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ANNEX VI

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 Fighting against impunity

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 Regulation 2021/947.

1. SYNOPSIS

1.1. Action Summary Table

1. Title CRIS/OPSYS business reference Basic Act	Fighting against impunity CRIS reference: 043-839 OPSYS reference: ACT-60821 / JAD.971947 Financed under the Neighbourhood, Development and International Cooperation Instrument (Global Europe)
2. Team Europe Initiative	No
3. Zone benefiting from the action	Global
4. Programming document	Multi-Annual Indicative Programme for the Thematic Programme on Human Rights and Democracy 2021-2027
5. Link with relevant MIP(s) objectives/expected results	Priority 1: Protecting individuals -To enhance effectiveness of crime prevention and criminal justice mechanisms, truth, reparations and guarantees of non-recurrence for serious and widespread human rights violations
PRIORITY AREAS AND SECTOR INFORMATION	
6. Priority Area(s), sectors	Priority 1 of the MIP: Protecting and empowering individuals: Axis of action iv: Strengthen the rule of law, ensure fair and effective administration of justice and close the accountability gap. DAC 151 Priority 3: Promoting a global system for human rights and democracy
7. Sustainable Development Goals (SDGs)	Main SDG: 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 Other significant SDGs: - SDG 17 Partnerships for the goals
8 a) DAC code(s)	DAC 15130 Legal and Judicial Development. Transitional Justice and Fight against Impunity

8 b) Main Delivery Channel @	20000 – Non-governmental organisations (NGOs) 41313 - Multilateral Organisations - United Nations High Commissioner for Human Rights (extra-budgetary contributions only)			
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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	Principal 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"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Connectivity @ Tags: transport	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

	people2people energy digital connectivity		<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): 14.020211 Total estimated cost: EUR 24 360 000 Total amount of EU budget contribution EUR 24 360 000 The contribution is for an amount of EUR 13 095 000 from the general budget of the European Union for 2022, and for an amount of EUR 11 265 000 from the general budget of the European Union for 2023, subject to the availability of appropriations for the respective financial years following the adoption of the relevant annual budget, or as provided for in the system of provisional twelfths.			
MANAGEMENT AND IMPLEMENTATION				
13. Type of financing¹	<ul style="list-style-type: none"> • Direct management through grants • Indirect management with the Office of the High Commissioner for Human Rights OHCHR and with the European Union Agency for Criminal Justice Cooperation (Eurojust) 			

1.2. Summary of the Action

The overall objective of the Action is to contribute to justice and the rule of law through an increased accountability and redress for serious human rights violations and abuses. The action is structured around two components:

- **Component one:** setting up an Observatory on the Fight Against Impunity as a flagship initiative contributing to closing the accountability gap and amplifying the voice of victims of serious human rights violations and abuses. Acts such as genocide, crimes against humanity and other serious human rights violations or abuses will fall under the scope of the Observatory, in line with the framework for targeted restrictive measures under the EU Global Human Rights sanctions regime. The Impunity Observatory will contribute to addressing major challenges as to the need to gather information, share knowledge and learn from each other, create synergies, provide support to victims of serious human rights violations and abuses, strengthen capacities of CSOs, in particular local actors, establish partnerships and networks at local, national, regional and global levels, and promote international criminal justice. The Observatory will have a global geographic scope.

The Observatory will, inter alia, provide strategic input into the work of the EU, while preserving its independence of action. The establishment of the Observatory is a concrete demonstration of:

- The EU's commitment to the rules-based international order, rooted in international human rights law and international humanitarian law;
- The EU's pledge to the implementation of the 2030 Agenda;
- The EU's staunch support for international criminal justice and for transitional justice.

Furthermore, this initiative responds to demand of the European Parliament to bridge the gap between local, national, regional, and international human rights monitoring mechanisms to fight impunity.

¹ Art. 27 NDICI

- **Component two:** support targeted to the Office of the High Commissioner for Human Rights (OHCHR) accountability mechanisms which are of strategic relevance and in line with the EU's political priorities, and enhance OHCHR's role as a key player mandated by the United Nations to monitor and report on serious human rights violations and abuses and possibly serious violations of International Humanitarian Law.

The European Union is viewed as having a leading role in combating impunity for human rights violations and abuses and has supported international and domestic accountability efforts, by providing diplomatic and financial support to e.g. the OHCHR, the International Criminal Court, special tribunals and regional human rights systems. .

The action will further reinforce EU leadership in this field. This action responds to the EU policy priorities as set out in the EU Action Plan on Human Rights and Democracy 2020-2024² (and in particular its section 1.6. 'Closing the accountability gap, fighting impunity and supporting transitional justice'), and the EU Gender Action Plan III³ (GAP III). The Action will also complement and support EU strategic actions to fight impunity, including in synergy with the EU Global Human Rights Sanctions Regime, will take into account the views and suggestions contained in EU Parliament resolutions and will contribute to the objective of the Joint Communication on strengthening the EU's contribution to rules-based multilateralism⁴ (2020) and the Commission's Communication on EU's humanitarian action (COM (2021) 110 final⁵). This action will support the implementation of the EU Policy Framework on support to transitional justice⁶.

Under the Multiannual Indicative Programme, this action will contribute to the implementation of priority 1, Protecting and empowering individuals and priority 3, Promoting a Global System for Human Rights and Democracy. It will therefore directly contribute to the achievement of SDGs 16 (peace, justice and strong institutions), and 17 (partnerships for the Goals).

