevant recommendations of Universal Periodic Review (UPR) as well as of Human Rights Special Procedures under Human Rights Council's portfolio;

- Support the establishment of joint report and recommendations by the three rapporteurs on the issue of shrinking space and enabling environment for civil society.

4.3 Intervention logic

In contributing to these special procedures, the *EU expects achievement regarding two of its key objectives* that the Council reaffirmed in adopting the 25 June 2012 the EU Strategic Framework on Human Rights and Democracy with an Action Plan for putting it into practice. The Strategic Framework (25 June 2012) builds on the Joint Communication 'Human rights and democracy at the heart of EU external action – towards a more effective approach' adopted by the European Commission and the High Representative.

(1) The promotion of universality of Human Rights

"The EU reaffirms its commitment to the promotion and protection of all human rights, whether civil and political, or economic, social and cultural. The EU calls on all States to implement the provisions of the Universal Declaration of Human Rights and to ratify and implement the key international human rights treaties, including core labour rights conventions, as well as regional human rights instruments. The EU will speak out against any attempt to undermine respect for universality of human rights" (Extract of the EU Strategic Framework on Human Rights and Democracy).

(2) The commitment to work through multilateral institutions

"The EU remains committed to a strong multilateral human rights system which can monitor impartially implementation of human rights norms and call all States to account. The EU will resist strenuously any attempts to call into question the universal application of human rights and will continue to speak out in the United Nations General Assembly, the UN Human Rights Council and the International Labour Organisation against human rights violations." (Extract of the EU Strategic Framework on Human Rights and Democracy).

And in doing so the Council recognizes that "The independence and effectiveness of the UN Office of the High Commissioner for Human Rights, as well as of the treaty monitoring bodies and UN Special Procedures, is essential" (Extract of the EU Strategic Framework on Human Rights and Democracy).

The Council also underlines "the leading role of the UN Human Rights Council in addressing urgent cases of human rights violations and will contribute vigorously to the effective functioning of the Council; the EU stands ready to cooperate with countries from all regions to this end. The EU calls on all members of the Human Rights Council to uphold the highest standards of human rights and to live up to their pledges made before election." (Extract of the EU Strategic Framework on Human Rights and Democracy).

The EU focuses on these three Rapporteurs as it considers them as **key UN actors involved in fighting the shrinking space for civil society** and in defending an enabling environment for this same civil society.

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 4.1 will be carried out, is 36 months, from the date of entry into force of the financing agreement which will be issued after the adoption 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

5.3.1 *Grant: direct award to the United Nations Office of the High Commissioner for Human Rights (direct management)*

A grant contract will be signed with the Office of the High Commissioner for Human Rights following the adoption of this Action Document.

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

The objective of the action is to support the mandates of the three UN Special Rapporteurs on the situation of human rights defenders, on the rights to freedom of peaceful assembly and of association, and on the promotion and protection of the right to freedom of opinion and expression, as well as their joint activities.

The programme of work foreseen by each mandate holder aims 1) to promote and protect the activities of CSOs, 2) to assess the impact of legislative arsenal put in place in numerous members states on their ability to function in according to international standards, 3) to study new trends and phenomena related to the three respective mandates would require a set of activities which cannot be absorbed by the regular budget alone.

(b) Justification of a direct grant

Under the responsibility of the authorising officer by delegation, the grant may be awarded without a call for proposals to the United Nations Office of the High Commissioner for Human Rights (UN OHCHR).

The Regulation (EU) No 235/2014 includes in its Objective 5 the "support to targeted key actors and processes, including international and regional instruments and mechanisms". The Regulation (EU) No 236/2014, laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR), includes the specific financing provision in Article 6.1.c).iii) that EU financing may take the form of direct grants to the OHCHR.

The choice of a direct award with the High Commissioner for Human Rights (UN OHCHR) is justified by the unique mandate the Office has in providing support to United Nations Special Rapporteurs established by the Human Rights Council

(c) Eligibility conditions

The eligibility criteria for applicants will be the default scope defined in Article 11.2 CIR of the Regulation (EU) No 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR).

(d) Essential selection and award criteria

The essential award criteria are relevance of the proposed action to the objectives of the instrument.

