



# **External Evaluation of the European Instrument for Democracy and Human Rights (2014 – mid 2017) Final Report Executive Summary June 2017**

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## **External Evaluation of the European Instrument for Democracy and Human Rights**

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# Evaluation of the European Instrument for Democracy and Human Rights (2014-2020)

## Final Report – June 2017

### Executive summary

This report is part of the evaluation of the European Instrument for Democracy and Human Rights (EIDHR) 2014-2020<sup>1</sup>, which itself is part of a series of evaluations of the European Union's External Financing Instruments (EFIs) designed to feed into the Mid-Term Review of the EFIs required by the Common Implementing Regulation (CIR)<sup>2</sup> before the end of 2017. The **purpose** of the evaluation was to identify key lessons to improve current and inform future choices and to provide an overall independent assessment of the instrument. The **specific objectives** were to provide the relevant external relations services of the European Union (EU) and the wider public with an independent assessment of the EU's EFIs, including complementarities and synergies between the given EFI and each of the other EFIs; and to inform the programming and implementation of the current EFIs, as well as the next generation of the EFIs. **Evaluand:** The evaluation assessed whether the 2014-2020 EIDHR<sup>3</sup> is fit for purpose to deliver EU resources towards EU's external policy, both at start of the planning period (2014) and currently, and considered the place of the EIDHR - its complementarities and synergies - within the wider set of EFIs. The main **evaluation users** include the European Commission, the European External Action Service (EEAS), the Council of the European Union, and the European Parliament.

The **methodology** employed involved primarily measuring the EIDHR against its **intervention logic** and the **key assumptions** contained therein, structured around six evaluation questions (relevance; effectiveness, impact and sustainability; efficiency; added value; coherence, consistency, complementarity and synergies with other EFIs; and political leverage). The evaluation was designed to include as many views and opinions as possible and included a comprehensive document review of all relevant regulations, policies, reports and evaluations; consultations with various senior staff of the Commission's Directorate-General for International Cooperation and Development (DEVCO), internal and external stakeholders; a series of country visits (Peru, Israel, Palestine and Uganda) and desk studies (Russia and Pakistan) during which evaluators met with or consulted EU Delegation management and senior staff, Member States, other key development partners (DPs), and beneficiaries; and a questionnaire sent to all Delegations to complete. The draft report was placed online as part of an open consultation process during which, comments and contributions were solicited from a wide range of internal and external stakeholders, organisations, associations and members of the public. A technical workshop was also held with representatives of Member States and the European Parliament to allow feedback on the draft report.

The main challenges encountered during the evaluation were:

- Many of the actions supported under the EIDHR have only started to be implemented and it is thus too soon at this stage to measure impact and

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<sup>1</sup> Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 85.

<sup>2</sup> Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 95. The CIR (was adopted in March 2014 to provide a single set of rules for the implementation of the Development Cooperation Instrument (DCI), the European Neighbourhood Instrument (ENI), the EIDHR, the Instrument contributing to Stability and Peace (IcSP), the Instrument for Pre-Accession Assistance (IPA) II, and the Partnership Instrument (PI). Prior to this, implementing rules were included in each separate instrument.

<sup>3</sup> Except where otherwise noted, references to the 'EIDHR' in this report refer to the 2014-2020 instrument. The evaluators have been required to compare the current EIDHR (2014-2020) with the previous EIDHR (2007-2013), when relevant.

sustainability - as a result, the focus of the evaluation, and the assessment of effectiveness in particular, is at the output level.

- Significant levels of support provided to civil society organisations (CSOs) and human rights defenders (HRDs) in situations where human rights and democracy are most at risk and where the space for civil society is increasingly shrinking<sup>4</sup> is provided confidentially. While this support only amounts to 9.13% of the overall EIDHR amount contracted over the period 2014-2016, great care is taken by DEVCO to protect the identities and safety of the HRDs and CSOs supported this way and the evaluators were only provided with broad data related to this support. As a result, concerns raised by some external stakeholders that insufficient support is provided to CSOs and human rights defenders (HRDs) that are most at risk cannot be countered even though such support may well be provided under the EIDHR.
- Strategic and operational indicators to measure results were not yet fully in place or linked to the EIDHR performance assessment framework. While these have been revised, their absence during the consultation phase made measuring effectiveness and results difficult.