2. RATIONALE

2.1. Context

Over the past years, there has been a sharp increase in serious human rights violations and abuses worldwide. Such violations in conflict-affected settings may also amount to violations of International Humanitarian Law. There has been in particular a proliferation of war crimes, widespread and systematic human rights violations and abuses and politically-motivated crackdown on civil society and media. According to the Amnesty International Report 2020/21, in both long-running and new conflicts, government forces and armed groups carried out indiscriminate and targeted attacks on civilians, killing thousands, and caused or prolonged mass displacement and humanitarian crises. Despite a few notable convictions for war crimes and crimes against humanity, impunity in times of war and peace remains the norm. The lack of/weak accountability for these violations and abuses is one of the biggest challenges the international community is currently facing in the area of human rights and the rule of law.

The universality of human rights and international humanitarian law is rooted in **international law**. When violations and abuses occur, reparation or punishment should be reliably enforced. The establishment in 2002 of the International Criminal Court (ICC) is perhaps most illustrative in this respect. Universal ratification of the Rome Statute has been central to EU policy commitments since the adoption of the first Common Positions on the ICC. The ideals of universality are also at the heart of efforts around universal jurisdiction, international investigations by UN fact-finding mission, as well as the latest development of evidence-gathering mechanisms. The Rome Statute system plays a central role in fighting impunity and, consequently, in contributing to promoting lasting peace and development. There are also **regional developments** with the adoption of an African Union Transitional Justice Policy and an

² [EU Action Plan on Human Rights and Democracy \(2020-2024\) – European External Action Service \(eeas.europa.eu\)](#)

³ [Joint Communication JOIN\(2020\) 17 final and SWD\(2020\) 284 final EU Gender Action Plan \(GAP\) III – An ambitious agenda for gender equality and women's empowerment in EU external action](#)

⁴ [Joint Communication to the European Parliament and the Council on strengthening the EU's contribution to rules-based multilateralism | EEAS Website \(europa.eu\)](#)

⁵ [Commission's Communication on EU's humanitarian action \(COM \(2021\) 110 final](#)

⁶ [the eus policy framework on support to transitional justice.pdf \(europa.eu\)](#)

extensive case law in Latin America. Likewise, in order to end impunity, it is vital that **domestic capacity** to investigate, prosecute and adjudicate core international crimes is established and continuously strengthened.

The **EU and its Member States are committed** to supporting the work of international bodies that underpin the rules-based international order – in particular the International Criminal Court. The EU and its Member States have been leaders in providing accountability by applying the principle of universal jurisdiction and establishing joint investigation teams in the context of universal jurisdiction cases⁷. The EU and its Member States have also been supporting establishment of special tribunals or the work of UN Evidentiary Mechanisms. At the same time, the EU and its Member States promote the fight against impunity, be it through supporting truth commissions, addressing security sector reforms with vetting processes, strengthening national justice systems, enforcement of sentences, detention conditions and capacity of national governments to manage witness protection programmes and to prevent and address human rights violations and abuses. EU cooperation also plays a central role in post-conflict peace building processes by identifying country specific needs and providing appropriate ad-hoc support.

Numerous **CSO actors** engage in the collection of information about serious human rights violations and abuses for different purposes. The majority is still using the collected information for classical human rights reporting leading to recommendations to policy makers. Recent years has seen, however, the creation of specialised NGOs that are collecting evidence themselves on the ground. New technologies and partnerships with local actors have been built. The EU has also strategically supported such efforts notably in Syria, Myanmar, and South Sudan and has recently committed to support such efforts in Ukraine.

Human rights and the rule of law remain a central issue today, as the weakening of international law and its instruments, the crisis of multilateralism, the shrinking space for civil society and the spread of authoritarianism are causing the progressing erosion of democracy and its institutions. This actual context exacerbated by the impact of the COVID-19 crisis is putting in significant risk the gains achieved in previous decades, notably through intensified fighting, the stalling of mediation efforts, and the suspension or derailing of Transitional Justice processes.

Impunity erodes the citizens' trust in State institutions since it constitutes a denial of human rights, in particular the right to truth and justice, and the right to effective remedy, encompassing full and adequate reparation for victims and guarantees of non-recurrence. Impunity for the gravest crimes can exacerbate grievances, undermine trust towards institutions, lead to repeated cycles of violence, and hinder reconciliation efforts. Therefore, the fight against impunity represents a critical element to return to the path of peaceful dialogue, social reconciliation, peaceful coexistence, and inclusive and sustainable development.

Policy Framework (Global, EU)

The EU is guided in its endeavours by international human rights and humanitarian law. It aims at responding to the need for independent and evidence-based assessments of human rights violations and abuses whenever and wherever they occur.

The Action is fully in line with the **Treaty on the European Union (TEU)**, which states in its Article 2 that *“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”*

Article 21 para 1 provides that *“The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.”* Para 2 of Article 21 sets out that *“The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to: (...) (b) consolidate and support democracy, the rule of law, human rights and the principles of international law.”*

The Action is relevant for the **UN 2030 Agenda for Sustainable Development**. It contributes to the progressive achievement of the Sustainable Development Goals (SDGs), primarily SDG 16, while also contributing to SDG 5

⁷ Cooperation between EU Member States has significantly strengthened investigations and prosecutions by allowing States to identify suspects collaboratively, act on information effectively, and make best use of limited resources.

and 17. It will be implemented in line with **the Paris Declaration on Aid Effectiveness** and the **Accra Agenda for Action**, in full respect of the principles of ownership, alignment, harmonisation, managing for results, and mutual accountability.

The actions help to implement the **EU Action Plan on Human Rights and Democracy 2020-2024**, which under its Priority 1: ‘Protecting and empowering individuals’, sets the ambition to close the accountability gap, fight impunity and support transitional justice.

