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ANNEX IX

of the Commission Implementing Decision on the financing of the multiannual action plan for the thematic programme on human rights and democracy for 2022-2024

Action Document in Support of targeted key actors and processes - regional human rights instruments and mechanisms

MULTIANNUAL PLAN

This document constitutes the multiannual work programme in the sense of Article 110(2) of the Financial Regulation, and action plans in the sense of Article 23(2) of Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

1. Title CRIS/OPSYS business reference Basic Act	Support to targeted key actors and processes – regional human rights instruments and mechanisms CRIS reference 2022: 043-841 OPSYS reference: ACT-60823 / JAD.971948 Financed under the Neighbourhood, Development and International Cooperation Instrument (Global Europe)
2. Team Europe Initiative	No
3. Zone benefiting from the action	<p>The action shall be carried out in:</p> <p>Component 1: Inter-American Commission of Human Rights (IACHR) <i>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Uruguay and Venezuela.</i></p> <p>Component 2: Inter-American Court of Human Rights (IACtHR) <i>Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay.</i></p> <p>Component 3 <i>ASEAN countries</i></p> <p>Component 4: Venice Commission (Council of Europe) <i>Latin America, Central Asia, Africa</i></p>

4. Programming document	<i>Multi-Annual Indicative Programming for the Thematic Programme on Human Rights and Democracy 2021-2027</i>
5. Link with relevant MIP(s) objectives/expected results	<p>Promoting a global system for human rights and democracy:</p> <ul style="list-style-type: none"> - To enhance strategic partnership and improve effectiveness of key international, regional and national actors to advance the realization of all human rights for all. <p>Protecting and empowering individuals:</p> <ul style="list-style-type: none"> - To promote and strengthen full respect for the rule of law - To enhance alignment of national legal frameworks and policies with international human rights norms and standards. - To facilitate implementation and enforcement of public human rights-related policies and improve their effectiveness in terms of transparency, inclusiveness, equal opportunities and accessibility, reach, service quality, environmental protection and gender-responsiveness. <p>Building resilient, inclusive and democratic societies:</p> <ul style="list-style-type: none"> - Strengthen democratic, accountable and transparent institutions, including (...) improving the integrity of electoral processes.
PRIORITY AREAS AND SECTOR INFORMATION	
6. Priority Area(s), sectors	<p>Priority 3 of the MIP: Promoting a global system for human rights and democracy</p> <ul style="list-style-type: none"> - indent # 3: enhanced capacities of regional human rights mechanisms to implement regional human rights instruments. DAC 151 <p>Priority 1 of the MIP: Protecting and empowering individuals :</p> <ul style="list-style-type: none"> - axis of action # iv: Strengthen the rule of law, ensure fair and effective administration of justice and close the accountability gap. DAC 151 <p>Priority 2 of the MIP: Building resilient, inclusive and democratic societies</p> <ul style="list-style-type: none"> - axis of action # i: Strengthen democratic, accountable and transparent institutions, including (...) improving the integrity of electoral processes. DAC 151
7. Sustainable Development Goals (SDGs)	<p>Main SDG:</p> <p>SDG 16: promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p> <p>Other significant SDGs and where appropriate, targets:</p> <ul style="list-style-type: none"> - SDG 5: achieve gender equality and empower all women and girls - SDG 10: reduce inequality para among countries - SDG 17: strengthen the means of implementation and revitalize the global partnership for sustainable development
8 a) DAC code(s)	15160 (Human Rights)
8 b) Main Delivery Channel @	40000 – Multilateral organisations (IACHR, IACtHR, AICHR, CoE)

9. Targets	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
10. Markers (from DAC form)	General policy objective @	Not targeted	Significant objective	Principal 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 and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Principal 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"/>
	11. Internal markers and Tags:	Policy objectives	Not targeted	Significant objective
Digitalisation @ Tags: digital connectivity digital governance digital entrepreneurship job creation digital skills/literacy digital services		<input checked="" type="checkbox"/>	<input type="checkbox"/> 	<input type="checkbox"/>
Connectivity @ Tags: transport people2people energy digital connectivity		<input checked="" type="checkbox"/>	<input type="checkbox"/> 	<input type="checkbox"/>

	Migration @ (methodology for tagging under development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities (methodology for marker and tagging under development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
12. Amounts concerned	Budget line(s) (article, item): 14.02 02 11 Total estimated cost: EUR 4 325 000 Total amount of EU budget contribution EUR 3 600 000 from the general budget of the European Union for 2022. Other contributions may come from the implementing partners (Inter-American Commission for Human Rights and Inter-American Court of Human Rights)			
MANAGEMENT AND IMPLEMENTATION				
13. Type of financing¹	Direct management through grants Indirect management with the Council of Europe (Venice Commission)			

1.2. Summary of the Action

The overall objective of this action is to improve the effectiveness and engagement of regional human rights instruments, mechanisms and structures for tasks not covered by other EU financing instruments. Regional human rights mechanisms are an essential dimension of the overall international human rights system and contribute to its effective functioning.

