



The European Union's EIDHR Programme

**Evaluation and recommendations on EIDHR support to  
Human Rights Defenders**

**FWC Contract n° 2009/226296  
BENF 2009– lot nr 7- Governance and Home Affairs**

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# **FINAL REPORT**

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This report was written by Abigail Hansen

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I wish to thank all those who agreed to participate in this Evaluation, and who are named in Annex II of this Report. The role of an evaluator is in large part to synthesise the collective knowledge and experience of a broad range of interlocutors; the quality and transparency of the information that they provided was essential to this evaluation, and their warmth and generosity of spirit made my task both enjoyable and rewarding. I wish to thank in particular the human rights defenders who shared their often harrowing stories and their extraordinary insights. May their courage and their struggle continue to be an inspiration to us all.

Abigail Hansen, March 2010

*In memoriam Floribert Chebeya Bahizire*

Many readers of this Report will have worked with Floribert Chebeya Bahizire, Executive Director of the Congolese organisation Voix des Sans Voix, and a leading and outspoken human rights defender. On 2 June 2010, just as this report was being finalised, Mr. Chebeya was found dead in Kinshasa, and his colleague Fidèle Bazana reported missing, in circumstances that are yet to be elucidated.

Mr. Chebeya contributed actively to this evaluation, and his observations were essential in formulating its conclusions concerning not only the specific threats faced by his fellow defenders in the Democratic Republic of the Congo, but more generally how power can be abused to oppress the “voiceless” and those who protect them.

Mr. Chebeya eloquently and calmly described the attacks on him, his organisation and his colleagues: harassment, imprisonment and ill-treatment, baseless criminal charges designed to instil silence, and a general climate of intolerance and suspicion. His courage in the face of the very real threats against him was both humbling and inspiring.

His recommendations were simple and direct: the EU Guidelines should be fully implemented; requirements of EU Member States for obtaining asylum should be harmonised and simplified in affected countries; trial observation, which he considered highly effective, should be used more extensively as a protection strategy; and local support and rapid response mechanisms should be established.

He expressed enormous gratitude for the crucial support provided by many international organisations during his darkest moments, including political pressure on the government, medical assistance for the injuries he had sustained, and the sentiment that he was never forgotten, never abandoned.

And yet... Mr.. Chebeya's final remark for this Evaluation was as follows: We're afraid. We need protection. Tragically, it would seem that the international community could not protect him from what was certainly foreseeable, but should never be inevitable.

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## ABBREVIATIONS, ACRONYMS AND GLOSSARY

<b>ASF</b>	Avocats sans Frontières (France)
<b>BfdW</b>	Brot für die Welt
<b>CAT</b>	UN Convention Against Torture
<b>CCC</b>	Clean Clothes Campaign
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>CfP</b>	Call for Proposals
<b>CSO</b>	Civil Society Organisation
<b>Defenders</b>	Human rights defenders (see also HRD)
<b>DRC</b>	Democratic Republic of the Congo
<b>DS</b>	<i>Dimension Sociale</i>
<b>EC</b>	European Commission
<b>EUD</b>	European Union Delegation
<b>EIDHR</b>	European Instrument for Democracy and Human Rights, formerly European Initiative for Democracy and Human Rights
<b>EMHRF</b>	Euro-Mediterranean Foundation of support to Human Rights Defenders
<b>EU</b>	European Union
<b>EU Guidelines</b>	EU Guidelines on Human Rights Protectors
<b>FIDH</b>	<i>Fédération Internationale des droits de l'Homme</i>
<b>Front Line</b>	International Foundation for the Protection of Human Rights Defenders
<b>HRC</b>	Human Rights Centre (Georgia)
<b>HRD/ HRDs</b>	Human rights defender/ Human rights defenders
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IWPR</b>	Institute for War and Peace Reporting
<b>LogFrame</b>	Logical Framework
<b>Member States</b>	Member States of the European Union
<b>MONUC</b>	United Nations Mission in Congo
<b>NGO</b>	Non-Governmental Organisation
<b>OMCT</b>	<i>Organisation Mondiale Contre la Torture</i>
<b>Platform</b>	The 5th Dublin Platform for Human Rights Defenders
<b>PI</b>	Protection International
<b>RSF</b>	<i>Reporters sans Frontières</i>
<b>ToR</b>	Terms of Reference
<b>UN</b>	United Nations
<b>UN OHCHR</b>	United Nations Office of the High Commissioner for Human Rights

