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ANNEX 11

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 a global programme to improve the monitoring of places of detention in order to protect children migrants - UN Office of the High Commissioner for Refugees (UNHCR)

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 a global programme to improve the monitoring of places of detention in order to protect children migrants - UN Office of the High Commissioner for Refugees (UNHCR) CRIS number: EIDHR/2016/038-672 for EUR 1,200,000 financed under European Instrument for Democracy and Human Rights
2. Zone benefiting from the action/location	Pre identified countries are located in the following regions: Middle East, Balkans, Central America, and South East Asia Pre identified countries are Indonesia, Iraq, the Former Yugoslav Republic of Macedonia, Malaysia and Mexico subject to modification due to the context when the project will be implemented
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 1,700,000 Total amount of EU contribution from the general budget of the European Union for 2017: EUR 1,200,000			
6. Aid modality(ies) and implementation modality(ies)	Project Modality Direct management - grant – direct award to the United Nations High Commissioner for Refugees (UNHCR)			
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 checked="" type="checkbox"/>	<input 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 purpose of this action is to support the United Nations High Commissioner for Refugees (UNHCR) for a global technical assistance and capacity building programme of national authorities and civil society actors to prevent detention of children and develop and/or strengthen alternatives to detention for asylum-seeking children and other asylum-seekers. The protection and promotion of

children's rights, including children in situations of particular vulnerability (unaccompanied children, asylum-seeking children in families) is at the core of the project.

The specific objectives are to support the improvement of transparency and independent oversight of immigration detention and to create new care arrangements and community-based alternatives to detention for children and their families in Indonesia, Iraq, Former Yugoslav Republic of Macedonia, Malaysia and Mexico.

This will be achieved through the following two specific results: 1) Implementation of country-wide immigration detention monitoring and capacity building programmes focused on children and families and other persons at risk in detention, along with technical assistance and awareness raising activities on international standards. 2) Support to the creation of new care arrangements and community-based alternatives to detention for children and families, through technical assistance to national authorities and civil society actors.

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"¹ which was adopted by the FAC on 20 July 2015, in particular its actions 15 and 24. 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

As the number of people forcibly uprooted by today's wars, insecure situations and persecution rises, so does the detention of asylum-seekers and refugees. Using detention - including for children - has become a routine rather than exceptional response to the irregular entry or stay of asylum-seekers and migrants² in a number of countries.

Refugees, asylum-seekers and other migrants are frequently held in places and in conditions that do not meet human rights standards. Refugees and asylum-seekers are often detained for prolonged or indefinite periods, in maximum security prisons instead of immigration-specific institutions, in remote locations. Many are held in conditions amounting to inhuman or degrading treatment. Detention causes many negative lasting effects on individuals, their families and communities. It undermines human dignity and can cause unnecessary suffering, with serious consequences for their health and wellbeing. Detention increases anxiety, fear and frustrations and can exacerbate past traumatic experiences. Children are particularly affected by detention. Detention is not an acceptable solution for children. Despite a difficulty to obtain precise figures, UNHCR estimates that thousands of asylum-seeking children are in detention worldwide every day.

¹ <http://data.consilium.europa.eu/doc/document/ST-10897-2015-INIT/en/pdf>

² Persons detained in places of immigration detention may include refugees, asylum-seekers, rejected asylum-seekers, stateless persons, trafficked persons, or irregular migrants. Action taken on behalf of persons of concern to UNHCR can bring positive benefits for migrants, that is why UNHCR recommends a joined-up approach with relevant actors. See, Note on the Mandate of the High Commissioner for Refugees and his Office, October 2013, available at: <http://www.refworld.org/docid/5268c9474.html>

With over 60 years' experience as the global refugee agency and with operations in over 120 countries, UNHCR has developed a close working relationship with governments and solid partnerships with civil society. In particular, UNHCR enjoys the right to access asylum-seekers in detention, allowing it access to places of detention and the capacity to monitor and report on detention conditions, often denied to other actors. UNHCR is also a leader in the field of alternatives to detention, engaging in ground-breaking research, convening two successful global roundtables on alternatives to detention³ and its broad technical expertise and networks. In both areas, UNHCR is uniquely positioned to work with national authorities to make improvements. Through continued presence in the participating countries, UNHCR can ensure the sustainability of its interventions conducted under this project.