Focus in this Action Document is on the regional human rights arrangements in two targeted regions, the Americas and Asia. Punctual action in Africa is not excluded, after careful examination of complementarity with the Regional MIP for Africa. Equally, should the opportunity arise to cooperate with other relevant human rights regional bodies in Asia the scope of this action could be extended to support them.

In the Americas, the action aims to improve access to international justice for those women and men living in the most vulnerable situations whose rights have been violated and who have been unable to obtain a remedy at the national level. It will do so by strengthening the capacity of the two main institutions of the Inter-American Human Rights System: the Inter-American Commission of Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR), mainly in case handling and in monitoring of compliance with judgments and implementation of provisional measures.

In the case of Asia, the action may reinforce interactions with existing regional human rights mechanisms. The Venice Commission will support in particular developments in Central Asian countries. If opportunities arise, the action may develop a more systematic cooperation with key regional human rights bodies in the ASEAN context.

The Venice Commission – “the European Commission for Democracy through Law” – is a constitutional matters advisory body. The Venice Commission has 69 member states, as well as 7 other members with a specific status (observer, special cooperation, associate member status) from all continents. It is a unique international body which facilitates dialogue between countries on different continents. Due to its reputation of independence and high level of expertise, it has become an important player and reference body contributing to strengthening the regional aspects of human rights protection in Latin America and Central Asia by promoting the rule of law, constitutional reforms, and fundamental rights and freedoms, as well as developing standards for the independence of the judiciary. The action will enable the Venice Commission to meet a growing number of requests for legal opinions on draft constitutional amendments or legislation. Legal opinions are the most emblematic and high profile outputs of the Venice

¹ Art. 27 REGULATION (EU) 2021/947 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 June 2021

Commission, yet it also supports democratization and human rights in laws and regulations through softer ways: advice, technical assistance, comparative law studies, amicus curiae brief.

Under the Multiannual Indicative Programme, this action will contribute to the implementation of priority 3, *promoting a global system for human rights and democracy*, priority 1, *protecting and empowering individuals*, and priority 2, *building resilient, inclusive and democratic societies*. It will therefore directly contribute to the achievement of SDG 16, peace, justice and strong institutions.

As induced effect, it will also be significantly contributing to the achievement of SDG 5: achieve gender equality and empower all women and girls, SDG 10: Reduce inequality within and among countries and SDG 17: strengthen the means of implementation and revitalize the global partnership for sustainable development.

2. RATIONALE

2.1. Context

This action promotes the respect of human rights internationally which is consistent with the priorities of the geopolitical Commission and the promotion of fundamental EU values enshrined in the Treaties.

Since the end of the Second World War, some national protection systems have been complemented by inter-governmental regional systems to promote and protect human rights. These regional systems are found in Europe, the Americas and Africa. They are established by regional treaties stipulating key norms and setting up machinery or mechanisms, which range from regional human rights commissions to regional human rights courts. The common feature of these regional mechanisms is that they help review the human rights situation in national contexts and fill in gaps in the absence of national treaties or where the national mechanisms are inadequate. In effect, they offer access to justice through pressure for accountability where the national system does not provide the necessary redress or domestic processes have been exhausted.

The **EU Action Plan on Human Rights and Democracy** for the period **2020-2024**, adopted by the Council², is the new compass for the EU's common foreign and security policy in this field. This new Action Plan commits, by identifying priorities and key actions for the next five years, to ensure that the EU plays a greater role in promoting and defending human rights and democracy throughout its external action.

Under section 1.5 *Supporting the rule of law and the fair administration of justice*, the Action Plan on Human Rights and Democracy sets the three following goals, which the present action is in line with:

- a. Advance the rule of law, support the strengthening of independent and impartial judiciary, (...), and promote the right to a fair trial to ensure respect for human rights in the administration of justice;*
- b. Promote rights-based and gender responsive justice, access to justice and legal assistance, (...)*
- c. Support the establishment or strengthening of human rights-compliant alternative dispute resolution mechanisms as a way to foster restorative justice and to reduce legal, practical and other barriers to justice for victims of human rights violations.*

Moreover, the EU Action plan on Human Rights and Democracy, under section 3.2 *Regional Partnerships*, asks to strengthen partnerships with the Venice Commission and the Organisation of American States.

According to the **NDICI – Global Europe Regulation**, “in promoting its interests, the Union should (...) promote, the principles of respect (...) for the rule of law, for international law and for human rights.”

In its article 8, the NDICI – Global Europe Regulation states that “the Union shall seek to promote, develop and consolidate the principles of democracy, the rule of law and respect for human rights and fundamental freedoms on which it is founded, through dialogue and cooperation with partner countries and regions.” The present action, by supporting IACHR, IACtHR and the Venice Commission is translating this policy vision into concrete reality.

² [st12848-en20.pdf \(europa.eu\)](#), [JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL EU Action Plan on Human Rights and Democracy 2020-2024, JOIN/2020/5 final, CELEX doc 52020JC0005](#)

In its annex III, the NDICI – Global Europe Regulation identifies the thematic programme for Human Rights and Democracy as a vehicle “promoting effective multilateralism and strategic partnership, contributing to reinforcing capacities of international, regional and national frameworks in promoting and protecting human rights, democracy and the rule of law.” The same annex III advises that “Strategic Partnerships shall be boosted, with a particular attention to “relevant regional and national human rights mechanisms.”