## GLOSSARY

In the context of this Evaluation some key terms are to be understood in the following manner:

<b>Applicant</b>	The lead organisation within a project partnership that submitted a proposal pursuant to the Programme CfP. Cf. <i>Beneficiary</i> below.
<b>Associate</b>	Organisations/institutions that play a real role in the project and its activities, but may not receive funding from the grant.
<b>Beneficiary</b>	The lead organisation within a project partnership that submitted a proposal under the Programme CfP, which was subsequently accepted by the EC, with which they share a contractual relationship.
<b>Expert</b>	The expert engaged to conduct the current evaluation, Ms. Abigail Hansen.
<b>Partner</b>	The organisation(s), other than the applicant/beneficiary, which are members of the partnership, or group of organisations implementing a project.
<b>Project</b>	The entirety of the activities intended or undertaken by a Beneficiary pursuant to its contract under the Programme.
<b>Programme</b>	The EIDHR Programme of Support to Human Rights Defenders.
<b>Stakeholders</b>	A broad term, encompassing final beneficiaries, target groups, and other persons directly or indirectly implicated in or affected by a project or its activities.
<b>Re-granting</b>	Financial support that may be given to third parties by the Beneficiary where the implementation of the action so requires <sup>1</sup>

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<sup>1</sup> Subject to EC financial and implementation conditions; see:  
[http://www.ec.europa.eu/budget/documents/implement\\_control\\_en.htm](http://www.ec.europa.eu/budget/documents/implement_control_en.htm)

## 1 EXECUTIVE SUMMARY

### 1.1 BACKGROUND TO THE EVALUATION

The European Commission (EC) contracted a consortium led by SOFRECO pursuant to Request for Offer N° 2009/226296, to conduct an evaluation and formulate recommendations on EIDHR support to Human Rights Defenders. The evaluation was carried out from January to March 2010, and covered the 11 projects that were funded under the EIDHR. The global objective of the evaluation was to provide the EC with an assessment of the quality of the actions financed under the EIDHR in support of HRDs from October 2008 to February 2010, with recommendations on how to improve this support in order to better respond to future needs for protection of HRDs. The specific objectives required the Expert to:

- provide an evaluation of the first phase of implementation of the Programme;
- make recommendations on how to improve EIDHR support to HRDs; and analyse the added value of the actions financed under the EIDHR in support of HRDs.

The evaluation was a quantitative and qualitative analysis of the relevance, efficiency, effectiveness, impact and sustainability of the Programme. The Evaluation was structured and conducted around an inquiry framework comprised of a number of evaluation questions, to which the Expert sought relevant, accurate and concise responses.

### 1.2 EIDHR SUPPORT TO HRDs

The EIDHR aims to provide support for the development and consolidation of democracy and the rule of law in third countries. One of its main priorities for 2007 – 2010 was supporting actions on human rights and democracy issues on which EU Guidelines have been adopted. The EU Guidelines on human rights defenders provide a concrete and practical tool to support and strengthen efforts to encourage respect for the right to defend human rights. Additional support to human right defenders is provided under the EIDHR Strategy Paper 2007-2010 at Objective 3. A Call for Proposals was launched in 2007, which resulted in the selection of eleven civil society projects providing support to HRDs.

### 1.3 THE BENEFICIARIES AND THE PROJECTS

The beneficiary organisations ranged from large international human rights structures, to specialised global organisations, organisations with sector approaches, through to smaller regional initiatives. The duration of projects was from 24 to 36 months, and their size ranged from approximately €500,000 to €1,800,000. Several projects focused on particular regional concerns, whereas others were truly global in their scope. Some projects focussed on sector-specific approaches at a global level. The projects addressed a broad range of themes, activities and target groups, including: direct assistance to defenders; permanent emergency-response services; training activities; monitoring and international alerts; strengthening of national and international protection mechanisms; creating networks; and capacity building of local organisations.

