



This action is funded by the European Union

ANNEX 3

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 HUMAN RIGHTS AND HUMAN RIGHTS DEFENDERS WHERE THEY ARE MOST AT RISK – HUMAN RIGHTS CRISES FACILITY

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: 5.3.1.

1. Title/basic act/ CRIS number	Supporting Human Rights and Human Rights Defenders where they are most at risk – Human Rights Crises Facility CRIS number: EIDHR 2016/038-672 for EUR 3 500 000 and EIDHR/2017/038-676 for EUR 3 500 000 financed under the European Instrument for Democracy and Human Rights
2. Zone benefiting from the action/location	In principle, actions must take place in the EU partner country where the grant has been awarded.
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	The contribution is for an amount of EUR 3 500 000 from the general budget of the European Union for 2016, subject to the availability of appropriations following the adoption of the relevant budget and for an amount of EUR 3 500 000 from the general budget of the European Union for 2017, subject to the availability of appropriations

	following the adoption of the draft budget and the budget.			
6. Aid modalities and implementation modalities	Project Modality Direct management: Direct grants			
7. DAC code	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Trade Development	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<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

According to the Regulation (EU) No 235/2014 establishing a financing instrument for democracy and human rights worldwide (EIDHR): "The Union should pay particular attention to countries and urgency situations where human rights and fundamental freedoms are most at risk and where disrespect for those rights and freedoms is particularly pronounced and systematic" (recital 18).

The facility has been designed to respond to this need. In accordance, the objective of this Action is to address the most difficult human rights situations worldwide. It aims at supporting actions in a flexible and reactive way through direct awards in proven situations of short-, mid- to long-term human rights crises, where the publication of a call for proposals would be inappropriate or impossible, and/or where funding organizations working for human rights and their defenders prove to be seriously hampered.

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 are systematically violated; where there exists high risk to human security making it difficult for civil society and human rights defenders (HRDs) to operate, and where there is little or no room for political pluralism. This includes countries that are in a crisis situation as referred to in Article 190(2), or other exceptional and duly justified situations as per Article 190(1) RAP. This can also include situations where it is not possible to launch and implement Country Based Support Schemes (CBSS) or where the CBSS can only address non-sensitive issues or 'entry points' and where a restrictive space for civil society does not allow for the existence of independent human rights projects.

In countries where a CBSS exists, actions may help the EU to address particularly sensitive issues that cannot be addressed under the CBSS, thus complementing EIDHR support to civil society in the most optimal way. Activities foreseen under this Action Document target priority countries or situations where public actions in support of human rights are not possible without putting the implementing partners themselves at risk.

This Action will target civil society organizations (CSOs) and human rights defenders in countries and situations where they are most at risk, where they work under severe constraints and where they are most under pressure. This facility can be used to support organisations that are based outside the 'most at risk' country that is the focus of their activities, such as groups that are located in neighbouring countries or within diaspora communities.

Any actions under this Action Document shall respect and shall be implemented in accordance with the Charter of Fundamental Rights of the European Union.

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 with a special emphasis on strengthening ownership by local institutions, mechanisms and civil society actors, and on invigorating support to Human Rights Defenders. Actions shall be in line with all existing EU guidelines on human rights related issues, the EU's Strategic Framework and Action Plan on Human Rights and Democracy, and all other relevant human rights policy documents.

1 CONTEXT

The European Instrument for Democracy and Human Rights (EIDHR) has been designed to be a flexible and responsive tool for human rights promotion and protection. It is a specialised and complementary part of the EU response to crises, as outlined in the EC/EEAS joint communication on "The EU's comprehensive approach to external conflict and crises" (December 2013).

Effective support for human rights and their defenders in situations where they are most at risk has been an EU priority since 2004 and a priority of the European Instrument for Democracy and Human Rights (EIDHR) since 2007. It is a key priority under the EU

Strategic Framework and Action Plan on Human Rights and Democracy, adopted in June 2012 and the EU Action Plan adopted in July 2015.