The Thematic Programme on Human Rights and Democracy 2021-2027 promotes and strengthens respect for rule of law standards and processes. The actions enshrined in this programme “shall (...) contribute to safeguarding judicial independence and impartiality as a fundamental prerequisite for the rule of law.” (...) “They shall therefore promote equal access to justice for all and equality before the law, fulfilment of due process requirements, fair sentencing and fair and appropriate compensation for the injuries suffered (...).”

Any components under this Action Document shall be in line with and implemented through a Human Rights-Based Approach (HRBA)³ to development cooperation, encompassing all human rights (cf. art. 8.2 NDICI⁴). It shall contribute to the implementation of the Gender Action Plan 2021-2025 (GAP III). Finally, the action shall also respect and be implemented in accordance with the Charter of Fundamental Rights of the European Union.

2.2. Problem Analysis

Short problem analysis:

The current Action Document focuses on two regions: the Americas and Asia. On ad hoc basis, punctual activity for Africa might be included, carefully coordinated with existing support to the African Governance Architecture.

This selection was based not only on the criterion of need, but equally the fact that no other EU instrument provides support to human rights mechanisms in these two regions. The Regional MIP for Africa will bring support to the African Governance Architecture (AGA) which comprises notably the African Commission on Human and People’s Rights, the African Court on Human and People’s Rights and the African Peer Review Mechanism. However, on a case by case basis, should a constitutional expertise beyond AGA’s capacities be needed and requested by African partners, the action will bring the financial assets so that the Venice Commission can consider a possible support. Cooperation and exchanges among regional human rights systems will also be considered under this action.

Equally, should the opportunity arise to cooperate with other relevant human rights regional bodies in Asia, the Commission will be in a position to support them through this action. Of particular relevance are the role and abilities of the ASEAN Intergovernmental Commission on Human Rights (AICHR) to provide human rights protection in Southeast Asia. AICHR needs concrete support to function and operate as a well-developed regional human rights mechanism. The next five years of AICHR’s work will affect the overall human rights developments in ASEAN countries, some of which are increasingly looking to China for alternative human rights narratives. Any support would take place in the framework of the Strategic Partnership established in December 2020 between the EU and ASEAN, which entails a commitment to work together to uphold human rights, and complement support provided under regional geographic programmes.

With regards to the regional Human Rights bodies in Latin America, the Inter-American Commission on Human rights, faced with a procedural delay backlog which caused delays in reaching a final decision on precautionary measures or transferring the correspondent cases to the Court, adopted in 2017 a series of measures as part of the plan of action of the “Special Procedural Delay Reduction Program” contained in its IACHR Strategic Plan 2017-2021. This plan was supported by the Commission under the assumption that if the IACHR improved its capacity to come to a final decision more effectively, more cases would be transferred to the Court. The EU is therefore committed to reinforce both the IACHR and the IACtHR in their core mandates, in order to achieve prompt international justice to victims of human rights violations. As a result of the above mentioned Plan of Action, the number of admissibility

³ https://ec.europa.eu/europeaid/sectors/rights-based-approach-development-cooperation_en

⁴ A rights-based approach encompassing all human rights, whether civil and political or economic, social and cultural shall be applied in order to integrate human rights principles, to support the right holders in claiming their rights with a focus on poorer and more vulnerable groups and to assist partner countries in implementing their international human rights obligations. This Regulation shall promote gender equality and women’s empowerment.

reports issued by the Commission increased from 120 in 2017 and 133 in 2018 to 290 in 2020. The backlog of pending petitions for admissibility has halved the projections for 2021 but still stands at some 1.500 cases which calls for renewed efforts to keep reducing it. In parallel, work should continue with the IACtHR to increase its capacities to administer prompt international justice to victims of human rights violations, to monitor compliance with judgments and implementation of provisional measures and to disseminate the Inter-American Court's case-law and work in an amicable manner that facilitates its observance and use among national actors (state agents, civil society, human rights defenders, women's rights organisations and academia).

In order to support the work of the above regional human rights players, additional synergies, learning and support will be provided by the Venice Commission, a body which is itself part of an important regional mechanism (the Council of Europe) and is renowned for its reputation, independence and high level of expertise. The Venice Commission's activities are largely based upon request and intervention encompasses a wide array of activities, ranging from legal opinions, studies and reports as well as dialogue based country missions, conferences and seminars. The EU is committed to enable the Venice Commission to continue and foster its independent support work outside the EU, and in particular to Central Asia and Latin America, without excluding Africa where it also has member countries.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

The targets of this action are the American human rights mechanisms, in particular and regional human rights mechanisms which directly assist Latin American and Asian countries: the Inter American Commission of Human Rights (IACHR), the Inter American Court of Human Rights (IACtHR) and the Venice Commission (Council of Europe). The action may also foster cooperation with key regional human rights bodies in the ASEAN context such as the ASEAN Inter-Governmental Commission on Human Rights (AICHR).