The **Multiannual Indicative Programme for Thematic Programme Human Rights and Democracy 2021 - 2027⁸** states: *“Supplementary funding from the NDICI-Global Europe cushion shall be devoted to fight impunity, by building the knowledge base for accountability. To be sustainable, accountability efforts must be nationally owned by all those directly concerned, including local and national civil society organisations working on human rights and democracy. Civil society actions shall respond to the lack of sufficient legal or factual evidence of human rights violations and abuses, which de facto derails the proper functioning of the criminal justice system and fuels a climate of near-absolute impunity for perpetrators. This shall require setting up specialized inquiry structures and developing comprehensive strategies and tools to address knowledge, capacity and commitment gaps, whenever and wherever they occur”*.

This action also helps to implement the **EU’s Policy Framework on support to transitional justice** which reaffirms the strong political commitment from the EU to prevent human rights violations and abuses throughout the world and, where violations and abuses occur, to ensure that victims have access to justice and redress and that those responsible are held to account, and it contributes to the EU staunch support of the Rome Statute and the ICC based on the Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court⁹.

On 7th December 2020, the Council adopted a Regulation establishing a global human rights **sanctions regime** targeting individuals, entities and bodies responsible for, involved in or associated with serious human rights violations and abuses worldwide, no matter where they occurred¹⁰ (‘EU Global Human Rights Sanctions Regime’). This was a landmark achievement and a sign of the EU’s determination to take action towards accountability.

The global commitment to eliminate **violence against women and girls (VAWG)** / harmful practices (HPs) and improve access to sexual and reproductive health and rights (SRHR) under the United Nations 2030 Agenda is endorsed by the EU. This is reconfirmed with the **EU Gender Action Plan 2021-2025 (GAP III)**. GAP III recalls the elimination of VAWG, including sexual and gender-based violence, trafficking, and harmful practices, among other forms of violence, including improving access to SRHR. In June 2017, the EU endorsed the new **European Consensus on Development** in which gender equality and women's empowerment are mentioned among the core values and key drivers of development. In the Consensus, the EU and its Member States confirm their commitment to work together with partners to eliminate all forms of sexual and gender-based violence (SGBV) and discrimination, including harmful practices, particularly forced, early, and child marriage, and female genital mutilation (FGM).

This action also supports the implementation of the European Commission’s Joint **Communication** on strengthening the EU’s contribution to rules-based multilateralism, signed on 17 February 2021: *“The EU will continue supporting the international judicial, arbitration, and enforcement bodies that underpin the rules-based international order – in particular the International Criminal Court, the UN’s Human Rights compliance architecture, the European Court of Human rights – as regards both their jurisdiction and their effectiveness”* and *‘The EU will team up with all those who support democracy, access to justice and accountable and inclusive institutions.’* The action will complement EU support to the work of the International Criminal Court and Regional human rights systems.

The **Regulation (EU) 2021/947¹¹** mentions in its Annex III as areas of intervention for the Thematic Programme on Human Rights and Democracy *“Upholding human rights and fundamental freedoms for all, contributing to forging societies in which participation, tolerance, non-discrimination, human dignity, equality, social justice, international justice and accountability prevail”, and “Promoting effective multilateralism and strategic partnership, contributing to reinforcing capacities of international, regional and national instruments in promoting and protecting human rights, democracy and the rule of law.”*

⁸ [mip-2021-c2021-9620-human-rights-democracy-annex_en.pdf \(europa.eu\)](#)

⁹ [Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court](#)

¹⁰ Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses

¹¹ [Global Europe Regulation \(EU\) 2021/947](#)

2.2. Problem Analysis

Impunity represents a major challenge for the consolidation of the Rule of Law since it constitutes a denial of human rights, in particular the right to truth and justice, and the right to effective remedy, encompassing full and adequate reparation for victims and guarantees of non-recurrence. Thus, the lack of accountability for serious human rights violations and abuses greatly undermines the legitimacy of the State not only in the eyes of the victims of such atrocities, but also in the eyes of the society as a whole.

Component 1: Observatory on the fight against impunity

The fight against impunity is an integral part of the human rights landscape. Holding perpetrators accountable and ending a culture of impunity have become more and more central to human rights movements across the globe. Recent years have seen, however, a decline in the fight against impunity. This is due to a changing geo-political world that undermines voices that promote universality of human rights. The current scenario of the fight against impunity presents strong challenges, with the decline of the anti-impunity discourse and an increasing number of human rights violations and abuses in a highly polarised international context.

While many discussions, as well as actors, still equate ‘impunity’ with the absence of criminal justice, policy frameworks define the term more broadly to mean ‘the impossibility, de jure or de facto, of bringing the perpetrators of violations and abuses to account whether in criminal, civil, administrative, or disciplinary proceedings, since they are not subject to any inquiry that might lead to their being accused, arrested, tried, and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims¹².’ Impunity in this sense arises from a failure of the State to meet one of the following four obligations under international human rights law: to investigate serious human rights violations and abuses; to prosecute and hold perpetrators accountable for their abusive behaviour; to provide victims with effective remedies and reparation for the harm suffered; and to take the appropriate steps to prevent a repetition of violations. These measures have succeeded in practice to provide somehow an account and answer to horrific crimes and violations, which should not have happened. The idea of fighting impunity is, thus, linked to accountability for wrong. Impunity is the opposite of accountability.