1.1.1 Public Policy Assessment and EU Policy Framework

The European Union reaffirmed the high priority accorded to strengthening cooperation with the United Nations in the EU Strategic Framework on Human Rights and Democracy, adopted on the 25th June 2012 by the Council. The new EU Action Plan on Human Rights and Democracy (2015-2019) "Keeping human rights at the heart of the EU agenda" which was adopted by the FAC on 20 July 2015 confirms this strong commitment in its Action 6 a) "*Strengthening cooperation with the UN and regional Human Rights and Democracy mechanisms*". 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*".

Moreover, in this new Action Plan (2015-2019), the EU confirmed the high priority accorded to the promotion and the protection of the **children's rights** and the **rights of refugees and internally displaced persons (IDPs)**: Action 15 "*Promoting, protecting and fulfilling children's rights*"; Action 24 "*Migration/trafficking in human beings (THB)/smuggling of migrants/asylum policies*" and its paragraph d) "*Support partner countries to promote and protect the rights of refugees and internally displaced persons (IDPs), including through capacity building and the promotion of the ratification of the 1951 Refugee Convention and 1967 Protocol*".

As part of UNHCR's ***Global Strategy – Beyond Detention 2014-19***⁴, UNHCR has set an ambitious target to end the routine detention of asylum-seekers and in particular to end the detention of asylum-seeking children. This target is being achieved through providing technical and other advice to Governments and other stakeholders on the development and implementation of alternatives to detention; and working with them on systems and

³ *Second Global Roundtable on Reception and Alternatives to Detention*, Toronto, Canada, 20-22 April 2015, Summary of deliberations, available at the address <http://www.unhcr.org/55df05769.pdf>

⁴ *Global Strategy "Beyond Detention 2014-2019"*, available at the address: <http://www.unhcr.org/53aa929f6.html>

mechanisms to reduce the incidence of arbitrary detention and to improve conditions in detention through strengthening the capacities of national monitoring and inspection bodies. Although irregular migration can challenge border integrity and the efficient functioning of asylum systems, governments have an obligation to treat asylum-seekers as well as migrants in a humane and dignified manner. Seeking asylum is a universal human right for which refugees and asylum-seekers must not be penalised by detention.

This project, in line with EU priorities, will deliver comprehensive support to national institutions in applying international standards related to immigration detention and invigorate civil society actors with regards to monitoring immigration detention, advocacy in defending children's rights and implementing alternatives to detention. The capacities of National Human Rights Institutions (NHRIs) and other bodies in protecting child's rights will be strengthened through their involvement in capacity building activities both related to immigration detention and alternatives to detention.

1.1.2 Stakeholder analysis

The main beneficiaries of the project will be asylum-seeking children, their families and other asylum-seekers, with particular attention to unaccompanied or separated children and families.

UNHCR will work with: the immigration and asylum authorities as well as other national authorities, such as child protection and welfare authorities, ministries of health, etc., as well as National Human Rights Institutions or other national independent bodies with a mandate to monitor immigration detention. Public awareness actions to influence the public opinion and sensitise decision-makers, such as Members of Parliaments, will be undertaken, in accordance with national sensitivities. Civil society actors will benefit from the capacity-building activities and associated to the development and implementation of alternatives to detention. Consultation mechanisms with international NGOs and other international organisations (such as UNICEF, IOM, ICRC) will be established, according to the context of each country.

1.1.3 Priority areas for support/problem analysis

The action is designed based on UNHCR assessment of the situation of detention and the deterioration of children's rights in the asylum and migration context. Over 50% of the population of concern to UNHCR are children, this is the highest percentage in a decade. UNHCR has witnessed a rise in the number of asylum-seekers and others subject to immigration forms of detention in a number of countries, often in horrendous conditions, prompting the Organisation to launch a 5-year Global Strategy Beyond Detention 2014-19⁵, in July 2014. The situation of children in detention, the most alarming aspect of many detention policies, was highlighted as an area where concrete changes could be brought about with concerted action.

⁵ *Global Strategy Beyond Detention 2014-2019*, available at the address: <http://www.unhcr.org/53aa929f6.html>

5 countries have been pre identified and selected to participate to the project (**Indonesia, Iraq, the former Yugoslav Republic of Macedonia, Malaysia and Mexico**, - subject to modification due to the context when the project will be implemented). The main criteria for selection are: the unimpeded access to immigration detention facilities by UNHCR operations in these countries, the readiness of the authorities to explore alternatives to detention for children and families and the high number of children detained for immigration related purposes. The problematic conditions of detention are also an important element taken into consideration for the participation of the selected countries. Finally, these five countries are in transitional phases of building their national asylum systems. While several continue to experience changeable political or insecure security contexts that affect responses to immigration and asylum issues, and where detention practices are particularly problematic, this transitional phase also presents opportunities for this project to engage with the authorities to improve their systems and to offer some solutions that meet their migration management objectives while respecting the rights and dignity of asylum-seekers and refugees.