The Inter-American System for the protection of human rights is one of the world's three regional human rights systems, responsible for monitoring and ensuring implementation of human rights guarantees in the 35 independent countries of the Americas that are members of the Organization of American States (OAS). The Inter-American System is composed of two entities: a Commission and a Court. Both bodies can decide individual complaints concerning alleged human rights violations and may issue emergency protective measures when an individual or the subject of a complaint is in immediate risk of irreparable harm.

The **Inter-American Commission on Human Rights (IACHR)** began operating in 1960, observing human rights conditions via on-site visits, and in 1965 was authorized to begin processing specific complaints of human rights violations. The IACHR also engages in a range of human rights monitoring and promotion activities, holds thematic hearings on specific topical areas of concern, publishes studies and reports, requests the adoption of precautionary measures to protect individuals at risk, and has established several thematic rapporteurs to more closely monitor certain human rights themes or the rights of specific communities in the hemisphere. Individuals, groups of individuals, and non-governmental organizations recognized in any OAS Member State may submit complaints ("petitions") concerning alleged violations of the American Declaration of the Rights and Duties of Man, American Convention on Human Rights, and other regional human rights treaties (listed below). The Commission receives approximately 1,500 petitions every year.

The **Inter-American Court of Human Rights (IACtHR)** is the judicial organ of the Inter- American human rights system with binding authority for States that have accepted its jurisdiction. Its mandate is to decide cases brought against the OAS Member States that have specifically accepted the Court's contentious jurisdiction, and those cases must first be processed by the IACHR. Only States parties and the IACHR may refer contentious cases to the Court. The Court began operating in 1979, and soon issued several advisory opinions on issues pertaining to the interpretation of the Inter-American instruments at the request of an OAS organ or Member State. Over the Court's first several decades in operation, its annual case load has more than doubled; many more States have found themselves before the Court; and the Court has adjudicated a significant range of rights protected by the American Convention and ancillary agreements, from extrajudicial execution and forced disappearance cases, to labor, land, and freedom of expression rights.

The **ASEAN Inter-Governmental Commission on Human Rights (AICHR)** is the ASEAN overarching institution with overall responsibility for the promotion and protection of human rights in ASEAN. The AICHR is mandated to promote the full implementation of ASEAN instruments related to human rights, develop strategies for cooperation

to promote and protect human rights, provide policy support to ASEAN Member States/ASEAN Sectoral Bodies, engage with stakeholders and partners, and foster capacity building and public awareness. The AICHR has an endowment fund, which consists of voluntary contributions from ASEAN Member States and possible external funding and resources.

The **Venice Commission** provides legal advice to its members. Upon request, it also helps states wishing to bring their legal and institutional structures in line with international standards in the fields of democracy, human rights and the rule of law. It also helps to ensure the dissemination and consolidation of a common constitutional heritage, playing a unique role in conflict management, and provides “emergency constitutional aid” to states in transition. The Venice Commission has 68 participating states or territories:

- the 47 Council of Europe member states, 14 other participants (Algeria, Brazil, Chile, Costa Rica, Israel, Kazakhstan, the Republic of Korea, Kosovo⁵, Kyrgyzstan, Morocco, Mexico, Peru, Tunisia and the USA), 7 other ad hoc status (Argentina, Japan, Saint Siega, Uruguay, Belarus, South Africa, the Palestinian National Authority).

On top of these participants or associates, 9 other countries are benefiting from cooperation programmes. The Commission also cooperates closely with the European Union, OSCE/ODIHR and the Organisation of American States (OAS). The Venice Commission expertise is valued - among its member and outside its membership - for its rigorousness of approach and independence, and thus more and more synergies and cooperation with key regional human rights and rule of law mechanisms and institutions are developed. As such, the Venice Commission is becoming an important player for strengthening human rights and rule of law systems regionally, including in Latin America and Asia.

Other stakeholders for all three components under this Action Document include civil society organisations, women’s rights organisations, human rights defenders and their regional platforms, academia, other regional and international NHRI networks, and international organisations and donors involved in supporting regional human rights mechanisms. EU Member States and Institutions are also among the stakeholders.

The final target groups of the proposed initiative are the persons (rights-holders) women and men in all their diversity affected by, or vulnerable to, human rights violations within the countries benefiting from this Action.

3. DESCRIPTION OF THE ACTION

3.1. Objectives and Expected Outputs

The overall objective (OO) of this action is to improve the effectiveness and engagement of regional human rights instruments, mechanisms and structures for the promotion and protection of human rights and access to justice for all individuals.

Components 1 2 and 3: Inter-American Commission of Human Rights & Inter-American Court of Human Rights, ASEAN Intergovernmental Commission of Human Rights

The specific objective 1 (SO1) is to improve access to international justice for those women and men in all their diversity, especially those living in the most vulnerable situations whose rights have been violated and who have been unable to obtain a remedy at the national level.

Expected outputs (OPs) are:

OP1.1: Strengthened capacity of IACHR in case handling;

OP1.2: Strengthened capacity of the IACtHR in case handling and monitoring of compliance with judgments and implementation of provisional measures.