The consequences of failing to fight against impunity have been highlighted in recent discussions, such as in the framework of the SDG and agenda 2030 discussions. Evidence has shown that countries which do not break the cycle of impunity (which comes when accountability measures are not put in place or do not have an effect) are more easily to relapse into conflict and violence. Lack of working together in overcoming dilemmas undermines the effectiveness and sustainability in the fight against impunity. The State obligation of suppression, prevention, investigation, and redress regarding human rights violations and abuses are all important and must be balanced against one another and not assessed in a vacuum. Criminal prosecutions and particularly external national or international trials form only one part of providing accountability. Additionally, the slow pace of international criminal justice means that convictions may not arrive for many years and whilst they have symbolic significance, such convictions cannot address root causes of conflict. There is therefore a need for other aspects of the transitional justice processes to be prioritised alongside efforts towards international criminal prosecutions. Furthermore, grassroots voices and victims are often excluded from decision making, and a sounding board on what works on the ground is missing.

The European Union has taken a leading role in combating impunity for human rights violations and abuses and has supported international and domestic accountability efforts. In 2020, the European Parliament put forward a proposal for a pilot project for the creation of a European Observatory on the Fight Against Impunity. A study was also carried out by the European Parliament titled “State of play of existing instruments for combating impunity for international crimes”¹³. According to the conclusions of the study, accountability mechanisms have revealed the importance of cooperation between States, between States and accountability mechanisms and between the different accountability mechanisms. It is clear that the different models of accountability mechanisms employed for core international crimes work to complement each other. According to the study, any initiative aimed at eradicating impunity and promoting accountability is welcome, although it is necessary to take precautions in order to avoid duplication of already

¹² Updated Set of Principles for the Protection and Promotion of Human Rights through action to combat impunity, 8 February 2005, E/CN.4/2005/102/Add.1, p. 6.

¹³ State of play of existing instruments for combating impunity for international crimes” by Olympia BEKOU, Professor of Public International Law, School of Law, University of Nottingham, United Kingdom (EU, August 2020)

existing organisations or mechanisms (*‘the limitations on EU resources and the need to add value, without replicating or overlapping with existing bodies, should be carefully considered when exploring the creation of new bodies’*).

The recent adoption of the EU Global Human Rights **Sanctions Regime** is a sign of the EU’s determination to take action towards accountability for *‘serious human rights violations and abuses’*¹⁴. By taking advantage of this window of opportunity, setting up an Observatory can be regarded as an important step forward to increase the effectiveness of the combat against impunity for serious human rights violations and abuses by creating synergies among CSOs, building and sharing capacity and knowledge —with a victim-centred, gender-responsive and youth-inclusive approach.

Such an initiative could sustain the necessary efforts to **advocate** for and promote access to and compliance with international criminal justice. It could also foster the **monitoring and documenting** of serious human rights violations and abuses, in close cooperation with local, national, regional and international bodies and mechanisms. This includes documenting diverse sources of information and reporting on violations and abuses which are underreported or receiving less attention from the authorities and/or the international community, and identifying those responsible for, involved in or associated with serious human rights violations and abuses.

It could also provide strategic **information and recommendations** to better inform the work of EU institutions/services and other existing accountability mechanisms, as well as advocate for reparation processes and provide legal services to victims of serious human rights violations and abuses. It could build capacity of foster partnerships and networks among actors at local, national, regional and global levels working on serious human rights violations and abuses.

Such Observatory would have a **global geographic scope**, with the possibility to operate, in an effective, coordinated, independent and sustainable manner, in any country outside the EU where genocide, crimes against humanity and other serious human rights violations or abuses may occur. The **EU Genocide Network** will be associated to this initiative to ensure synergies with existing actions within the EU, such as universal jurisdiction cases within an EU Member State for a consistent and coherent approach between external and internal stakeholders¹⁵. The EU genocide network will further foster judicial cooperation with third countries in line with the principle of complementarity under the Rome Statute recognizing states’ primary responsibility to investigate and prosecute international crimes.

Component 2: support OHCHR’s accountability mechanisms

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has a unique mandate from the international community to promote, protect and fulfil all human rights. It works in an independent and impartial manner, taking action to empower individuals and assisting States in upholding human rights. OHCHR is a strong advocate for the rule of law and accountability for gross human rights violations and abuses and serious violations of international humanitarian law with a view to sustaining peace, preventing recurrence and promoting inclusive development. It supports i.a. the work of the United Nations human rights mechanisms, including the treaty bodies established to monitor State Parties’ compliance with the core international human rights treaties, the special procedures of the Human Rights Council and the more recent accountability mechanisms like commissions of inquiry, fact-finding missions and any other investigative and monitoring mechanism established by the Human Rights Council.

Investigative mechanisms produce hard-hitting evidence on gross human rights violations and serious violations of international humanitarian law, feeding into formal justice processes to hold violators accountable. These investigative bodies are supported by OHCHR via the UN budget who provide administrative, logistical as well as security support and expertise, and carry out missions as mandated.

In 2006, a **“Contingency Fund”** was established as a flexible funding mechanism to carry out activities and implement the priorities and strategies of the High Commissioner for Human Rights, particularly in response to human rights and humanitarian emergencies. This is primarily achieved by the rapid deployment of human rights

¹⁴ The regulation applies to (a) genocide; (b) crimes against humanity; (c) the following serious violations or abuses: torture and other cruel, inhuman or degrading treatment or punishment, slavery, extrajudicial, summary or arbitrary executions and killings, enforced disappearance, arbitrary arrests or detention; and (d) other human rights violations or abuses, in so far as those are widespread, systematic or of serious concern (see article 2 of Council Regulation (EU) 2020/1998).