Support for human rights and their defenders at risk is also underpinned in the Regulation (EU) No 235/2014, Article 2.1 (b)(iii)). Furthermore, Article 2.4 states that the "measures referred to in this Regulation shall take into account the specific features of crisis or urgency situations and countries or situations where there is a serious lack of fundamental freedoms, where human security is most at risk or where human rights organisations and defenders operate under the most difficult conditions".

1.1 Thematic area

Any actions under this Action Document shall respect and shall be implemented in accordance with the Charter of Fundamental Rights of the European Union.

1.1.1 Public Policy Assessment and EU Policy Framework

In line with art. 2.4 of the Regulation (EU) No 235/2014, the facility has been designed to address the most difficult human rights situations worldwide. It aims at supporting actions in a flexible and reactive way through direct awards in proven situations of short-, mid- to long-term human rights crises, where the publication of a call for proposals would be inappropriate or impossible, and/or where funding organizations working for human rights and their defenders prove to be seriously hampered.

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 are systematically violated; where there exists high risk to human security making it difficult for civil society and human rights defenders (HRDs) to operate, and where there is little or no room for political pluralism. This includes countries that are in a crisis situation as referred to in Article 190(2), or other exceptional and duly justified situations as per Article 190(1) RAP. This can also include situations where it is not possible to launch and implement Country Based Support Schemes (CBSS) or where the CBSS can only address non-sensitive issues or 'entry points' and where a restrictive space for civil society does not allow for the existence of independent human rights projects.

Actions shall be in line with all existing EU guidelines on human rights related issues, the EU's Strategic Framework and Action Plan on Human Rights and Democracy, and all other relevant human rights policy documents.

1.1.2 Stakeholder analysis

The activities will be managed at headquarters level by the Commission.

The stakeholders are mainly civil society organisations and human rights defenders, relevant national, regional and international organisations involved, EU Member States and Institutions.

According to the EU Guidelines, human rights defenders are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights. Human rights defenders also promote and protect indigenous peoples' rights and the rights of persons belonging to minorities. The definition does not include those individuals or groups who commit or propagate violence.

Activities foreseen under this Action Document target priority countries or situations where public actions in support of human rights are not possible without putting the implementing partners themselves at risk.

This Action will target civil society organisations (CSOs) and human rights defenders in countries and situations where they are most at risk, where they work under severe constraints and where they are most under pressure. This facility can be used to support organisations that are based outside the 'most at risk' country that is the focus of their activities, such as groups that are located in neighbouring countries or within diaspora communities.

The applicants will be primarily civil society organisations with no geographical requirements set a priori. Natural persons, entities without legal personality and, in exceptional and duly justified cases, other bodies or actors not identified in this paragraph, are eligible for funding when this is necessary to achieve the objectives of the instrument, as per article 11 of the Common Implementation Regulation.

1.1.3 Priority areas for support

The Action aims at supporting specific projects in defending human rights and their defenders where they are most at risk. The facility has been designed on the basis of the Commission's experience since 2010 in using the EIDHR into countries declared under crisis situation and where the exceptional direct award of project was authorised and justified. It included countries in most continents, such as countries of the Arab Spring, Myanmar, Mali, Syria or Libya.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Projects implemented under this Action, dedicated to the situations most at risk and to individuals in danger, take place in extremely difficult, dangerous and volatile contexts. They are confronted with various political and physical risks that must not be underestimated and can have implications for the EU institutions. In the past, several third parties involved in projects have been threatened, imprisoned or even killed.	H	This risk needs to be closely monitored and mitigated. Most difficult projects to be implemented at HQ level, as restricted projects if needed. Size and format is adapted for the most difficult situation.
CSOs could be confronted with fragile, crisis and risk-prone situations	M	HQ to tailor assistance in a way that allows CSOs to contribute to the resolution of problem.
Assumptions		
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. In particular, the names of the final beneficiaries of grants and direct support **will not be made public** unless requested otherwise by the beneficiary, and proper confidentiality measures will be taken.

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

Under the EIDHR Regulation (EC) No 1889/2006 for 2007-2013, the EU supported almost 200 specific projects aimed at defending human rights and their defenders where they are most at risk, worth EUR 135 000 000. Implemented by CSOs, these projects were selected both through global and local calls for proposals focusing on HRDs.