The detention of a growing number of unaccompanied minors⁶, as well as other children, is a major concern in **Indonesia**. While the Government is willing to consider the release of such children from detention, placement in existing UNHCR and Government run shelters is challenging due to limited space available. Limited places in alternatives to detention are one of the major obstacles to the release of children and their families.

Children⁷ in immigration detention in **Iraq** are facing poor detention conditions and prolonged detention periods due to a lack of appropriate shelters upon release. Children, including unaccompanied or separated children, are detained in adult prisons with adult populations, and thus are exposed to risk of sexual and gender-based violence. Child protection laws exist but unfortunately are not effective due to non-application or lack of knowledge of them on the part of the authorities. The capacity-building component of the action will contribute to foster their implementation.

The refugee crisis in Europe is continuing to grow rapidly, with over 300,000 people having crossed the Mediterranean since the beginning of 2015, including almost 200,000 arrivals in Greece and 110,000 in Italy. A majority have fled conflicts in countries such as Syria, Afghanistan, Iraq and Eritrea. Most of those arriving move onward, primarily through the **former Yugoslav Republic of Macedonia** and Serbia, in search of safety elsewhere in the European Union. If following the recent amendments to the asylum legislation, access to the territory and the asylum procedure has been fostered in Macedonia, asylum-seeking children as other asylum-seekers continue to be exposed to a risk of lengthy arbitrary detention⁸ under the Criminal Procedure Code, which allow for the detention of asylum-seekers in their

⁶ In 2014, 687 unaccompanied or separated children and 597 children in families were detained in Indonesian immigration detention centres. Source: UNHCR Indonesia.

⁷ As of mid-2015, 191 children (both Iraqi and non-Iraqi) were in detention. Source: Ministry of Justice. These figures do not include children detained under the responsibility of the Ministry of Interior.

⁸ In 2014, 900 persons were detained in the closed facility of Gazi Baba; in the first semester 2015, 1315 persons were detained, 201 were children in families and 117 UASC. Source: UNHCR Macedonia, the database of the closed Reception Centre For Foreigners and the Macedonian Young Lawyers Association (MYLA).

capacity of witness during the entire duration of the criminal proceedings, against their smugglers. UNHCR is supporting border authorities who are coping with large numbers of people trying to cross the border. In this connection, the authorities have shown openness towards UNHCR support to strengthen their capacity at the border area, and on the territory to establish sufficient reception capacity. The absence assessment of the individual particular's circumstances and the lack of alternatives to detention especially for families are some of the problems that the project will tackle.

In **Malaysia**⁹, with no maximum time limit set in law, children and others often face long periods of detention in harsh conditions and remote locations. Malaysia's Rohingya stateless refugee population also presents particular problems owing to their lack of documentation. The Malaysian Human Rights Commission with a mandate to visit detention centres, has started advocating for alternatives to detention with relevant government authorities¹⁰. As a recent result of this advocacy, a working group was set up on alternatives to detention for unaccompanied or separated children¹¹. The action will feed this evolving context, where civil society organisations tend to increase their influence on detention policies.

In **Mexico**, since mid-2014, the upsurge in mixed and complex migration flows and asylum claims from nationals of Central America's Northern Triangle (El Salvador, Honduras and Guatemala) has led to an unprecedented number of unaccompanied children detained for immigration related purposes¹². To strengthen child protection, the Mexican Refugee Commission (COMAR), and the National Migration Institute (INM) have developed with UNHCR an identification protocol to enhance access to asylum procedures for unaccompanied or separated children (UASC). The large numbers of asylum-seeking unaccompanied or separated children travelling through Central America to Mexico and beyond has strained Mexico's reception and asylum system and calls for the need to create alternatives to detention. The action will contribute to improve public and private shelters' responses to ensure children in need of international protection are accommodated in adequate, child-friendly and safe spaces. While Mexico is a party to the relevant refugee law instruments, there remain serious problems in implementation and respect for rights especially in the detention field.

2 RISKS AND ASSUMPTIONS

Risks	Risk	Mitigating measures
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⁹ See in Annex: UNHCR-Malaysia Country profile on detention.

