



This action is funded by the European Union

ANNEX 6

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 key actors – UN Office of the High Commissioner for Human Rights (UN OHCHR)

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.

1. Title/basic act/ CRIS number	Supporting key actors – UN Office of the High Commissioner for Human Rights (UN OHCHR) CRIS number: EIDHR/2016/038-672 for EUR 3 400 000 and EIDHR/2017/038-676 for EUR 4 000 000 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 amount of EU budget contribution: EUR 7,400,000 The contribution is for an amount of EUR 3,400,000 from the general budget of the European Union for 2016; and

	for an amount of EUR 4,000,000 from the general budget of the European Union for 2017, subject to the availability of appropriations following the adoption of the relevant budget.			
6. Aid modality(ies) and implementation modality(ies)	Project Modality Direct management - grants – direct award			
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 flagship	N/A			

SUMMARY

The core objective is to enhance the High Commissioner's global leadership and therefore to reinforce its policy influence role within the United Nations system and worldwide. Under the Office Management Plan (OMP) of United Nations Office of the High Commissioner for Human Rights (OHCHR), the EIDHR support relates to the overall objectives of the OHCHR OMP in view of this reinforcement.

The action is a voluntary contribution to the 2016 and 2017 Budget of the OHCHR.

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

The OHCHR Plan of Action of 2005 presented an overall vision for the future direction of the Office. This Plan of Action is implemented through OHCHR Management Plans (OMPs) that detail the means by which OHCHR aims to work with Member States to continue putting this vision into operation. The OMP provides a comprehensive overview of the areas of work on which OHCHR will focus during the subsequent years and the resources that will be required. On 10 October 2013, the UN High Commissioner Navi Pillay presented OHCHR's draft thematic priorities for 2014-2017, in a meeting with the UN Members States and civil society.

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

The OHCHR Management Plan (OMP), covering two biennial budget cycles, is adapted to the biennial budget cycle of the United Nations Secretariat to provide a comprehensive picture of its objectives, activities and requirements, irrespective of funding sources. By adopting a four-year cycle, not only for activities funded from the regular budget but for all the work, the OHCHR can plan more effectively and enter into longer-term agreements with its partners. This Plan will also be results-based and will assume a cross-branch, one-office approach to planning and implementing activities.

The 2014-2017 OMP launched by the UN High Commissioner Navi Pillay on 16 April 2014 is, like its predecessor, based on OHCHR's fundamental goals — to protect human rights and empower all people to realise those rights — and is driven by the need to identify and address critical human rights problems in the world today, namely: poverty, discrimination, conflict, impunity, democratic deficits, and institutional weaknesses. The magnitude of the challenges has to be acknowledged, giving rise to the need to prioritise OHCHR's activities so that limited resources can be used effectively.

1.1.3 Priority areas for support/problem analysis

The goal for the 2014-2017 OMP is to make the most of the resources in implementing the human rights mandate of the United Nations and it brings together various elements of OHCHR's mandate around a set of thematic priorities in order to increase synergies between them and to avoid overlaps. The six thematic priorities are: strengthening international human rights mechanisms; enhancing equality and countering discrimination; combating impunity and strengthening accountability and the rule of law; integrating human rights in development and the economic sphere; widening the democratic space; and the early warning and protection of human rights in situations of conflict, violence and insecurity. All the thematic

priorities have implications for civil, economic, political and social rights. This is the first time that OHCHR has identified a set of thematic priorities for a four year period.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Practical implementation can be affected by the situation prevailing in countries and regions (Political crisis, insecurity, lack of commitment)	M	OHCHR has made considerable efforts to become a fully results-based organization. Consequently, knowledge of results-based management (RBM) has increased in the Office and supportive tools and practices have been developed and applied. OHCHR continued its internal capacity-building programme by developing an RBM online training tool; enhancing its Performance Monitoring System (PMS), OHCHR's web-based programming tool. It led to an increased capacity to make strategic decisions. The Office uses an innovative web-based PMS, which facilitates planning, monitoring, reporting, knowledge management and financial monitoring.
Coordination difficulties between the OHCHR Geneva and its partners	L	OHCHR has made considerable efforts to become a fully results-based organization. Consequently, knowledge of results-based management (RBM) has increased in the Office and supportive tools and practices have been developed and applied. OHCHR continued its internal capacity-building programme by developing an RBM online training tool; enhancing its Performance Monitoring System (PMS), OHCHR's web-based programming tool. It led to an increased capacity to make strategic decisions. The Office uses an innovative web-based PMS, which facilitates planning, monitoring, reporting, knowledge management and financial monitoring.
Partners should have the capacity to deliver in time, including capacity of civil society actors for sustained	L	OHCHR has made considerable efforts to become a fully results-based organization. Consequently, knowledge of results-based