⁵ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

OP1.3: Strengthened capacity of the AICHR in fostering human rights among member governments and increasing public awareness

Component 4: Venice Commission

The specific objective 2 (SO2) is to encourage legislative and constitutional reforms promoting rule of law and human rights and improve the standards and capacity related to the independence of the judiciary in the countries of cooperation.

Expected outputs (OPs) are:

OP2.1: Strengthened capacity of the Venice Commission in providing recommendations, opinions and capacity building assistance on legislative reforms, constitutional justice, independence of the judiciary and electoral reform

OP2.2: Strengthened synergies and complementarity between the Venice Commission and regional and national human rights mechanisms.

3.2. Indicative Activities

Component 1: Inter-American Commission of Human Rights - Indicative list of activities (non-exhaustive):

- Improvement of an IT tool (database disaggregated by sex) and corresponding manuals for management of decision making process;
- Archiving system of petitions;
- Case/petition analysis, monitoring, reports;
- Recommendations drafting and dissemination.

Component 2: Inter-American Court of Human Rights - Indicative list of activities (non- exhaustive):

- Monitoring compliance with its judgments in the territory of countries found responsible for committing human rights violations;
- Supervision of implementation;
- Thematic and expert round tables , including awareness of gender issues;
- Exchanges with other regional human rights mechanisms, such as the European Court of Human Rights and the African Court on Human and People's Rights;
- Dialogue, communication and dissemination of Court standards at the domestic level;
- Publications and translation.

Component 3: ASEAN Intergovernmental Commission of Human Rights

- Public awareness of human rights
- Capacity building on implementation of international human rights instruments
- Human rights education

Component 4: Venice Commission - Indicative list of activities (non-exhaustive):

- Increased cooperation with relevant regional Commissions of Human Rights;
- Sharing of lessons learned and best practices (ex. organisation of seminars with the Courts and judicial practitioners);
- Targeted law comparative studies on fundamental rights and freedoms, constitutional reforms and constitutional justice, independence of judiciary, electoral reform;
- Drafting and dissemination of recommendations and opinions;
- Facilitating cross-regional networking and exchange of good practices between independent regional or national institutions in charge of safe-guarding Human Rights, Democracy, or the Rule of Law, including election management bodies.

3.3. Mainstreaming

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that a sectoral gender analysis on human rights informs our action, that one of the specific objectives explicitly mentions gender, specific gender equality indicators are incorporated into this action and that reporting data will be disaggregated at least by sex whenever feasible to measure the impact on women and men. The action will reinforce the promotion of women rights because constitutions and legislation must provide adequate protection to gender equality.

Human Rights, disability,

The promotion and protection of human rights and an improved access to justice for all individuals in the targeted regions is the main objective of this action. By its very nature, this will have indirect beneficial effects on the reduction of discriminations on people with disabilities, the improvement of the quality of democratic governance in the target region as well as an induced positive effect on improving peace and security issues.

Human rights

A Human rights-based approach will be applied, by: a) applying all human rights for all; b) meaningful and inclusive participation and access to decision-making; c) non-discrimination and equality; d) accountability and rule of law for all; and e) transparency and access to information supported by disaggregated data

Disaster Risk Reduction

N/A

Other considerations if relevant

3.4. Risks and Lessons Learnt

Category	Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
External environment	AMERICAS: The States reject the measures to reduce backlog due to the important increase in the number of cases.	Low	High	The IAHRs will continue diplomatic dialogue; in addition, it has included in its strategic plan a programme for establishing follow-up mechanisms and actions for dialogue and assistance to improve compliance with the recommendations and decisions
Planning, processes, systems	Budget cutbacks at the OAS could affect the Regular Fund resources earmarked to financing the personnel necessary for the project with counterpart funding	Low	Medium	The IACHR and the Court have presented proposals to increase the OEA budget devoted to the human rights architecture. From \$ 5.6 mill in 2017 it has been progressively increased to \$7.5 mill in 2018, \$9.4 mill in 2019 and \$ 10.6 in 2020 (IACHR). The Court budget increased from \$2.6 mill to \$ 5 million over the same period The proposal for this year, to be submitted to the General assembly end of November 2021, is to maintain the 2020 budget despite general budget cuts in other areas.