(e) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100%.

The maximum possible rate of co-financing may be up to 100 % in accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 if full funding is essential for the action to be carried out. 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.

(f) Indicative trimester to conclude the grant agreement

Second trimester of 2016

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

Direct management with UN OHCHR	Amount in EUR	Third party contribution (indicative, where know)
4.3.1. – Support to the mandate of the UN SR on HRDs	490,000	N/A
4.3.2. – Support to the mandate of the UN SR on freedom of association	490,000	N/A
4.3.3. – Support to the mandate of the SR on freedom of expression	490,000	N/A
4.3.4. – Support to the joint activities of the three mandates	130,000	N/A
Totals	1,600,000	N/A

5.6 Organisational set-up and responsibilities

The procurement and management of the grant resulting from this decision will be carried out by the European Commission Headquarters.

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.

OHCHR uses its monitoring and evaluation functions to generate and record evidence to inform decision-making.

OHCHR's web-based Performance Monitoring System (PMS), by refining the indicators, developing data protocols, establishing base-lines and creating an IT system that will allow for the consistent collection of data throughout the Office, has increased office-wide coordination; decreased transaction costs and increased reliability of information. The system is used by all OHCHR entities, HQ, NY and field-based, for all planning and monitoring-related tasks (including financial aspects). Various types of reports can be generated through the system and internal decision-making increasingly relies on the information it contains.

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 and audit

OHCHR has enhanced its evaluation function to ensure that it is a strong pillar in the RBM chain. This function is supported by three main documents: (i) a vision for evaluation, with the goal of making OHCHR's interventions more relevant, efficient and effective by having a greater impact and being more sustainable; (ii) an evaluation policy, which includes guiding principles, institutional framework and planning conduct, budgeting, follow-up and dissemination of evaluations; (iii) an evaluation plan for 2014-2017, including targets, outputs and initial strategies.

Evaluation and audit shall follow the rules laying down in the Financial and Administrative Framework Agreement between the European Community and the United Nations (FAFA), signed on 29 April 2003 and its addendum signed in February 2014.

In the performance of the activities, the OHCHR will apply its own accounting system, which will provide timely, accurate, complete and reliable information; ensure the functioning of an effective and efficient Internal Control System and be subject to an independent audit performed in accordance with internationally accepted auditing standards by a functionally independent audit service.

Progress reports will provide a summary of any controls carried out and available final audit reports. Where errors and weaknesses were identified, analysis of their nature and extend as well as information on corrective measures should also be provided in progress reports.

5.9 Communication and visibility

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

These actions shall contain communication and visibility measures which shall be based on specific Communication and Visibility Plans of each of the Action, to be elaborated before the start of implementation and supported with the budget indicated in section 5.5 above.

The measures shall be implemented either (a) by the Commission, and/or (b) by the partner country, contractors, grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in, respectively, financing agreements, procurement and grant contracts, and delegation agreements.

Joint Visibility Guidelines between the EU and UN shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligation.

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	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective: Impact	To support the mandates of the three UN Special Rapporteurs, as well as their joint activities.	See below	See below	See below	See below	See below
Outputs	Support individual field visits by the three Rapporteurs	Number of field visits carried out to assess in - country situation in the area of the respective mandates of the three Rapporteurs; Number of in-country missions to ensure proper follow-up of UPRs recommendations	Number of field visits carried out in 2014	Equivalent number of visits in 2015	UN Rapporteurs activity reports	No major security threats or political obstruction preventing visits to target countries + possibility to make public communications on field visit and related achieved results
Output	Support the research and consultation capacity of the three Rapporteurs;	Number of researches and consultations carried out by the three Rapporteurs	To be identified at a later stage	To be decided based on identified	UN Rapporteurs activity reports	possibility to make public communications on researches and

				baseline		consultations
Outputs	Support the establishment of joint report and recommendations by the three rapporteurs	Number of joint reports on the issues of shrinking space and enabling environment for civil society, on relevant recommendations of Universal Periodic Review (UPR) as well as of Human Rights Special Procedures under Human Rights Council's portfolio.	No previous joint reports	To be determined at a later stage	UN Rapporteurs activity reports	Possibility to make public communications on field visit