follow-up of activities		management (RBM) has increased in the Office and supportive tools and practices have been developed and applied. OHCHR continued its internal capacity-building programme by developing an RBM online training tool; enhancing its Performance Monitoring System (PMS), OHCHR's web-based programming tool. It led to an increased capacity to make strategic decisions. The Office uses an innovative web-based PMS, which facilitates planning, monitoring, reporting, knowledge management and financial monitoring
Assumptions		
The project is an operating grant to support the OHCHR Management Plan (OHCHR OMP) and thus to contribute to the activities that will be defined for 2016 and for 2017 under the OHCHR OMP. The OHCHR identifies for its OMPs some risks that may jeopardize the achievement of some of the objectives of its OMPs which are mainly country constraints and which constitute "usual constraints" in the framework of external relations activities		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The European Union is a regular donor to the OHCHR. On the basis of the EIDHR Regulation (EC) No1889/2006, the EIDHR Strategy Paper 2011-2013 included an annual indicative contribution of EUR 4,000,000 to support operations of the OHCHR. The Special Measure for the financing of the 2014 EIDHR Work Programme adopted on the 24 of July 2014 as well as the 2015 EIDHR Annual Action Programme, on the basis of the EIDHR Regulation (EU) No 235/2014 adopted on the 11 March 2014, the EIDHR Strategy Paper 2014-2017 adopted on the 21 of October 2014, included both a contribution of EUR 4,000,000.

Funding received by OHCHR is not commensurate with spending. In 2012 OHCHR underwent a budget reduction exercise for the first time. The ever-increasing demands for support from the Office saw the extra-budgetary cost plan rise to nearly US\$151.5 million against an expected income of US\$110 million in 2012. In light of this fact, the OHCHR undertook in the context of the 2012 Mid-Year Review an in-depth budget reduction exercise identifying possible cuts amounting to 15 per cent, compelled the OHCHR to question the status quo in terms of distribution of resources and explore new ways to prepare and discuss its annual cost plans. The various reductions demonstrated that although there is room for efficiency gains in existing programmes, streamlining has its limits and costs were reduced 12% for 2013. The OHCHR must, therefore, complement its requirements from extra-budgetary sources. The OHCHR OMP needs the full support of donors and encourages them to provide funds that are either lightly earmarked or not assigned to a particular activity. Based on the successful experience in implementing the 2013 EIDHR Annual Action Plan which foreseen at the same time, a contribution to the OHCHR as well as a targeted project of EUR 1,000,000 to support the Treaty Bodies, the European Union in 2016 and 2017 will reiterate this scheme.

3.2 Complementarity, synergy and donor coordination

This project is an un-earmarked contribution to the OHCHR budget and in no way constitutes the only EIDHR support for the rights and activities covered by the OHCHR OMP. Proposals for projects specifically targeting some of these rights may be presented by other organisations under EIDHR calls for proposals to be launched this year.

Exchanges of view, good collaboration and coordination between the two organisations as well at headquarters level and field level benefit to the two organisations in securing complementarity and impact leverage.

On the basis of the voluntary contributions received by the OHCHR in 2014, this action will represent approximately 2.43 % of these voluntary contributions. In fact, the EU was 7rd in ranking as a contributor to the OHCHR in 2014 (out of 74 institutional donors).

3.3 Cross-cutting issues

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

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

The core objective is to enhance the High Commissioner's global leadership and therefore to reinforce its policy influence role within the United Nations system and worldwide. Under the OHCHR Office Management Plan, the EIDHR support relates to the overall objectives of the OHCHR OMP in view of this reinforcement that includes activities such as: strengthening newly opened regional offices, broadening partnerships and building management capacity to ensure more responsive engagement in the protection of human rights; support for human rights bodies and organs; support for human rights special procedures; human rights mainstreaming research and analysis; support for programmes

4.2 Main activities

The EIDHR operating grant, by contributing to enhance the OHCHR's global leadership, is expected *to strengthen the OHCHR's capacity and therefore to support*:

(1) Human Rights Monitoring Mechanism in general, as the OHCHR works to offer the best expertise and support to the different human rights monitoring mechanisms in the United Nations system: UN Charter-based bodies, including the Human Rights Council, and bodies created under the international human rights treaties and made up of independent experts mandated to monitor State parties' compliance with their treaty obligations. Most of these bodies receive secretariat support from the Human Rights Council and Treaties Division of the Office of the High Commissioner for Human Rights (OHCHR).