### **Key findings**

**The 2014-2020 EIDHR was relevant at the time of adoption (1 January 2014) and has remained relevant since then.** The EIDHR was congruent with the major human rights and democracy challenges worldwide at 1 January 2014 and was based on all major EU policies and guidelines at the time. Since its adoption on 1 January 2014, it has continued to reflect beneficiary needs when it comes to human rights and democracy, including new and evolving challenges. The instrument continues to reflect new EU priorities and is thus well placed to contribute to the implementation of new policy and remains a critical tool in the EU tool-box when it comes to human rights and democracy. With its focus on gender equality, women's rights, child rights, rights of vulnerable groups, economic, social and cultural rights (ESCR), and support to environmental HRDs, the EIDHR is already contributing to achieving the Sustainable Development Goals (SDGs) of the 2030 Agenda and will be a key instrument when it comes to the new European Consensus on Development.

**The EIDHR is effective and, while it is early in the implementation process, evidence of impact and sustainability were found.** Programming and implementation have seen a marked increase in support to HRDs, economic, social and cultural rights (ESCR), vulnerable groups (such as Lesbian, Gay, Bisexual, trans-sexual and intersex (LGBTI) persons) and key international, regional human rights and national instruments, mechanisms and actors. Support to those CSOs most affected by the shrinking space for civil society has also improved under the Human Rights Crisis Facility while the EIDHR is the key EU EFI when it comes to developing the rights-based approach to development. The effectiveness, value for money and impact of support to HRDs at risk in particular is important - for the small 'investment' of no more than EUR 10,000, numerous lives have potentially been saved while HRDs supported this way are able to continue to fight for democracy and human rights in their home countries – whether at home or whilst abroad. Support continues to be provided to other key human rights issues including women's rights,

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<sup>4</sup> The 'shrinking space for civil society' is a term used to illustrate that, in many countries, it is becoming increasingly difficult for CSOs to operate. For example, some countries forbid or limit CSOs from receiving foreign funding. In others, regulations requiring CSOs to register with a government authority are used to prevent organisations from receiving funding by prohibiting funding of unregistered organisations and then refusing to register those working on issues the government does not agree with (such as torture or LGBTI rights). In some countries the approach is far less subtle, with government prohibiting certain types of organisations or criminalising certain activities as well as subjecting members of civil society to harassment, surveillance, imprisonment and even death.

human dignity and the fight against discrimination and to new EU priorities (particularly forced migration and indirect support to peace and security). The level of support to democracy has remained relatively stable compared to support under the previous EIDHR (2007-13), but more than half (55%) has focused on civic education and domestic accountability, with less support to political parties and Parliaments (although actions in these fields are to be launched during 2017). While recognising that the reliability of elections depends on a range of factors outside the EU's control, the focus on election observation has increased in the current period (2014-17) compared to the period covered by the previous MIP (2011-13), follow up to election observation missions (EOMs) has improved, and there are indications that election observation is contributing to the overall and specific objectives of the EIDHR. Election observation is a flagship project not only for the EIDHR but for the EU as a whole – it is clearly the leader in this area - and the benefits to the EU and the countries involved are considerable. Significant support has also been provided, in line with Specific Objective 5, to targeted key actors and processes, including international and regional human rights instruments and mechanisms such as the Office of the High Commissioner for Human Rights and the International Criminal Court (amongst others). Coupled with the fact that a significant amount of support under both global calls and the Country Based Support Scheme (CBSS) goes to larger international organisations, some stakeholders raised concerns that less support is provided to locally based CSOs as a result. While the data does suggest that the balance has shifted in favour of international and European-based CSOs and international organisations, most of the confidential support provided under the current EIDHR is focused on local CSOs and HRDs that, when added to that provided directly to local CSOs, shows that support to local CSOs and HRDs under the current EIDHR accounts for around 70% of the number of actions and 41% of the funds. There is also a good balance between support to human rights and support to democracy under the current Regulation.