#### 1.4 MAIN FINDINGS

While the 2007 Call for Proposals allowed for a broad range of activities and approaches, the Expert considers that the CfP needs to provide more strategic and targeted guidance to organisations, and the final selection of projects should be more strategic. The Expert observed the difficulty in providing direct assistance to local organisations, and consideration should be given to making CfP procedures and eligibility requirements more flexible, and encouraging re-granting activities. The Expert noted difficulties related to project selection criteria and procedures, resulting in the selected projects lacking a cohesive strategic purpose, which may have contributed to other secondary problems. Other project selection challenges included: reconciling political realities with the need to support projects in the field; a high risk of duplication in the selected projects; insufficient consideration given to the contribution and capacity of project partners, and analysis as to whether projects address truly regional issues; and cumbersome CfP evaluation procedures. The Expert provides examples of modalities that could be applied to ensure a more strategic selection of projects. Organisations have difficulty defining and balancing qualitative and quantitative impact indicators, and the Expert considers the EC could provide stronger guidance in this regard.

The Expert applauds the flexibility, openness and responsiveness that have been demonstrated by EIDHR in its management of the HRD Programme, however observed problems of communication and coherence on HRD issues between the various EC and institutions; the Expert concludes that efforts in this regard should be intensified, despite the political difficulties that can arise in applying EU HRD Guidelines. Issues relative to the handling of sensitive information by the EC, specific protection that can be offered to Beneficiaries in the field, and misgivings concerning local personnel in EU Delegations also need to be proactively addressed.

EIDHR-funded activities in support of HRDs have been generally highly relevant, however certain factors diluted this relevance, for example through over-representation of certain approaches and activities. The overall effectiveness and impact of the Programme is beyond question, with some activities and approaches demonstrating significant results. The attribution of results was difficult to objectively assess in some cases, for example due to overlapping of some activities, or a lack of delineation of project activities from organisations' general activities.

There is a surprising lack of communication and cooperation between beneficiary organisations, and little sharing of *savoir-faire* and tools; local capacity building is fragmented and inconsistent; and organisations seem to rely disproportionately on "country of origin" resources. Difficulties also exist relative to follow-up and feedback mechanisms. Organisations experience difficulty in hiring and retaining experienced personnel, and the EC could take a proactive role in spearheading discussions in this regard.

Programme management by beneficiaries was uneven: several projects seem to have been over-ambitious in their activities; there have some problems in the structuring and implementation of timeframes; and there is strong divergence in the cost-effectiveness of projects. The Expert observed inconsistency in the sustainability of results, mostly divided by activity types. Virtually all projects have a strong gender perspective and adequately address gender-specific issues. There appears however to have been little cross-fertilisation of ideas and approaches, or the development of strategies, relative to related issues such as torture, the death penalty, or at-risk countries and regions. The visibility of Projects and their activities is often poor, with a related impact on the visibility of EU support.

## 1.5 MAIN RECOMMENDATIONS

### 1.5.1 Main recommendations to the European Commission

It is respectfully recommended to the European Commission that it takes all reasonable steps to:

1. Provide more comprehensive and specific Guidelines pursuant to Calls for Proposals, in order to achieve more strategic and targeted support to HRDs;
2. Facilitate greater access to EU support by local organisations or coalitions;
3. Ensure that implementing partnerships are genuine and balanced, through *inter alia* the requirement of clear contractual relationships, and the demonstration of an active exchange of capacity and resources;
4. Formulate and disseminate appropriate and qualitative impact indicators, to provide guidance to applicants in the design of relevant and effective projects;
5. Ensure a cohesive and strategic approach in the *overall* selection of projects;
6. Ensure a more *qualitative* approach to the evaluation of applications received under Calls for Proposals;
7. Maintain the considerable flexibility, openness and responsiveness that have been demonstrated in EIDHR management of the HRD Programme to date;
8. Ensure consistent, even and adequate implementation of EU Guidelines on Human Rights Defenders;
9. Take active measures to maintain and improve communication, coordination, harmonisation and coherence between the EC in Brussels, EU Delegations, EU institutions, and EU Member States;
10. Clarify and communicate to Beneficiary organisations relevant information concerning:
  - a. The handling of sensitive or confidential information provided by Beneficiary organisations;
  - b. The extent to which protection is available to Beneficiary organisations or their partners in the field;
  - c. The procedures and recourse available to Beneficiary organisations who wish to raise any serious issues of security, confidentiality or partiality, including relative to EU Delegation personnel.