(2) and more specifically, the crucial role and activities of the OHCHR, such as the input to the Human Rights Council, to the Universal Periodic Review and to the Special Rapporteurs.

By the means of:

- (a) Greater country engagement through an expansion, the establishment of standing capacities for rapid deployment, investigations, field support, human rights capacity building, advice and assistance, and work on transitional justice and the rule of law.
- (b) An enhanced human rights leadership role for the High Commissioner, including greater interaction with United Nations bodies and actors and regular system-wide human rights consultations, a reinforced New York presence, an annual thematic human rights report, a global campaign for human rights, and more involvement in efforts to advance poverty reduction and the Millennium Development Goals.
- (c) Closer partnerships with civil society and United Nations agencies.
- (d) More synergy in the relationship between OHCHR and the various United Nations human rights bodies.

4.3 Intervention logic

In contributing to enhance the OHCHR's global leadership, 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 Council also commits to include into the EU external relations activities the outcome of the Universal Periodic Review (UPR) "Welcoming the establishment of Universal Periodic Review (UPR), the EU and its Member States are committed to raising UPR recommendations which have been accepted, as well as recommendations of treaty monitoring bodies and UN Special Procedures, in bilateral relations with all third countries" (Extract of the EU Strategic Framework on Human Rights and Democracy).

The Council clearly states that "In forthcoming UPR rounds, the EU will pay close attention to the degree of implementation by third countries of UPR commitments which they have accepted and will endeavour to provide support for their implementation" (Extract of the EU Strategic Framework on Human Rights and Democracy).

In practice, the EU is engaged in a close relationship with the Office and the different human rights monitoring mechanisms at UN level and many side-events are organised by the EU in New York or Geneva in the course of monitoring mechanisms' meetings, in particular the Human Rights Council (HRC) and the 3rd Committee. The EU Delegations in New York and Geneva are very active and collaborate closely with the Office on Human Rights matters. The EU uses the outcome of the diverse UN Human Rights mechanism, including those pertaining to the rights of indigenous peoples, for its country situation assessments in the framework of its external relations. The regional Offices of the OHCHR are engaged in close relationship with relevant EU Delegations. Any actions under this Action Document shall respect and shall be implemented in accordance with the Charter of Fundamental Rights of the European Union.

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, start from the date of entry into force of the financing agreements or, where none is concluded, from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements until the 31 December 2016 and the 31 December 2017 respectively if committed on the 2016 EU Budget or the 2017 EU Budget.

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 Grants: Two direct awards to the United Nations Office of the High Commissioner for Human Rights (direct management)

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

The objective of the actions are to enhance the High Commissioner's global leadership and reinforcing its policy influence role within the United Nations system and worldwide. The OHCHR will develop activities along its OMP and its UN Human Rights Appeal for 2016 and for 2017 respectively.

(b) Justification of a direct grant

Under the responsibility of the authorising officer by delegation, the operating grants may be awarded without a call for proposals to the United Nations Office of the High Commissioner for Human Rights.

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.

(c) Eligibility conditions

The eligibility criteria for applicants will be the default scope defined in Article 11.2 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 two actions are voluntary contributions of an amount of EUR 3,400,000 to the 2016 and EUR 4,000,000 2017 Budget of the OHCHR, which will be estimated when the OHCHR will launch the Human Rights Appeal for 2016 and for 2017 in the beginning of 2016 and 2017 respectively. As a basis for appreciation, the total estimated budget for the Human Rights Appeal 2015 was EUR 226,858,934.

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 agreements

Second trimester of 2016 and of 2017.

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. – Direct management with UN-OHCHR		
On 2016 EU Budget	3,400,000	N/A
On 2017 EU Budget	4,000,000	N/A
Totals	7,400,000	N/A

5.6 Organisational set-up and responsibilities

The procurement and management of the grants 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 function to generate and record evidence to inform decision-making.

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

As the EU support to OHCHR is not earmarked, reporting to the EU takes the form of the OHCHR Annual Report, in relation to the OMP.

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

The OHCHR is developing an evaluation policy which will include country-engagement results. Moving the focus from the project level to the programmatic, thematic, and strategic levels, the OHCHR is working towards an evaluation culture built around the needs of users and the impact on rights holders. Evaluation serves as a tool for learning and for enhancing performance. Evaluation plans are adopted once the planning process is completed for the next period.

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 4.5 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 obligations.