**The EIDHR is becoming increasingly efficient:** support expenditure has remained stable and low (around 7.5% of the overall budget); there has been an improvement in the 'disbursement rate' (time taken from commitment to payment); and the average size of contracts has increased in the current period. The EIDHR has also made very good use of the possibilities for flexibility in the CIR and Financial Regulation that have allowed it to respond more quickly to human rights and democracy crises and emergencies than the previous EIDHR. However, there appears to be some reluctance on the part of EU Delegations (EUDs) to make use of new rules and additional efforts should be made to highlight all possibilities to EUDs. At the same time, the bulk of actions under the EIDHR rely on the standard call for proposals (CfP) process for all EU grants. This process is difficult for CSOs to navigate and is slow, labour intensive and time consuming for EU staff. Monitoring and evaluation takes place both at Delegation and HQ levels, but this has been hampered to some extent by the lack of clear indicators at instrument level during the bulk of the current evaluation (although these have since been revised).

**The EIDHR is able to fill gaps, add value, and complement support provided by Member States and other major DPs.** The EU is the only DP to combine support to human rights and democracy so comprehensively in its policies and priorities, and is by far the biggest DP when it comes to support to human rights in particular. Although the financial envelope is comparatively small when compared to that available to Member States in some countries, the EIDHR has a worldwide focus (unlike Member States) and a more holistic approach to democracy and human rights (when compared to most UN Agencies). Member States and other major DPs consulted during country visits generally confirmed the EIDHR is complementary to their support and, in addition to support to election observation where the EU

remains the main DP, good examples of complementarity and the ability of the EIDHR to fill gaps were found.

**The EIDHR has numerous unique features that allow it to complement support provided under other EFIs.** The intervention logic of the EIDHR is heavily based on an assumption that the EIDHR will complement other tools for implementing EU policies (including political and other dialogues and financial support and technical cooperation provided under geographic and other thematic EFIs) and good evidence of complementarity and synergies with other EFIs was found – not least in the fact that the EIDHR is able to provide support to CSOs without government approval or buy in, that in turn allows support to be provided to CSOs working on issues that government has no interest in addressing, and the ability to support unregistered organisations and individuals that may otherwise be precluded from receiving foreign donor funds. The EIDHR is also the only EFI that provides direct support to election monitoring that is able to complement support to democracy under geographic instruments, and is one of very few instruments able to provide support to civil society in countries that have graduated (and thus no longer qualify for support under geographic programmes) and in countries where no Delegation and/or no geographic programmes exist.

**Support under the EIDHR also contributes to increased political leverage.** EIDHR support has significantly contributed to the ability of civil society and national human rights institutions to advocate and lobby for reforms – including support to lobby the EU itself – and many of the HRDs temporarily located in Europe or elsewhere under the Emergency Fund also conduct advocacy and lobbying activities while outside of their home countries. Support to beneficiaries in turn provides EU HQ and Delegations with considerable input into political and other dialogues. EOM findings and recommendations also create space for diplomacy and dialogue on electoral reform and have led to reform in at least some partner countries. And support under the EIDHR is also able to complement other policy tools like the EU's generalised scheme of preferences ('GSP').

### **Main conclusion and recommendations**

The EIDHR is largely fit for purpose and no legislative modification of the instrument or any delegated act to modify the annex is required until the end of the period. However, some recommendations are made, particularly when it comes to programming and implementation. These point to the need to allocate more funding to HRDs at risk and to address the shrinking space for civil society; to make the allocation of grants under the CBSS more strategic; to increase diplomacy, political dialogue and other means in graduated countries; and to use the EIDHR more effectively to follow up recommendations from election monitoring.