Planning, processes, systems	The technological tools the IACHR has are not efficient or sufficient.	Low	Medium	The IACHR implements its programme for revitalization and modernization of the technological platform.
External environment	The States refuse assistance for constitutional and legislative reforms and for improving the independence of the judiciary.	Low	High	The identified countries are members of the Venice Commission or expressed an interest in working with it.
External environment	Limited resources and capacity of NHRIs: Many NHRIs have limited resources and capacity, and some are young or only about to be established.	Low	High	Consultation with relevant NHRIs has shown that many will seek to take part in this action with the aim of receiving assistance to their capacity building efforts. APF will take into account the particular needs of newly established NHRIs.
External environment	Change in political environment: New governments, institutional changes or lack of political will of States to engage on human rights may affect the effectiveness and sustainability of ongoing positive partnerships	Medium	High	Strong relationships with national governments (including their representatives on the inter-governmental mechanisms) will be established and/or maintained to build a sense of common purpose and enhance national ownership of the action. The action's focus on NHRI engagement with their State's own representative on IACHR nonetheless provides an opportunity to progress engagement even where State representatives may be reluctant to do so. Focused coordination mechanisms will be key in building goodwill and fostering mutual cooperation
External environment	ASIA Lack of cooperation between NHRIs and the Venice Commission.	Medium	High	The APF works collaboratively with its member NHRIs to enhance its relationships with States (including their representatives on the inter-governmental mechanisms) and the secretariats of the concerned mechanisms to develop context-sensitive and rights-based strategies that take into account local specificities and needs. Positive informal consultations with the inter-governmental mechanisms have already taken place.
External environment	ASEAN Lack of political will from ASEAN Member States to engage on human rights issues	Medium	High	Intense policy dialogue with the ASEAN Commission in the run-up to the EU-ASEAN summit
External environment	Shrinking space for NHRIs	Medium	Medium	Changes in a State's political leadership can lead to increased friction between a

				State and its NHRI. However, the State is multifaceted and even in these situations NHRIs have demonstrated that they can continue to undertake work and have positive relationships with State institutions. APF in turn has demonstrated continued engagement with key stakeholders at regional and sub-regional levels.
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Lessons Learnt:

The 2017 EIDHR external Mid-Term Evaluation pointed to the fact that: "Pressure on independent national human rights institutions (NHRIs)...limited their ability to operate according to their core mandates while regional human rights protection and accountability mechanisms in Africa and the Americas have come under mounting internal threat (for example, ...financial crises at the Inter American Human Rights System)". It also held that the current EIDHR is more holistic and coherent, in that it addresses a wide range of key human rights stakeholders operating at different levels. In this respect, it argued that: "International and regional human rights mechanisms are critical role players for the protection and promotion of human rights and democracy and. their inclusion in the EIDHR increases its coherence and makes it more relevant, particularly given the increasing threats they face".

The EU-EIDHR support given to the Inter-American Human Rights System in recent years since 2009 until 2021 has proven to be effective. The EU has contributed to the correction of the backlog of cases providing the Inter-American Commission with necessary funds. With the reduction of the backlog of cases, the Inter-American Court has been allowed to make a better monitoring and follow up to the sentences and recommendations. Following the recommendation of the 2016 ROM exercise to have two separate grant agreements to facilitate the administrative burden, this action foresees therefore the continued support with two contracts, one for the Inter-American Commission of Human Rights, and one for the Inter-American Court of Human Rights.

3.5. The Intervention Logic

The rationale is to complement other support to human rights mechanisms operating at various levels (international, regional, national), by focusing on selected regional human rights arrangements. The importance of supporting regional mechanisms lies in their anchoring in a specific and unique regional context, while ensuring the upholding of universal human rights principles and standards. Hence regional human rights mechanisms are an indispensable dimension of the overall international human rights system and contribute to its effective functioning. For the later to happen, these mechanisms need clear mandates, sufficient resources and independence to carry out their functions. Synergies will be sought with our programme supporting national human rights institutions, with our programme in Support to the African Human Rights System, as well as with international mechanisms (e.g. Universal Periodic Review in the framework of the UN Human Rights Council).

In the inter-American context, it is crucial to support both formal human rights institutions of the Inter American Human Rights System, and also the activities of the Venice Commission in the region, as they complement one another and interrelate. The Inter American Commission receives and analyses cases that may be passed to the Inter American Court to become trials for sentences. The Venice Commission provides expertise and valued opinions with regard to national legal environments and independence of the judiciary thus feeding the work of the inter-American institutions.

In the case of Asia, the action may explore interactions with existing regional human rights mechanisms. The Venice Commission will support in particular developments in Central Asian countries. If opportunities arise, the action may support other regional human rights bodies in the ASEAN context such as the ASEAN Intergovernmental Commission on Human Rights (AICHR).. Such cooperation would stem from the EU-ASEAN dialogue which should serve to confirm priorities for cooperation and ensure that the necessary ownership exists at the level of potential implementing partners.

For the above to work, a series of assumptions made from the outset need to hold true, inter alia:

- OAS Member States implement recommendations of the IACHR and Court issued in merit decisions and judgments.
- All draft reports prepared are reviewed by the Secretariat and discussed and approved by the IACHR.
- Submission of contentious cases to the Court does not increase disproportionately to the Court's ability to resolve them.
- The States agree that the Court visits their territories (or by virtual visits) to supervise cases in monitoring compliance stage or provisional measures.
- The States request opinions of the Venice Commission and require technical assistance for legislative reforms and capacity building activities on the independence of the judiciary and the promotion of human rights. The regional human rights mechanisms cooperate with the Venice Commission to enhance synergies and exchange on lessons learned.
- ASEAN countries confirm politically their interest to cooperate with EU on the strengthening of the regional human rights institutions

3.6. Logical Framework Matrix

At action level, the indicative logframe should have a maximum of 10 expected results (Impact/Outcome(s)/Output(s)).

It constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

Results	Results chain (a): Main expected results (maximum 10)	Indicators (a): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
Impact	To improve the effectiveness and engagement of regional human rights instruments, mechanisms and structures for the promotion and protection of human rights and access to justice for all individuals (women and men in all their diversity).	1 Number of victims of human rights violations directly benefiting from assistance funded by the EU (EURF) (disaggregated by sex)	2021 value	1 tbd	1 Project reports	<i>Not applicable</i>
Outcome 1	Access to international justice improved for those whose rights have been violated and who have been unable to obtain a remedy at the national level.	1.1 Number of petitions at IACHR held at the admissibility stage has decreased. 1.2 Number of days of IACtHR deliberations. 1.3 Number of individual complaints addressed by Human Rights monitoring bodies and Regional Courts, disaggregated by thematic topic, by regional institution or human rights monitoring body (HR, democratic governance results chain)	2021 values	1.1 tbd 1.2 tbd	Institutions annual reports	Submission of contentious cases to the Court does not increase disproportionately to the Court's ability to resolve them
Outcome 2	Legislative and constitutional reform promoting rule of law and human rights promoted and standards and capacity related to the independence of the judiciary in the countries of cooperation improved.	2.1 Number of stakeholders requesting and states receiving assistance from the Venice Commission thanks to the action	2021 values	2.1 tbd	Project reports	Stakeholders request opinions of the Venice Commission
Output 1 related to Outcome 1	Strengthened capacity of Inter American Human Rights Commission in case handling	1.1.1 Number of staff reporting improved skills after training in Unit for Management and IT tool (database). (disaggregated by sex) 1.1.2 Number of cases in admissible stage handled, archived, disseminated or sent to the Court by IACHR	2021 values	1.1.1 tbd 1.1.2 tbd	Project reports	OAS Member States implement recommendations of the IACHR

Output 2 related to Outcome 1	Strengthened capacity of the Inter American Court of Human Rights in case handling and monitoring of compliance with judgments and implementation of provisional measures.	1.2.1 Number of cases in the monitory compliance stage or provisional measures monitored during the execution of the project, including through visits to the territory of the States responsible.	2021 values	1.2.1 tbd	Project reports	The States agree that the Court visits their territories (or by virtual visits) to supervise cases in monitoring compliance stag
Output 3 related to Outcome 1	Strengthened capacity of the AICHR in fostering human rights among member governments and increasing public awareness	1.3.1. Number of human rights public awareness campaigns undertaken	2021 values	1.3.1. tbd	Project reports	AICHR members do not oppose new campaigns proposals
Output 1 related to Outcome 2	Strengthened capacity of the Venice Commission in providing recommendations, opinions and capacity building assistance on legislative reforms, constitutional justice, independence of the judiciary and electoral reform	2.1.1 Number of opinions, recommendations or studies delivered in thanks to the action (% focused on gender equality)	2021 value	2.1.1 tbd	Project reports	Stakeholders request opinions of the Venice Commission and require technical assistance
Output 2 related to Outcome 2	Strengthened synergies and complementarity with regional and national human rights mechanisms.	2.2.1 Number of regional and national human rights bodies and specialized NGOs benefiting from Venice Commission support or contributing to the work of the Venice Commission	2021 value	2.2.1 tbd	Project reports	Regional/National Human rights institutions and specialised NGOs accept to network and team-up to better fulfil their mandate.

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with partner country

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.3. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures⁶.

4.3.1. Direct Management (Grants)

Grants: (direct management)

In accordance with Art. 195 (c) of the Financial Regulation:

4.4.1 Component 1: Grant: direct award: Support to the Inter American Commission of Human Rights (direct management)

4.4.2 Component 2: Grant: direct award: Support to the Inter American Court of Human Rights (direct management)

(a) Purpose of the grant(s)

As described above, the overall objective of this action is to improve the effectiveness and engagement of regional human rights instruments, mechanisms and structures for the promotion and protection of human rights and access to justice for all individuals.

With regard to the components above relating to the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights, the specific objective is to improve access to international justice for those whose rights have been violated and who have been unable to obtain a remedy at the national level.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the Inter-American Commission on Human Rights of the General Secretariat of the Organization of the American States (OAS) and the Inter-American Court of Human Rights.

⁶ www.sanctionsmap.eu. Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

The recourse to an award of a grant without a call for proposals is justified because the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights hold de jure monopoly as formally recognised bodies of the regional Inter-American human rights system as provided for in Art. 195 (c) of the Financial Regulation.

4.3.2. Indirect Management with an international organisation

A part of this action may be implemented in indirect management with an entity, which will be selected by the Commission's services based on its recognised expertise in the area of human rights, proved ability to strengthen the capacities regional human rights bodies and knowledge of the ASEAN context. The implementation by this entity entails the strengthening of the capacity of the AICHR in fostering human rights among member governments and increasing public awareness.