¹⁵ See conclusions of the 4th EU Day Against Impunity https://www.eurojust.europa.eu/sites/default/files/Partners/Genocide/2019-Fourth-EU-Day-Against-Impunity-Report_9981-19_EN.pdf

staff and the provision of necessary logistical support. The High Commissioner can solely mandate activities under the fund.

The Investigation Support Unit was established in 2020, to reinforce OHCHR's capacity to deploy and support UN human rights investigative and accountability mechanisms, including those established by the Human Rights Council, and any other human rights deployments to potential, emerging or actual crises. The unit is responsible for: (1) the rapid operationalisation of new investigations and mandates and (2) the provision of consistent, predictable and high quality investigations and mandated activities. In so doing, the overall aim of the unit is to ensure that OHCHR supported investigations lead to effective outcomes and make concrete progress towards accountability for the perpetrators of serious violations of international human rights law and international humanitarian law.

The present action is aimed at strengthening the capacities of the OHCHR in the specific field of the fight against impunity with an annual earmarked contribution for OHCHR's Contingency Fund to address crisis situations in countries of strategic relevance and primary concern to the EU, and for eventual support to the Investigations Support Unit, as part of OHCHR's Emergency Response Section and manager of the Contingency Fund.

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

Main stakeholders are **civil society organizations**, regional organisations and **UN organisations** working on human rights and democracy since the action will contribute to build their capacities by providing training and sharing knowledge and by establishing partnerships and networks at local, national, regional and global levels to raise awareness and knowledge about serious, [widespread and systemic] human rights violations and abuses.

Victims of serious human rights violation and abuses and International Humanitarian Law violations are also important stakeholders. The action will also have an impact on processes linked to victim rehabilitation, complementing the support of geographical instruments to truth and reconciliation commissions or national restorative justice mechanisms. Likewise, the Observatory contributes to advocate for reparation processes and provide legal services to victims.

Other actors working on impunity, such as State actors (truth commissions or prosecutors), regional human rights courts and commissions, special courts or the ICC, will benefit from the contributions to processes undertaken as part of their mandate (e.g. transitional justice processes, investigations or trials).

Special attention should be paid to the necessary coordination with Eurojust, **the EU Agency for Criminal Justice Cooperation**. Eurojust hosts the **Genocide Network** (European Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes), which was established in 2002 by the Council of the EU to enable close cooperation between national authorities investigating and prosecuting core international. The Genocide Network is now established within the regional, international and civil society communities as the EU entry point for cooperation and exchange of information on core international crimes cases, including best practice.

The final beneficiary of this Action is **the society, since** fostering accountability is a decisive action to ensure peace, stability, citizen's trust in State institutions and effectiveness of human rights.

3. DESCRIPTION OF THE ACTION

3.1. Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to contribute to justice and the rule of law through an increased accountability for serious human rights violations and abuses.

The Specific Objectives (Outcomes) of this action are:

1. To fight impunity by building the knowledge base for accountability, and developing comprehensive strategies and tools to address knowledge, capacity and commitment gaps
2. To enhance strategic partnership with and improve effectiveness of key international, regional and national actors to advance accountability for serious human rights violations and abuses

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

Contributing to Outcome 1:

- 1.1 Enhanced oversight and strengthened role of civil society in monitoring and responding to human rights violations and abuses
- 1.2 Increased international support for accountability for serious human rights violations and abuses, informed by sound evidence
- 1.3 Enhanced victim-centered approach in the fight against impunity
- 1.4 Improved capacities to investigate serious human rights violations and abuses, and to improve access to justice through training and capacity building

Contributing to Outcome 2:

- 2.1 Strengthened capacities of the Office of the UN High Commissioner for Human Rights, including human rights treaty bodies and special procedures, to investigate serious human rights violations

3.2. Indicative Activities

The following non-exhaustive and indicative list of activities is suggested:

Activities related to Output 1.1:

- Monitoring the human rights situation in a given context and documenting acts such as genocide, crimes against humanity and other serious human rights violations and abuses, in close cooperation with local, national, regional and international bodies and mechanisms. This includes documenting diverse sources of information
- Analysing contextual information and other evidence and producing research, data analysis and reports to denounce serious human rights violations and abuses, including those which are underreported or receiving less attention from the authorities and/or the international community, and identifying those responsible for, involved in or associated with human rights violations and abuses

Activities related to Output 1.2:

- Establish or support partnerships and networks at local, national, regional and global levels to raise awareness and knowledge about serious human rights violations and abuses
- Dialogues and meetings with CSOs, legal professionals, policy makers and national and international institutions, events and exchanges of experience and best practices
- Technical studies, comparative analysis, legal analysis and strategic reports on specific issues to better inform public policies and actions in the fight against impunity

Activities related to Output 1.3

- Support initiatives from civil society to facilitate access to justice for victims through research and awareness raising campaigns
- Consultation, advice, assistance, evidence-building and legal assistance for civil society actors, affected communities and victims
- Engagement with national and international state and non-state judicial bodies to support reparation processes and legal cases

Activities to Output 1.4

- Strengthening capacities and expertise of CSOs for strategic litigation via sharing of best practices and lessons learnt
- Legal analysis and comparison with international frameworks and best-practices for CSOs to be better equipped to advocate for reform and provide legal services to victims at country level
- Trainings and workshops on key impunity themes
- Technical assistance to foster judicial cooperation between EU and 3rd countries
- Support CSOs in mapping resources and actors and identifying relevant evidence upon which to base joint actions

Activities related to Output 2.1

- Emergency deployment of accountability mechanisms to potential or emerging crises of strategic relevance and primary concern to the EU
- Provision of support services to improve the information collection of investigative bodies, information management and analysis, and the visualisation and presentation of that information.