### **1.5.2 Main recommendations to EC Beneficiary Organisations**

It is respectfully recommended to EC Beneficiary organisations that they take all reasonable steps to:

11. Ensure greater clarity and transparency in the attribution of their results;
12. Establish and maintain a stronger delineation of project activities;
13. Increase and improve their communication and cooperation activities with other Beneficiary organisations;
14. Increase the quantity and strategic quality of their local capacity-building activities;
15. Take stronger measures to engage the support of EU Delegations and the international and diplomatic community;
16. Diversify and increase their mechanisms of institutional support;
17. Strengthen follow-up and feedback mechanisms;
18. Raise problems with the EC at the earliest possible opportunity;
19. Take stronger measures to improve visibility.

### **1.5.3 Main recommendations to all parties**

It is respectfully recommended to all the above-mentioned parties that they take all reasonable steps to:

20. Examine and address the needs of particular targeted groups and current trends in violations;
21. Assume a *shared responsibility* to maintain strong communication channels;
22. Actively mainstream cross-cutting and related issues, such as gender, torture, and the death penalty, into activities and approaches.

## 2 INTRODUCTION

### 2.1 ANALYSIS OF THE PROGRAMME CONTEXT

Human rights defenders are persons who, individually or with others, act to promote or protect human rights. They are afforded special protection under the UN Declaration on Human Rights Defenders<sup>2</sup>, and supporting their activities is one of the major priorities of EU external policy in the field of human rights (see 3. *EIDHR Support to HRDs* below).

This particular attention is warranted due to the extreme challenges faced by Defenders in many regions of the world. They are instigators of change by their very nature, and are often seen as challenging established power structures. Repression is tragically a common response, leading to violations of HRD's human rights for the "crime" of protecting the fundamental freedoms of others. These violations are not only of the provisions of the UN Declaration on HRDs, but of virtually all the principal UN human rights instruments – the UN Declaration on Human Rights, the Convention Against Torture, the CEDAW, amongst many others – and include executions, disappearances, torture, rape, beatings, arbitrary arrest and detention, through to restrictions on freedoms of movement, expression, association and assembly. Defenders are often subjected to bogus and unfair trials and conviction, or are imprisoned without charge and held indefinitely in appalling conditions. They are defamed, humiliated, harassed, and even rejected by fearful members of the very communities they are trying to protect. Their funds are confiscated or frozen, their premises and equipment ransacked or destroyed, they are subjected to fruitless rituals of compulsory registration of their organisations, they are struck off professional registries, such as Bar Associations, and thus prevented from continuing their work. Violations can target human rights defenders themselves, the organizations for which they work, and – worst of all – their families. Violations may be of both international and national law, and often the domestic legislation used against defenders itself contravenes international human rights law. It tragically appears that only the limits of human imagination restrict the scope of this grotesque, asymmetrical and *unilateral* warfare.

It is important to examine the needs of particular targeted groups, and current trends in violations, in order to predict and proactively address the challenges of HRDs in their own countries and contexts<sup>3</sup>.

*Targeted groups:*

- Those who address human rights deemed *sensitive or controversial* are more generally targeted for attack, depending on the region, country and political, economic, social and cultural factors and interests concerned.
- *Women defenders* are more at risk of suffering certain forms of violence, and are targeted by various sectors of the social and political establishment through prejudice, exclusion and repudiation, sexual and other forms of harassment, and sexual violence.