In addition, this facility has been designed on the basis of the Commission's experience since 2010 in using the EIDHR into countries declared under crisis situation and where the exceptional direct award of project was authorised and justified. It included countries in most continents, such as countries of the Arab Spring, Myanmar, Mali, Syria or Libya.

It is the Commission's intention to provide such support on an annual basis. Indeed, the EIDHR Annual Action Programme for 2014 and 2015 already supported actions funded through direct awarding in the most difficult conditions or situations where the publication of a call for proposals would be inappropriate.

3.2 Complementarity, synergy and donor coordination

EIDHR actions complement other tools, which are used to implement EU policies for democracy and human rights. These range from political dialogue to various geographical and thematic instruments. Under the EIDHR, and especially its objective 1, the key target group are CSOs and priority is given to more sensitive issues targeted by them, in line with the instrument's added value of not relying on partner governments' consent.

The additional added value of this facility is to even further focus on the less covered aspect of the EIDHR, thus ensuring a maximum coverage of the instrument.

An essential point is to ensure an extensive complementarity with the operations conducted under the Instrument contributing to Stability and Peace (IcSP). Synergies will also be ensured between the EIDHR and ECHO operations, as refugees and other beneficiaries of humanitarian relief are often also victims of human rights violations that need to be documented, registered and treated, while respecting the different mandates of judicial/accountability mechanisms and humanitarian action. There will also be close coordination with ECHO over projects on international humanitarian law (IHL) to ensure complementarity and avoid overlap. In addition, complementarity is sought in relation with other donors, depending on the geographical and political context in question.

3.3 Cross-cutting issues

Cross-cutting issues for the implementation of this Action include: non-discrimination, the rights of indigenous peoples, the rights of persons belonging to minorities, the rights of persons with disabilities, the rights of people affected by caste based discrimination, the rights of persons with life-threatening diseases and other vulnerable groups, core labour rights and social inclusion, the empowerment of women, the rule of law, capacity building for parliaments and civil society, and promoting dialogue, participation and reconciliation, as well as institution building, including at local and regional level.

4 DESCRIPTION OF THE ACTION

The Action will be based upon the Commission's experience since 2010 in using the EIDHR in countries declared under crisis situation and where the exceptional direct award of project was authorised and justified.

4.1 Objectives/results

The overall objective of this Action is to address the most difficult human rights situations in the world by providing support to the civil society actors who strive to promote and defend them.

The specific objective is to provide direct support to civil society in the promotion of human rights and fundamental freedoms in some of the world's most difficult, dangerous and unpredictable political situations and/or where they are the most vulnerable and threatened.

4.2 Expected results and main activities

This Action will support activities funded through direct awards in the most difficult conditions or situations where the publication of a call for proposals would be inappropriate.

The European Commission can directly award grants to finance actions in the most difficult conditions or situations, referred to in Article 2(4) of the Regulation (EU) No 235/2014. Such grants will not exceed EUR 1,000,000 and their duration will be up to 18 months, with the possibility to extend by a further 12 months in the event of objective and unforeseen obstacles to their implementation.

The gravity of the situation and the effectiveness of the action will be the key considerations for assessing and prioritizing project proposals.

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 sections 4.2 will be carried out, is 60 months from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements. The European Parliament and the relevant Committee shall be informed of the extension of the operational implementation period within one month of that extension being granted.

5.3 Implementation modalities

5.3.1. Grants: direct award (direct management)

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

The aim of the human rights crises facility aim is to finance actions in the most difficult conditions or situations referred to in Article 2(4) of the Regulation (EU) No 235/2014, where the publication of a call for proposals would be inappropriate, and, where appropriate, without the need for co-funding. This facility will operate in complementarity with other thematic and geographic instruments.