3.3. Mainstreaming

This intervention is relevant for the United Nations 2030 Agenda for Sustainable Development.

Environmental Protection & Climate Change

The action will address impunity for serious human rights violations and abuses contributing to climate change and environmental degradation, such as attacks against environmental, land rights and indigenous peoples.

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 action will contribute to gender equality and girls' and women's empowerment. It will be reflected in the use of gender sensitive indicators and sex disaggregated data to the extent possible. Gender specific activities may also be funded under this action such as trainings and awareness-building activities on women's and girls' rights and international law standards, as well as activities targeting specifically victims of sexual violence in conflicts. The monitoring and evaluation system of projects shall be gender sensitive.

Human Rights

The action will contribute to ensure accountability, in particular for the most serious crimes and human rights violations and abuses, and to support victims in seeking remedy by linking national and international efforts, in compliance with the EU Action Plan on Human Rights and Democracy 2020-2024. A human rights-based approach is mainstreamed throughout the Programme. The action explicitly supports rights holders with a particular focus on conflict-affected, marginalised and/or disempowered individuals and communities and in particular victims of violence, the families of the disappeared, youth, women, children, and people living with disabilities

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. This implies that persons with disabilities are not the main target group. However, disability issues will be integrated in the action considering that people with disabilities are more exposed to situations of vulnerabilities.

Democracy

Since Human Rights and Democracy are intrinsically linked, this action will contribute to democratic governance.

Conflict sensitivity, peace and resilience

The Action is focused on serious human rights violations often taking place in countries in a conflict or post-conflict situation. Thus, the project will contribute to reconciliation and peace-building. Particular attention will be paid to Fragile States Principles and especially the "Do No Harm" approach and its operationalisation to ensure that EU assistance minimizes risks of aggravating conflict dynamics

Disaster Risk Reduction

Not applicable given nature of the support.

3.4. Risks and Lessons Learnt

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
Operational	Overlap with pre-existing structures and mechanisms to fight impunity	L	L	The aim of the action is to enhance cooperation and networking among actors fighting against impunity, including pre-existing structures and mechanisms, as well as other relevant initiatives that may be developed.
Operational	Coordination difficulties with the potential partners of the Observatory	L	M	Mobilisation strategy designed with the relevant potential partners in order to overcome potential resistances and create synergies.
Operational	Lack of willingness to cooperate with a newly established project	M	M	Devise tailored communication strategies Raise awareness campaigns explaining the mandate, scope, functions and added value of the Observatory
Operational/ political	Sustainability: the action creates new structures that will require significant funding beyond the lifetime of the action	M	H	The implementation period of this action will provide sufficient for the observatory proposal to fully develop over the lifetime of the action, and to look for alternative sources of the funding. It will be implemented through a coalition of well-established NGOs benefiting from their own financing. The other components are embedded within the mandate of existing structures
Political	This programme does not contribute to actions in the fight against impunity within the EU	H	L	Existing actions within the EU, e.g., Universal Jurisdiction cases within an EU MS will be associated to this action through the EU's genocide network
Political	A narrow approach on criminal justice undermines EU political interests, and EU diplomatic actions to foster stability and peace	M	M	The action will complement broader and context-specific actions in support to peace, stability and security in 3 rd countries in line with the EU's Policy Framework on support to transitional justice
Political	Activities are perceived as motivated to promote EU political agenda	M	H	The EU is a community of values based on the respect of human rights and is widely seen a staunch supporter of rule-based multilateralism. Political benefits for the observatory from strong EU support is expected to outweigh the risks. OHCHR activities as part of this action will take place within the remits of OHCHR mandate

Lessons Learnt:

The design of this action primarily draws lessons of the actions undertaken under the previous multi-annual indicative framework, and in particular the Instrument contributing to Stability and Peace (IcSP), and the European

Instrument for Democracy and Human Rights (EIDHR). It also takes into consideration the conclusions of the study “*State of play of existing instruments for combating impunity for international crimes*” by Olympia Bekou (EU, August 2020) and of the ensuing scoping study ‘*observatory in support of the global fight against impunity*’ commissioned by the European Commission.

- *Loss of compass in the fight against impunity: Narrow approaches in the fight against impunity have been leading to blind spots, closed thinking, and unhealthy legalism.* The dominant approach to the fight against impunity has been criminal justice, to hold perpetrators individually criminal responsible. While rooted in international obligations, the dominant approach has come at an expense of support to other Transitional Justice mechanisms that are equally based in law. A recent study by the Global Survivors Fund shows the huge gaps in the area of reparations for conflict-related sexual violence. The narrow approach has also led to top-down approaches, often believing in ‘fixing’ the issue of impunity from above, through international mechanisms. This has been challenged now more also from within the anti-impunity community, where local solutions, including but not limited to criminal justice, are sought. Another gap that has been identified as a consequence of the “laser focus on the fight against impunity” is that it has left out economic, social and cultural rights.

- *The support and decision making on the fight against impunity is characterized by knowledge and capacity gaps which undermines real impact in the fight against impunity.* The information environment for making decisions on the fight against impunity faces numerous challenges. The strategic vision that is so important for the fight against impunity in order to get results that can make a difference on the ground is seriously undermined, as well as potential ideas and interests victims and grassroots organization have on how they would like to design their accountability approach in a specific context is denied. The data-collection is fragmented, and often selective, broader conclusions based on hard evidence can still not be drawn. Measuring the impact of the fight against impunity is also qualitative and differs so much from context to context and is thus a challenging exercise.