A part of this action may be implemented in indirect management by the Council of Europe through the Venice Commission which forms part of it. This implementation entails encouraging legislative and constitutional reforms promoting rule of law and human rights and improving the standards and capacity related to the independence of the judiciary in the countries of cooperation. The envisaged entity has been selected given the recognized expertise of the Organisation - among its member and outside its membership – which is widely valued for its rigorousness of approach and independence, and thus more and more synergies and cooperation with key regional human rights and rule of law mechanisms and institutions are developed. As such, the Venice Commission is becoming an important player for strengthening human rights and rule of law systems regionally, including in Latin America and Asia. The choice of the Council of Europe reinforces the EU strategic approach to multilateral engagement as holders of important standard setting mandates

4.3.3. Changes from indirect to direct management mode (and vice versa) due to exceptional circumstances (one alternative second option)

If indirect management envisaged under point 4.3.2 was not possible, under the responsibility of the Commission's authorising officer responsible, changes from indirect to direct management are possible in order to pursue the objectives of this action.

4.4. 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.

4.5. Indicative Budget

Indicative Budget components	EU contribution (EUR)	Third-party contribution (EUR)
Grants (direct management) – cf. section 4.4.1		
<i>4.5.1 Support to the Inter American Commission of Human Rights</i>	2 250 000	
<i>4.5.2 Support to the Inter American Court of Human Rights</i>		
Contribution agreement (indirect management)		
<i>4.5.3 Support to the ASEAN Intergvmtl. Commission on Human Rights</i>	1 350 000	
<i>4.5.4 Support to the Council of Europe (Venice Commission)</i>		
Evaluation and audit	will be covered by another Decision	N.A.
Totals	3 600 000	725 000

4.6. Organisational Set-up and Responsibilities

The Inter American Commission of Human Rights, based in Washington, DC, USA will implement Component 1 "Access to international justice through individual petitions presented to the IACHR by alleged victims of human rights violations in the hemisphere" all its activities and management of funds (including providing annual narrative reports).

The Inter American Court of Human Rights, based in San José de Costa Rica will implement Component 2 "Improvement of the capacities of the Inter American Court of Human Rights to administer prompt international justice to victims of human rights violations", all its activities and management of funds (including providing annual narrative reports).

The Venice Commission of the Council of Europe, based in Venice, will implement the activities of the Component 3 "Strengthening capacity of the Venice Commission to encourage legislative, constitutional and electoral reform in Latin America and Central Asia". The management of the funds will be ensured by the Council of Europe of which the Venice Commission is a body.

The European Commission shall be updated on the implementation of all four components on an at least six-monthly basis, each time the logical frameworks change, and EU Delegations shall be informed of activities undertaken at country level.

4.7. Pre-conditions

N/A

5. PERFORMANCE MEASUREMENT

5.1. 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. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

Indicators shall be disaggregated at least by sex. All monitoring and reporting shall assess how the action is taking into account the human rights based approach and gender equality

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).

5.2. Evaluation

Having regard to the nature of the action, an evaluation(s) may be carried out for this action.

The institutions of the Inter American Human Rights System are subject to the own evaluation system of the Organisation of the American States, therefore, no further evaluation is foreseen for the two Components proposed in 2018.

The activities of the Venice Commission may be subject to a final evaluation carried out by the implementing partner via independent consultants. It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the activities constitute a pilot approach to cooperation, collaboration and engagement between NHRIs and intergovernmental mechanisms, and therefore creating an innovative action.

Any evaluation carried out shall be gender sensitive and take into consideration how gender equality has been mainstreamed in project activities.

The evaluation reports shall be shared with key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

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

5.3. Audit and Verifications

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 audit or verification assignments for one or several contracts or agreements.

6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.

APPENDIX 1 REPORTING IN OPSYS

An Intervention⁷ (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

Primary Interventions are those contracts or groups of contracts bearing reportable results and respecting the following business rule: 'a given contract can only contribute to one primary intervention and not more than one'. An individual contract that does not produce direct reportable results and cannot be logically grouped with other result reportable contracts is considered a 'support entities'. The addition of all primary interventions and support entities is equivalent to the full development portfolio of the Institution.

Primary Interventions are identified during the design of each action by the responsible service (Delegation or Headquarters operational Unit).

The level of the Primary Intervention is defined in the related Action Document and it is revisable; it can be a(n) (group of) action(s) or a (group of) contract(s).

Tick in the left side column one of the three possible options for the level of definition of the Primary Intervention(s) identified in this action.

In the case of 'Group of actions' level, add references to the present action and other action concerning the same Primary Intervention.

In the case of 'Contract level', add the reference to the corresponding budgetary items in point 4.6, Indicative Budget.

Option 2: Group of actions level		
<input checked="" type="checkbox"/>	Group of actions	These actions will form a PINTV with previous support given under the MFF 2014-2022

⁷ [ARES \(2021\)4204912](#) - For the purpose of consistency between terms in OPSYS, DG INTPA, DG NEAR and FPI have harmonised 5 key terms, including 'action' and 'Intervention' where an 'action' is the content (or part of the content) of a Commission Financing Decision and 'Intervention' is a coherent set of activities and results which constitutes an effective level for the operational follow-up by the EC of its operations on the ground. See more on the [concept of intervention](#).