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<sup>2</sup> <http://www2.ohchr.org/english/issues/defenders/declaration.htm>

<sup>3</sup> See Recommendation 24

- Defenders working to promote *economic, social and cultural rights* touch many complex political and development issues, and are often specifically targeted by governments, even relative to previously “safe” issues such as children’s and education rights. At the same time, such defenders are left in limbo by the international community and donor agencies, since their work is not always recognised as human rights work under “traditional” mind-sets, where civil and political rights predominate.
- Defenders working to promote the rights of *minorities, indigenous peoples and lesbian, gay, bisexual and transgender people* are at particular risk of violations, and may even be marginalised by the “general” human rights community with which they work.

**Current trends in violations:**

- *Stigmatisation:* Human rights defenders are branded terrorists, enemies of the State or political opponents by State authorities and State-owned media. This is used to de-legitimise their work, and contributes to the perception that they are legitimate targets for abuse by State and non-State actors, as well as members of the general community.
- *Defamation proceedings:* Authorities and non-State actors increasingly use civil and criminal defamation suits against defenders. This has a serious impact on the freedom of opinion and expression and the activities of civil society organisations; fines and prison sentences neutralise defenders, while the threat of proceedings results in self-censorship and reduced human rights monitoring.
- *Prosecution and criminalisation of activities:* States increasingly resort to prosecution to violate the human rights of defenders; they are arrested and prosecuted on false charges, detained without charge, and refused access to lawyers or medical care. Often national security, public safety or “state secret” and “emergency” laws are passed or invoked to justify such actions.
- *Non-State actors:* Defenders are increasingly threatened by a growing number of non-State actors, including guerrillas, private militias, vigilante groups, armed groups, and private companies.
- *Compulsory registration of organisation:* While not *ipso facto* a rights violation, the tactic employed by an increasing number of State authorities requiring lengthy and complex “registration” by organisations – with inevitable refusal – constitutes a particular challenge for defenders, since they are prevented from carrying out their work, or are impelled to do so “illegally”. This also serves to restrict access to sources of financing, given the strict eligibility criteria required by many international donors.

## **2.2 OBJECTIVES OF THE EVALUATION**

This evaluation has been prepared pursuant to Request for Offer N° 2009/226296 *Evaluation and Recommendations on EIDHR support to Human Rights Defenders* (see Annex 3 – Terms of Reference).

The *global objective* of the evaluation was to provide the European Commission with an *assessment of the quality of the actions* financed under the EIDHR in support of HRDs from October 2008 to February 2010, as well as with *recommendations on how to improve this support* in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities. A new call for proposals is to be launched later in 2010, and it was considered that such an evaluation and recommendations would be “*an important asset during the elaboration of the future Guidelines for grant applications of this Call*”<sup>4</sup>.

The *specific objectives* required the Expert to:

- 1 Provide an evaluation of the first phase of implementation of the eleven projects in support of HRDs, in particular to evaluate their pertinence and relevance, and to assess the effectiveness in the provision of timely assistance to HRDs at risk;
- 2 Make recommendations on how to improve EIDHR support to HRDs;
- 3 Analyse the added value of the actions financed under the EIDHR in support of HRDs, to ensure their complementarities and the risk of overlapping with other actions financed under the EIDHR.

The scope of the evaluation was the EIDHR Projects in support of human rights defenders for the period referred to above (see *Annexe 4 – List of Beneficiaries and Projects*). The *users of the evaluation and recommendations* would be principally the selected human rights defenders organisations and the Commission services involved in the management of EIDHR projects on HRDs.

### 2.3 METHODOLOGY

The Expert is a qualified lawyer with over 20 years experience in international and domestic human rights litigation and policy, programme formulation, management and evaluation; she has expertise in the fields of due process and rule of law; remedies for victims of human rights violations; international justice and combating immunity; capacity-building of civil society; and institutional reform.