- *Those who have the knowledge/experience are not listen too, often misinterpreted, which disconnects the fight against impunity from being effective in making a difference on the ground.* There is a tend to ‘value thematic expertise over local knowledge,’ ‘favor technical, short-term, and top-down solutions to complex social, political and economic problems’ and ‘orient these solutions towards quantifiable results.’ In most cases these pre-established formula are too ambitious thus are not fitting the context where they are supposed to be applied. The EU’s framework on TJ support reflects this short-coming by calling for more context specific analysis.

- *Lack of cooperation among actors and short-term perspective.* The actors landscape on fighting impunity is diverse. Activities happen at different levels, locally, national and internationally, as well as focus on different activities and thematic priorities. Diversity is a chance but can also have negative effects if it leads to fragmentation and lack of cooperation. The biggest challenge is lack of continuity, with short funding cycles and a limited attention span by the international community, which moves often from conflict hotspot to hotspot. The risk of this approach is to abandon good work on the ground that needs sustainable support.

3.5. The Intervention Logic

The lack of accountability for serious human rights violations and abuses seriously hampers the legitimacy of the State and the citizen's trust in the institutions.

The intervention logic for this action relies on the importance of adopting a global and coordinated approach to address the gaps and challenges in the fight against impunity for human rights violations and abuses. The action will contribute to build and share knowledge and capacity among civil society and other relevant actors at local, national (e.g. truth commissions, prosecutors), regional e.g. regional human rights intuitions) and global (e.g. OHCHR and ICC) levels, thereby enabling them to benefit from each other's work and expertise, and coordinating and amplifying their action. The creation of the Observatory represents a unique opportunity to take action and push for addressing the accountability gap and fighting impunity at all levels and it can play an important role to amplify the voices of victims.

The strategic long-term approach will allow to overcome problems arising from fragmentation, lack of coordination and short-term vision, bringing together actors with diverse scope and capacities. A flagship action setting up an Observatory for human rights accountability could support civil society working on accountability. It will reinforce their capacity to monitor the human rights situation in a given context, and document serious human rights violations and abuses. It will also allow to better analyse contextual information and other evidence and produce reports, advocate for reparation and truth-seeking processes and provide legal services to victims of human rights violations and abuses, as well as coordinating strategic litigation and advocacy actions at national, regional and international levels. The creation of the Observatory will build on the diversity of CSO work to globally enhance the fight against impunity by joining the forces of CSOs into a shared long-term strategy. It will provide a common space to foster dialogue and joint action to address the challenges in the fight against impunity with a holistic, integrated and multidimensional approach.

The Observatory's added value steams from its access to an extended network of CSOs on the ground which will make it possible to foster a strong synergy among all of them, thus enabling a privileged platform to receive regular verifiable and reliable information about the human rights violations and abuses worldwide and to push for action.

The action will complement other actions at country level under i.a. this thematic programme, geographic programmes or under the rapid response mechanism, aimed at fostering peace and security, (transitional) justice and the rule of law, and in particular in (but not limited to) crisis countries.

Likewise, in supporting the OHCHR, the EU expects to put OHCHR in a better position to use its global mandate, legitimacy and leadership on promoting and protecting human rights in order to strengthen accountability and the fight against impunity, including in countries of crisis and conflict which are of primary concern to the EU.

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.

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions - no activities) Results	Results chain (@): Main expected results (maximum 10)	Indicators (@): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
Impact	To contribute to justice and the rule of law through an increased accountability for serious human rights violations and abuses	Percentage of targeted civil society actors who report enhanced capacities to support target groups in navigating the justice system and enforcing accountability for human rights violations and abuses	1 2	1 2	Project reports	<i>Not applicable</i>
Outcome 1	Fight against impunity by building the knowledge base for accountability and developing comprehensive strategies and tools to address knowledge, capacity and commitment gaps enhanced	Percentage of referred cases of human rights violations that are investigated and adjudicated by the relevant public authorities, disaggregated by sex of the victim (HR results chain) Number of CS-led actions in support of transitional justice judicial and non-judicial mechanisms and processes funded by the EU. EURF - Number of grassroots civil society organisations benefitting from (or reached by) EU support			1.1 Management reports, articles etc. produced by the project. 1.2 Google search on quotes by media (print and broadcast), social media, NGOs, governments and the general public 1.3 Law Enforcement Logs, Official Ministries' data	Sufficient will to engage by civil society organisations at different levels (international, regional, local)
Outcome 2	Enhanced strategic partnership with and improved effectiveness of key international, regional and national actors to advance the realization of all human rights for all	Number of multi-stakeholders initiatives undertaken by international and regional human rights actors, thanks to EU support.			OHCHR Annual Report	Stakeholders share a common understanding of priorities.