¹⁰ *Roundtable on Alternatives to Immigration Detention*, Suhakam, 12 November 2013, Report available at the address: <http://www.suhakam.org.my/wp-content/uploads/2013/12/Report-on-Roundtable-on-ATD-Malaysia.pdf>

¹¹ In 2014, 710 unaccompanied or separated children and 417 children with families were detained in Malaysian immigration detention centres. Source: UNHCR Malaysia.

¹² Out of 127,149 persons detained in Mexico in 2014, 10,943 would be UASC and 12,153 children have been detained in family. Source: Mexico's Unidad de Política Migratoria, Secretaría de Gobernación.

	level (H/M/L)	
Changes in immigration/asylum or detention management policies in the pre-identified countries resulting in a disengagement of the authorities to cooperate on detention..	L	<ul style="list-style-type: none"> - UNHCR will monitor closely immigration/asylum and detention management policies and intervene with the authorities at early stages and as required. - UNHCR can and will mobilise UN Special Procedure Mandates Holders and other partners who may also influence any negative changes in immigration policies.
UNHCR will be restricted access to detention centres and/or the political security situation will deteriorate such that access by UNHCR and/or partners will become difficult or denied.	L	<ul style="list-style-type: none"> - UNHCR has access to detention facilities, thanks to long standing relationships with the Governments and detention management staff in the pre identified countries. - UNHCR will intervene with authorities at various levels should access be restricted or denied, including through leveraging partners.
-The participating countries each experience different immigration realities and being located in different parts of the world, this could lead to some coordination challenges.	M	<ul style="list-style-type: none"> - An experimented project coordinator will support UNHCR operations and closely monitor progress and potential obstacles to the implementation of the project. - A Steering Committee will accompany the project in order to adjust activities where needed. EU representatives will be invited to be present in this committee.
Assumptions		
<p>The situations prevailing in the participating countries remain stable, with regards to new political crisis, conflicts or insecurity. This assumption needs to be closely monitored in all countries and in particular in Iraq where interventions are organised in a difficult, dangerous and volatile context. Should the political situation deteriorate in one of the participating countries, UNHCR stands ready to engage with another field operation to ensure sufficient geographical coverage and impact for this project. The assignment of a coordinator for the follow-up of this project will contribute to ensuring a deliberative, flexible and considered approach and appropriate monitoring of the country situations as they evolve.</p>		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The project will benefit from UNHCR expertise gained in the Strategy's first implementation phase (June 2014 – December 2015) in 12 focus countries and first analysis of the detention situation in the 5 pre-identified countries. The project will be supported by global guidance and tools – such as UNHCR's *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*¹³ and UNHCR- Association for the Prevention of Torture-International Detention *Monitoring Immigration Detention: Practical Manual*. Two 'Options Papers'¹⁴ that gather over 30 good practices on alternatives to detention and care arrangements for children and families will support the technical assistance and awareness raising activities organised as part of the project. Lessons from past experience support the importance of developing a solid knowledge and skills base among national stakeholders involved in detention related issues and that guidance is readily available.

Detention monitoring is a complex responsibility that requires a specific set of competencies that can only be developed through dedicated learning tools. Likewise, the growing expertise in alternatives to detention compels the development of first-ever learning tools. The project will benefit from the expertise of UNHCR's Global Learning Centre (GLC). Based in Budapest, the GLC is responsible for the development of a coherent learning strategy aligned with UNHCR's strategic priorities, and the facilitation of staff learning. The GLC also supports staff who facilitate the learning of partners. The GLC will, in particular, contribute to and supervise the development of learning programmes and training tools - and their delivery in the 5 participating countries. This UNHCR internal support will ensure the professional design, development and delivery of quality learning programmes and training tools and the sustainability of the project.

In UNHCR's experience, government-to-government dialogue, facilitated by UNHCR and with the support of other stakeholders, is one of the most effective ways to bring about changes. The dialogue previewed with the Governments of the five participating countries to this project will also be informed by the fruitful exchanges at a recent roundtable on alternatives to detention organised in Toronto, Canada, in April 2015 with 53 experts and officials from 24 countries, civil society/NGOs, international organisation and academia¹⁵.

¹³ *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, UNHCR, available at: <http://www.unhcr.org/505b10ee9.html>

¹⁴ UNHCR, Options Paper 1: *Options for governments on care arrangements and alternatives to detention for children and families*, available at: <http://www.refworld.org/docid/5523e8d94.html> and UNHCR, Options Paper 2: *Options for governments on open reception and alternatives to detention*, available at <http://www.refworld.org/docid/5523e9024.html>

¹⁵ *Second Global Roundtable on Reception and Alternatives to Detention, Summary of deliberations*, Toronto, Canada, 20-22 April 2015, available at: <http://www.unhcr.org/55df05769.pdf>

The conclusions of the roundtable notably stressed the contribution that alternatives to detention bring to a humane and cost-effective management of asylum and migration processes. They also highlighted the importance of partnerships between Government and civil society, with clear roles and responsibilities delineated, especially concerning compliance and enforcement aspects.