The facility will prioritize actions in countries where there is an objective difficulty in funding organizations working for human rights and their defenders, and where there is a proven situation of human rights crisis. The grants under this component shall not exceed EUR 1 000 000 and shall have a duration of up to 18 months, which may be extended by a further 12 months in the case of objective and unforeseen obstacles to their implementation.

b) Justification of a direct award

As per Article 6(c)(ii) of CIR, under the responsibility of the authorising officer by delegation, the recourse to an award of a grant without a call for proposals is justified for EIDHR actions that aim to provide low-value grants to human rights defenders to finance urgent protection actions and to finance actions in the most difficult conditions or in situations referred to in Article 2(4) of Regulation (EU) No 235/2014 where the publication of a call for proposals would be inappropriate and, where appropriate, without the need for co-funding.

In addition, direct grants may be awarded if a target country is in a crisis situation referred to in Article 190(2) RAP or other exceptional and duly justified situations as per Article 190(1) RAP.

c) Eligibility conditions

The eligibility criteria for applicants will be the default scope defined in Article 11.2 of CIR.

d) Essential selection and award criteria

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

The essential award criteria are relevance of the proposed action to the objective of this Action Document (providing direct support to civil society in the promotion of human rights and fundamental freedoms in some of the world's most difficult, dangerous and unpredictable political situations and/or where they are the most vulnerable and threatened); relevance to the needs and constraints of the target country; target groups and final beneficiaries; added-value elements; design, effectiveness, feasibility, sustainability and cost-effectiveness of the proposed action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 95%.

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.

(e) Indicative trimester to contact the potential direct grant beneficiary

As from the adoption of this Action Document, foreseen for the second trimester of 2016 and second trimester of 2017.

5.4 Scope of geographical eligibility for procurement and grants

Subject to the following, 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 shall apply.

5.5 Indicative budget

The total budget for this action is an indicative amount of EUR 7 000 000. It corresponds to an indicative amount of EUR 3 500 000 under the 2016 budget and an indicative amount of EUR 3 500 000 under the 2017 budget.

Module	Amount in EUR
Direct grants under the Human Rights Crises Facility	
On 2016 EU Budget	3,500,000
On 2017 EU Budget	3,500,000
Total	7,000,000

5.6 Organisational set-up and responsibilities

The activities will be managed by European Commission Headquarters. The facility allows short term activities, similar to what FPI is implementing and reinforces the EU's capacity to address the most difficult situations, to react quickly to human rights emergencies and should be seen as a complement to IcSP, deployed when and where calls for proposals is not possible.

An essential point is to ensure an extensive complementarity with the operations conducted under the IcSP and with other donors, depending on the geographical and political context in question.

The European Commission's relevant services have set up an inter-service working methodology and operationalisation of the EIDHR Human Rights Crises Facility 2014-20.

5.7 Performance monitoring and reporting

The project will be monitored according to standard procedures and the Commission monitoring system (ROM - Results Oriented Monitoring). Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified project results and towards achievement of project objectives. Clear indicators will be identified.

Reporting will be done in accordance to the requirements set in the General Conditions.

Progress reports will be prepared during the period of implementation of the tasks. They will be provided along with the corresponding invoice, the financial report and an expenditure verification report, if foreseen, defined in the General Conditions. There must be a final report, a final invoice and the financial report accompanied by an expenditure verification report, if foreseen, at the end of the period of implementation of the tasks.

Each report shall consist of a narrative section and a financial section. The financial section will contain details of the time inputs of the experts, of the incidental expenditure and of the provision for expenditure verification, if foreseen.

5.8 Evaluation

Where provided for in the applicable General Conditions, expenditure verification will have to be submitted as part of the contract requirements. Evaluations of the results achieved may

be done by external experts hired by the European Commission at the initiative of the Commission, if necessary.

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

5.9 Audit

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

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

5.10 Communication and visibility

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

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

However, the visibility requirements of some of the projects financed under this Action Document **will be removed or limited due to the total or partial confidentiality of the Action**, and the beneficiaries may not be requested to submit a communication plan. The beneficiaries will comply with the rules on visibility to the best possible extent.

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 establishment of the Communication and Visibility Plan of the Action and the appropriate contractual obligations shall be in line with the Communication and Visibility Manual for European Union External Action.