The evaluation was a quantitative and qualitative analysis of the relevance, efficiency, effectiveness, impact and sustainability of EIDHR Programme of support to HRDs. The Expert adopted an “appreciative enquiry” approach, seeking to build on the positive outcomes of projects, while identifying challenges and formulating appropriate conclusions. The Evaluation was structured and conducted around an inquiry framework comprised of a number of *Evaluation questions*, to which the Expert sought relevant, accurate and concise responses. Given that the Evaluation aimed to address not only the relevance and effectiveness of the Projects themselves, but also that of EIDHR support to HRDs, the Evaluation questions were dual-pronged. They were provided in the Inception Report (see *Annexe 5*), and can be summarised as follows:

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<sup>4</sup> ToR Part 2 §1

*Relevance, effectiveness and efficiency of EIDHR Support to HRDs*

*Key questions:*

To what extent did EIDHR support HRDs during the evaluation period?

How can EIDHR improve its future support to HRD?

*Relevance, effectiveness and efficiency of the Projects*

*Key question:*

To what extent did the Project support HRDs during the evaluation period?

In the course of the Evaluation, these questions served more as a theoretical framework than a strict template. The Evaluation took into account a number of key issues, including: the differing mandates, approaches and activities, management styles and implementation processes of beneficiaries, as well as their differing degrees of experience; the size and scope of the Projects, and their stages of implementation; the specific challenges of certain defender groups as outlined above; the security risks faced by beneficiaries, including in the formulation of recommendations; the stability and political realities in target countries and regions; and the feasibility of implementing the final recommendations.

The Expert performed the principal activities as outlined in the Methodology (see *Annexe 7 – Methodology*), which can be grouped as followed:

-*Desk Study*: Initial briefing; initial contact with beneficiaries & stakeholders; document analysis; preparation of work plan; preparation of evaluation questions.

-*Field Visits*: Conduct of project/ beneficiary visits and field trips; conduct of interviews; collection of additional project documents.

-*Reporting*: Conduct of detailed analysis of EIDHR supported projects, and development of recommendations; drafting Inception Report; drafting Preliminary Observations; drafting internal Final Report; drafting external (present) Final Report.

The Expert identified a full range of interviewees and obtained their views through semi-structured interviews. In addition to visits to the beneficiary organisations, the ToR required the conduct of one or two field visits outside the EU, to allow the Expert to observe representative on-the-ground activities and assess their impact, and meet with local partners and beneficiaries of projects. The Expert attended the 5<sup>th</sup> Dublin Human Rights Defenders Platform and also conducted a field trip to Kinshasa. These visits form the basis of two Evaluation “case-studies” (see 5.5 – Case Studies below), with general observations integrated into the evaluation findings and recommendations.

As anticipated in the preliminary Methodology prepared in response to the Request for Offer, considerable co-ordination, timing and logistical challenges arose, due to the Evaluation’s relatively dense time-frame and its justifiably strong emphasis on meeting with beneficiaries and their partners *in situ*. The timeframes allowed for the required visits was therefore far too short, and is the reason for which a second visit outside the EU could not be conducted. In addition, the large number of projects and countries to be visited within the required time frame impacted on the depth of enquiry and analysis, since the Expert was unable to conduct all the intended interviews.

In addition, the implementation period for the majority of projects had only been 12 months at the time of the Evaluation, which rendered it difficult in some cases to fully appraise and compare impacts and other evaluation criteria, in particular for “new” EU initiatives, as opposed to pre-existing activities, which benefited from greater momentum. Despite these constraints, the Evaluator was able to develop an informed understanding of the projects supported by EIDHR.

### 3 THE EIDHR PROGRAMME OF SUPPORT TO HUMAN RIGHTS DEFENDERS

Launched in 2007, the *European Initiative for Democracy and Human Rights* (EIDHR)<sup>5</sup> replaces and builds upon the European Initiative for Democracy and Human Rights (2000-2006). The EIDHR is an EU financial and policy instrument whose aim is to provide support for “*the development and consolidation of democracy and the rule of law, and of respect of all human rights and fundamental freedoms in third countries worldwide*”<sup>6</sup>. One of its main priorities for 2007 – 2010 was “*supporting actions on human rights and democracy issues on which EU Guidelines have been adopted*”<sup>7</sup>. Guidelines have been adopted on torture, the death penalty, human rights dialogues, children and armed conflict, human rights defenders, Promotion and Protection of the Rights of the Child, on Violence against women and girls and combating all forms of discrimination against them, and on International Humanitarian Law.