3.2 Complementarity, synergy and donor coordination

This project is in line with EIDHR Strategic Priorities set up in its Multiannual Indicative Programme 2014-2017 as it will contribute to the protection of human dignity through the eradication of torture and other cruel, inhuman or degrading treatment or punishment in places of detention that are particularly targeting children or expose them to violence. It is complementary to the other actions the EU is implementing or could implement in the next years on torture under the EIDHR.

Addressing the issue of migration through the angle of human rights, protecting child migrants in detention centres, would be complementary and in line with the other actions the EU may implement on migration issues under the newly adopted European Agenda on Migration (2015). This last defines a new strategic approach to manage better migration in the medium to long term, building on four pillars: 1) reducing the incentives for irregular migration; 2) saving lives and securing the external borders; 3) a strong common asylum policy; 4) a new policy on legal migration.

Synergies will also be ensured with operations supported by DG ECHO in the same area of intervention (cf. details hereunder). A close coordination will be ensured with DG ECHO over projects on international humanitarian law (IHL) to ensure complementarity and avoid overlap.

Complementarity and synergies with others working in this area will be also explored and strengthened at the national level. Apart from international and regional human rights bodies, such as the UN Subcommittee for the Prevention of Torture (SPT), Human Rights Council Special Procedures or the International Committee of the Red Cross, at national level, national human rights institutions, national preventive mechanisms, parliamentarians, ombudspersons and other entities and in certain countries NGOs, also monitor places of immigration detention. UNHCR will coordinate and share information and reports as appropriate with these existing mechanisms in order to coordinate actions and ensure a specific value added to the complex system of the protection and promotion of human rights¹⁶. The project will ensure in-depth consultation and mobilisation of required expertise of inter alia and, as appropriate, UNICEF, IOM and ICRC, through the setup or continuation of national working groups on detention in each participating countries.

Regarding donor coordination, **Indonesia** and **Malaysia** are not beneficiaries of EU funding, while Iraq and Mexico have benefited from EU funding in 2015. This action will be

¹⁶ See methodology developed in UNHCR, APT, IDC, *Monitoring Immigration Detention: Practical Manual*, 2014, pp.23-25.

implemented with a view to continue the two ECHO-funded projects. In **Iraq**, ECHO¹⁷ is funding the activities related to Syrian refugees and internally displaced persons. The project implementation period is January to December 2015 and includes activities such as the prevention of refoulement / forcible return, advocacy actions in order to enhance access to protection for Syrian girls, boys, men and women fleeing violence, the mainstreaming of the protection component in the delivery of essential services to refugees in camp settings, including access to shelter, core relief items, water and sanitation, health and education to ensure refugees enjoy a protective and safe environment. This ECHO project in Iraq also includes the promotion of capacity building of government institutions to support the transition from humanitarian assistance to development and resilience. This EIDHR-funded project will further those efforts to create a child protective environment by supporting the set-up of alternatives to detention, and strengthening capacities of authorities to avoid the detention of children.

In **Mexico**, ECHO¹⁸ is funding a project enhancing access to education, protection and information for Central American unaccompanied or separated children and adolescents (UASC). The action started in September 2014 and will finish by the end of 2015. In Mexico, UNHCR has implemented activities to strengthen reception and accommodation conditions at various public and private shelters and one Migration Detention Centre (Tapachula, Chiapas). The office has also reinforced institutional capacities of public servants and shelter staff through training activities and accompaniment. To contribute to the effectiveness and continuity of this ECHO funded project in Mexico, UNHCR has promoted the involvement and commitment of dedicated local public and private actors in the implementation of activities, in particular DIF. However, this is a lengthy process that is likely to exceed the termination of the ECHO project. The EIDHR-funded project will allow UNHCR to continue enhancing stakeholders' protection capacities, and improving public and private shelters' responses to ensure children in need of international protection are accommodated in adequate, child-friendly and safe spaces where they can live, learn and play.

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, the rights of indigenous peoples, non-discrimination, the rights of persons belonging to minorities, the rights of persons with disabilities and other vulnerable groups, and the empowerment of civil society actors and National Human Rights Institutions.

¹⁷ ECHO/IRQ/BUD/2015/91005.