Output 1 related Outcome 1	1.1 Enhanced oversight and strengthened role of civil society in monitoring and responding to human rights violations and abuses	Number of initiatives supporting the implementation of the shared strategy towards an increased accountability			Annual and final reports from implementing organisations, ROM reviews, and evaluations	Implementation is adequately sequenced and proceeds at a reasonable pace Expectations are adequately managed
Output related Outcome 1	1.2 Increased international support for accountability for serious human right violations informed by sound evidence	Number of CS-led advocacy strategies and campaigns to promote full respect for the rule of law standards and processes funded by the EU.			Programme reports. Management reports, articles etc. produced by the project. Traditional and online (incl social) media metrics.	Stakeholders share a common understanding of priorities
Output related outcome 1	1.3 Enhanced victim-centered approach in the fight against impunity;	Number of persons directly benefitting from legal aid interventions supported by the EU (EURF level 2).disaggregated by sex and age			Programme reports. Key stakeholder interviews.	Governments allow for engagement by their citizens and do not close civic space
Output related outcome 1	1.4 Improved capacities to investigate serious human rights violations and abuses and to improve access to justice	Number of state and non-state actors (individuals) trained by the EU-funded intervention with increased knowledge and/or skills on human rights principles and contemporary human rights challenges in regional, national or international context, disaggregated by sex and age			Programme reports. EU intervention monitoring and reporting systems: database of training participants, pre- and post-training tests	Sufficient will and availability of CSOs to participate in activities
Output 1 related Outcome 2	2.1 Strengthened capacities of the Office of the UN High Commissioner for Human Rights, including human rights treaty bodies and special procedures, to investigate serious human rights violations (MIP indicator for OHCHR)	At least one annual high-level consultation performed with OHCHR on joint interests and priorities. Five emergency deployments to potential or emerging crises, for purposes of early warning and prevention, and to emergency situations,			Summary provided by responsible unit. Programme and financial reports.	EU and OHCHR share a common understanding of priority of activities.

		<p>including humanitarian emergencies carried out.</p> <p>Support services provided in five cases to improve the information collection of investigative bodies, information management and analysis, and the visualisation and presentation of that information</p>				
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4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

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

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 84 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 measures¹⁶.

4.3.1. Direct Management (Grants)

Grants: (direct management)

(a) Purpose of the grant(s)

Setting up an Observatory on the Fight Against Impunity as a flagship initiative contributing to closing the accountability gap and amplifying the voice of victims of serious human rights violations and abuses.

(b) Type of applicants targeted

NGOs, foundations, public bodies, international organisations, academic bodies, non-for-profit organisations; grants can be given to individual organisations or consortia.

4.3.2. Indirect Management with a Member State Organisation, an EU specialised agency or an international organisation

A part of component 1 may be implemented in indirect management with Eurojust, the EU Agency for Criminal Justice Cooperation. Eurojust hosts the **Genocide Network** (European Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes), which was established in 2002 by the Council of the EU to enable close cooperation between national authorities investigating and prosecuting core international crimes. This implementation entails undertaking all necessary actions, including through procurement and grants award procedures as relevant, to achieve the various outputs of the action with a particular emphasis on output 1.4. Tasks may include inter alia: technical assistance, capacity building, carrying out analysis and assessments, workshops/training/events and development of tools. The envisaged entity has been selected using the following criteria: core mandate, and operational and financial capacity. As an EU agency, Eurojust has the specific mandate to coordinate the work of the EU Genocide Network. Furthermore, the Commission has adopted a proposal on the collection, analysis and storage of evidence at Eurojust to support member states' actions to combat genocide, crimes against humanity and war crimes. Eurojust has previous expertise in terms of the provision of assessment, advice and training and engaging with authorities in 3rd countries. Eurojust possesses a high degree of competence

¹⁶ 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.

and degree of specialisation necessary to implement and add value to the proposed action and has the necessary operational capacity to undertake this action.

Component 2 will be implemented by OHCHR. OHCHR has been selected because of its unique mandate from the international community to promote, protect and fulfil all human rights. It supports the work of the United Nations human rights mechanisms, including the treaty bodies established to monitor State Parties' compliance with the core international human rights treaties, the special procedures of the Human Rights Council and the more recent accountability instruments like commissions of inquiries and fact-finding missions and investigations established by the Human Rights Council.

4.3.3. Changes from indirect to direct management mode

If the above-mentioned implementation modalities under chapter 4.3.2 cannot be implemented due to exceptional circumstances, the parts of this Action in indirect management may be replaced by direct management through the award of grant contracts or the procurement of services.

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 (amount in EUR)	EU contribution (amount in EUR)	Third-party contribution, in currency identified
Implementation modalities – cf. section 4.3		
Outcome 1		
4.3.1. Direct management – grant(s)	17 860 000	N. A.
Indirect management	3 000 000	
Outcome 2		
Direct management – grant		N.A.
Outcome 2		
Indirect management	3 500 000	N.A.
Evaluation – cf. section 5.2 Audit – cf. section 5.3	will be covered from another decision	
Total	24 360 000	

4.6. Organisational Set-up and Responsibilities

Outcome 1 may be steered or advised by a committee including representatives from EU institutions and possibly other intergovernmental bodies such as OHCHR.

Activities under outcome 2 will stem out of the strategic and policy dialogue between OHCHR and EU institutions, while respecting the mandate of OHCHR.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

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).

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, mid-term and/ or final evaluation(s) may be carried out for this action or its components via independent consultants contracted by the Commission and/ or via an implementing partner.

It will be carried out for problem solving, accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that this action is a pilot being tested.

Adequate gender equality expertise will be ensured in monitoring and evaluation teams.

The Commission shall inform the implementing partner at least one month in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination¹⁷. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, 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(s) contracted by the Commission 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.

¹⁷ See best [practice of evaluation dissemination](#)

7. 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.

As per Article 47 of Regulation (UE) 2021/947 on derogations from visibility requirements, security issues or political sensitivities may make it preferable or necessary to limit communication and visibility activities in certain countries or areas or during certain periods. In such cases, the target audience and the visibility tools, products and channels to be used to promote a given action will be determined on a case-by-case basis, in consultation and agreement with the EU.

APPENDIX 1 REPORTING IN OPSYS

An Intervention¹⁸ (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 3: Contract level		
<input checked="" type="checkbox"/>	Group of contracts 1	Each contract will be a PINTV

¹⁸ [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](#).