¹⁸ ECHO/CHD/BUD/2014/91007.

4 DESCRIPTION OF THE ACTION

4.1 Objectives

The purpose of this action is to support the United Nations High Commissioner for Refugees (UNHCR) is to prevent the detention of children and to develop and/or strengthen alternatives to detention for asylum-seeking children and other asylum-seekers.

The specific objectives are: to support the improvement of transparency and independent oversight of immigration detention and to create new care arrangements and community-based alternatives to detention for children and their families.

This will be achieved through the following two **results**: 1) Implementation of country-wide immigration detention monitoring and capacity building programmes focused on children and families and other persons at risks in detention, along with technical assistance and awareness raising activities - including for children - on international standards. 2) Support to the creation of new care arrangements and community-based alternatives to detention for children and families, through technical assistance to national authorities and civil society actors.

4.2 Main activities

Under the first result, the following activities are planned:

1. Development of a Learning Programme on Immigration Detention Monitoring and national trainings
- **A blended learning programme and related trainings tools on monitoring immigration detention**, based on international standards and the monitoring methodology developed in the UNHCR-APT-IDC *Monitoring Immigration Detention: Practical Manual*. The blended learning programme will be designed and developed using adult learning methodology and a mix of inter alia, distance learning, eLearning, webinar, peer learning through a community-of-practice, video, face-to-face training, and practice during a detention centre visit, interviews of detainees and discussion with authorities. The learning programme will encompass a pre- and post-Level 2 evaluation component to measure the learning achieved during the programme. Level 1 evaluations of the self-study, the face-to-face workshop and the practice will also evaluate the participants' satisfaction with the programme in order to guide any adjustments as required to the course material and/or the delivery methodologies. 12 months design and development.
- **An assessment mechanism** of monitors specialized in immigration detention. Detention monitoring requires a complex set of knowledge, skills and attitudes and the expertise to interview extremely vulnerable persons in detention, carry out constructive discussions with detention centre authorities and follow up on protection issues. The detention monitoring learning programme will therefore also include an

assessment component leading to the creation of a **pool of professional expert monitors** (max. 45 monitors) who will be able to support the implementation of the project in the five focus countries and also contribute to longer-term and sustainable resources in terms of personnel and tools. This will entail an assessment (potentially in the form of an online knowledge test) as well as an evaluation of the required skills and attitude.

- **Delivery of the Learning Programme on Detention Monitoring to 3 cohorts of 15 participants each** (3x15 persons with previous monitoring experience and skills) from UNHCR, civil society organizations and NGOs from (but not limited to) the five participating countries, based on the curriculum developed.
- **A learning programme and related training tools on Facilitation Protection Learning (FPL) on immigration detention monitoring** based on adult learning to support the delivery of the training in the 5 participating countries (see below) and the sustainability of the project. With the FPL on immigration detention monitoring, participants from UNHCR staff and partners will learn how to facilitate trainings on monitoring immigration detention. The FLP will be based on the blended methodology developed by the GLC to provide support and guidance in facilitating professional and quality protection-related learning and training facilitation to staff and partners of UNHCR. This blended programme will enable participants to understand and apply theories and principles of adult learning, design learning interventions, develop tailored learning material and implement the learning solution. It will involve a distance learning phase supported by expert tutoring and a 5-day workshop to practice the skills learned. 3 months design and development.
- **5 training workshops in each of the participating countries for national stakeholders** (2 days / workshop, 1 per participating country) delivered by those who succeeded in the Facilitation Learning Programme.

2. Awareness raising and advocacy activities

- **Awareness raising sessions for immigration officials** (including first lines officers, such as border guards, airport staff), child protection actors, child rights stakeholders and civil society organisations to reinforce national expertise on international standards related to detention and promote monitoring activities by national stakeholders (4 sessions in each country, over the 24 months).
- **Advocacy actions** (diffusion of information on independent detention monitoring, the benefits of acceding to the Optional Protocol to the Convention Against Torture, campaign for ratification with Parliament and decision makers, National Human Rights Commissions, etc.) towards relevant immigration authorities for ratification

of the OPCAT and raise awareness about key role of national preventive mechanisms.

3. Monitoring activities and targeted technical assistances measures

- **5 monitoring programmes** in the participating countries and including the following components as per UNHCR-APT-IDC methodology: assessment of the overall immigration detention context, defining goals and objectives, setting the timeframe, selecting places to visit, determining the nature and duration of the interventions (visits).
- **Targeted technical assistance measures** related to reforms in the immigration detention systems of the 5 participating countries, including support to implementation of genuine and regular detention reviews and release system, - and increased and adequate referral mechanisms to alternatives to administrative detention.

Under the second result, the following activities are planned:

1. Development of a Learning Programme on Alternatives to Detention

- **A blended learning programme and training tools on reception and alternatives to detention** (including design, translation into national languages of the 5 participating countries and dissemination). The blended learning programme will be designed and developed using adult learning methodology and a mix of inter alia, distance learning, eLearning, webinar, peer learning through a community-of-practice, video, face-to-face training, and practice during visit to community-based alternatives to detention. 6 months design and development.
- **Delivery of the Learning Programme on Alternatives to Detention to 1 cohort of UNHCR staff, NGOs and civil society organisations** from 5 participating countries (5 participants per participating countries).

2. Awareness and advocacy activities

- **1 roundtable for authorities** of the 5 participating countries on alternative care arrangements for children and families to present successful examples of ATDs and discuss further challenges for implementation.
- **Advocacy actions** for early release of children and families from detention in partnership with local NGOs and child protection actors. This may include the set-up of adequate referral mechanisms and sensitisation actions of first line officers and others making detention decisions.

3. Targeted technical assistances measures

- **Targeted technical assistance measures** such as development of child protection tools (for example best interests assessment in the context of detention), pilot project(s) and study visits on reception and alternatives to detention for children and families with national stakeholders such as national child protection specialised NGOs and authorities.

4.3 Intervention logic

In contributing to this project, the *EU expects achievement regarding two of its key objectives regarding to two key priorities (children's rights and the rights of refugees and internally displaced persons)* that the Council reaffirmed in adopting in 25 June 2012 the EU Strategic Framework on Human Rights and Democracy with an Action Plan for putting it into practice¹⁹. 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." (Extract of the EU Strategic Framework on Human Rights and Democracy).

The project will adopt a child rights approach, whereby every effort is made to further the realisation of the rights of child migrants by developing the capacity of duty-bearers to meet their obligations to respect, protect and fulfil rights and the capacity of rights-holders (i.e. child migrants) to claim their rights, guided at all times by the rights to non-discrimination, consideration of the best interests of the child, life, survival and development and respect for the views of the child,

¹⁹ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out, is 30 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 Refugees (UNHCR) (direct management)*

A grant contract will be signed with the United Nations Office of the High Commissioner for Refugees (UNHCR) 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 this action is to support a **global technical assistance and capacity building programme to prevent detention of children and to protect children and other asylum-seekers in detention** to be implemented by the UNHCR.

(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 High Commissioner for Refugees (UNHCR) as per Article 190.1.c RAP.

The choice of a direct award with the High Commissioner for Refugees (UNHCR) is justified by the unique mandate of the agency in global international protection and solutions mandate for refugees granted through its 1950 Statute, and in supervisory responsibility in respect of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as its functions in relation to the protection of stateless persons. Under the Convention, governments are also required to cooperate with UNHCR in supervising the implementation of international instruments for the protection of refugees.

With over 60 years' experience and operations in 120 countries around the world, UNHCR has developed a close working relationship with governments and solid partnerships with civil society. In particular, UNHCR enjoys the right to access asylum-seekers in detention, allowing it access to places of detention and the capacity to monitor and report on detention

conditions. This gives UNHCR insights into detention regimes and conditions, often denied to other actors, and allows it to work closely with the national authorities to make improvements in this area. UNHCR has also built up technical experience in the field of alternatives to detention. Through continued presence in the participating countries, UNHCR is also able to ensure the sustainability of the interventions conducted under this project.

(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**. The essentiality of full funding of the award decision, in respect of the principles of equal treatment and sound financial management, is based on (1) the fact that there is no competition for such an initiative as UNHCR has a unique mandate, (2) the EU is the only donor and such a monitoring project has an invaluable multiplier effect.

(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 UNHCR	Amount in EUR	Third party contribution (indicative, where know)
4.3.1. – Direct management with UNHCR (on 2016 EU Budget)	1,200,000	500,0000
Totals	1,200,000	500,000

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.

At UNHCR, the project will be organised with a project coordinator, to be based in Europe and supervised by UNHCR's Division of International Protection, and 5 detention focal points located in each participating countries under the responsibility of UNHCR Representatives in those countries.

Colleagues from the relevant regional Bureaus will be closely associated with the follow-up of the project, in order to integrate the project activities into the broader protection strategy of each country. Supervision and validation of all training tools will benefit from the Global Learning Centre expertise located in Budapest and the Division of International Protection in Geneva. Other outputs (such as child protection tools, referral mechanisms, etc. – See activities) will be validated by Senior Legal Coordinator in UNHCR's Division of International Protection.

A Steering committee with the participation of relevant staff from the European Commission Headquarters will be set up.

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.

The project will be monitored according to standard procedures and be achieved through the Commission's monitoring system if development policy interventions (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.

UNHCR uses its monitoring and evaluation function to generate and record evidence. Reporting will be done in accordance to the requirements set in the General Conditions.

Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified project results and towards achievement of project objectives.

Particular attention will be given to the log frames of the actions which will be regularly revised, taking into account the various changes of and adaptations to the local context.

The delivery of the learning programmes will be evaluated through Level 1 satisfaction evaluation of the self-study, the face-to-face workshop and the practice. The learning programmes will also encompass a pre- and post-Level 2 evaluation component to measure the learning achieved during the programme. The assessment mechanism will also provide a further layer of evaluation of the learning programme on immigration detention monitoring.

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 actions will be evaluated and audited according to standard procedures.

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.

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	Prevent the detention of children and develop and/or strengthen alternatives to detention for asylum-seeking children and other asylum-seekers.	Percentage of asylum-seeking children who are not detained. (detained asylum-seeking children /total asylum-seekers registered in country). Number of places available in alternative care arrangements for children and other asylum-seekers.	Baselines to be defined in each pre-identified countries of intervention.	Target differs according to selected countries of intervention	UNHCR protection reports in the 5 participating countries.	No major security threats preventing programme implementation + sustained local political will to act.
Specific objective: Outcome	Improved transparency and independent oversight of immigration detention and Creation care arrangements and community-based alternatives to detention.	Percentage of immigration detention centres per selected country of intervention that are subject to regular monitoring Number of countries where new care arrangements and community-based alternatives to detention have been created	Baselines to be defined in each pre-identified countries of intervention.	5 by end 2018 5 by end 2018	UNHCR annual protection reports in the 5 participating countries	No major security threats preventing programme implementation + sustained local political will to act.
Outputs	I. The implementation of country-wide immigration detention monitoring programmes focused on children and families and other persons at risks in	Output1 - Number of tools delivered - Level 1 satisfaction evaluation of the self-study, the face-to-face workshop and the practice.	Baselines to be defined in each pre-identified countries of intervention.	Target differs according to selected countries of intervention	GLC Evaluation reports. UNHCR annual protection reports in the 5 participating	No major security threats preventing programme implementation + sustained local political will to

	<p>detention, along with capacity building and awareness raising activities on international standards</p> <p>1. Development of learning programme on immigration detention monitoring</p> <p>2. Awareness and advocacy activities</p> <p>3. Monitoring activities and targeted technical assistance measures</p>	<p>- Pre- and post-Level 2 evaluation</p> <p>- Assessment results</p> <p>- Number of participants enrolled in learning programmes</p> <p>Output 2</p> <p>- Number of persons sensitised through awareness and advocacy activities</p> <p>- Number of immigration authorities trained on international standards.</p> <p>Output 3</p> <p>- Percentage of immigration detention centres per selected country of intervention that are subject to regular monitoring per year</p>	<p>(2015)</p> <p>No authorities trained in selected country of intervention (2015)</p>		countries	act.
	<p>II. Support the creation of new care arrangements and community-based alternatives to detention for children and families, through technical support to national authorities and civil society actors</p> <p>1. Development of learning programme on ATDs</p> <p>2. Awareness and advocacy activities</p>	<p>Output1</p> <p>- Number of tools delivered</p> <p>- Level 1 satisfaction evaluation of the self-study, the face-to-face workshop and the practice.</p> <p>- Pre- and post-Level 2 evaluation</p> <p>- Assessment results</p> <p>- Number of participants enrolled in learning programmes</p> <p>Output 2</p> <p>- Number of persons sensitised through awareness and advocacy activities</p>	<p>Baselines to be defined in each pre-identified countries of intervention. (2015)</p> <p>No authorities trained in</p>	Target differs according to selected countries of intervention	<p>GLC Evaluation reports.</p> <p>UNHCR annual protection reports in the 5 participating countries</p>	No major security threats preventing programme implementation + sustained local political will to act.

	3. Targeted technical assistance measures	<ul style="list-style-type: none"> - Number of immigration authorities trained on international child protection standards. Output 3 <ul style="list-style-type: none"> - Percentage of immigration detention centres per selected country of intervention that are subject to regular monitoring per year 	selected country of intervention (2015)			
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