#### 3.1 THE EU GUIDELINES ON HUMAN RIGHT DEFENDERS

The *EU Guidelines*<sup>8</sup> provide a concrete and practical tool to “*support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights*”<sup>9</sup>. Additional support to human right defenders is provided under the EIDHR, whose *Strategy Paper 2007-2010*<sup>10</sup> identifies at Objective 3: “*support of actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogue, on human rights defenders*”. It is also important to take into consideration other elements of Objective 3 (torture, the death penalty etc.), as well as Objective 1 (enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk) of the Strategy Paper, since there exists considerable practical and theoretical overlap of these issues (see also 6.8.2 – *Objective 1, Torture, Death Penalty etc*).

#### 3.2 THE CALLS FOR PROPOSALS

EIDHR allocated 8 million euros to supporting defenders from the 2007 budget, and a Call for Proposals launched in 2007 – the first under this category – resulted in the selection of eleven civil society projects providing support to HRDs, and which form the subject of the current evaluation<sup>11</sup>. The call for proposals in 2007 aimed to select actions concerning support for human rights and democracy-related actions in the field of human rights defenders, including “*strengthening the status of human rights defenders and their fundamental rights (...) and supporting their activities such as documenting violations, seeking remedies for victims of such violations, and combating cultures of impunity*”.

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<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0001:0011:EN:PDF>

<sup>6</sup> [http://ec.europa.eu/europeaid/where/worldwide/eidhr/index\\_en.htm](http://ec.europa.eu/europeaid/where/worldwide/eidhr/index_en.htm)

<sup>7</sup> Ibid, p. 6

<sup>8</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf>

<sup>9</sup> Ibid. I. Purpose (p.1)

<sup>10</sup> [http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr\\_strategy\\_paper\\_2007-2010\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_strategy_paper_2007-2010_en.pdf)

<sup>11</sup> [http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders_en.htm)

It also aimed to provide an appropriate response in emergencies to protect and support human rights defenders. A broad range of assistance measures was envisaged, ranging from protecting the physical integrity of human rights defenders and their immediate families, to supporting registration procedures of civil society organisations. Grants awarded under the CfP were to be between EUR 300,000 and EUR 2,000,000, with funding being between 50% and 80% of the total eligible costs of the action. The duration of projects was to be between 18 months and 36 months.

## 4 ACCOUNTABILITY AND QUALITY CONTROL

Project accountability to the EC is extremely important in the context of the HRD Programme, since the significant and often life-threatening challenges faced by defenders renders them reliant on the external interventions provided by the Beneficiaries. While monitoring and evaluation is a required condition of funding, responses to the existing reporting and “communication” requirements have been extremely varied and haphazard, with some organizations providing regular and qualitative information to the Commission, in the form of quarterly “flash reports”, and others failing to provide any information as to their activities whatsoever (see also 6.3.1 – *Communication and Coherence*). Similarly, responses and content pursuant to the contractual requirement to provide an interim narrative report have ranged from excellent to lacklustre. Perhaps unsurprisingly, organisations that have demonstrated good accountability responses have also shown strong performance on all of the evaluation indicators.

Some organisations were confused by the conduct of monitoring missions during the implementation period, and while the Evaluator considers such external monitoring to be an essential component of EC quality control and accountability mechanisms, it is noted that perhaps Beneficiaries need to be reminded of the kinds of monitoring that can be required and their own general responsibilities in this regard. Linked to issues of accountability and quality control are those relative to general communication with the EC, and confidentiality and security of information; these are dealt with at 6.3 – *General Issues* below.

## 5 BACKGROUND INFORMATION ON THE PROJECTS

### 5.1 PROFILE OF THE SELECTED ORGANISATIONS & PROJECTS

Organisations ranged from large international human rights structures (e.g. FIDH), to specialised global organisations (e.g. Front Line), organisations with sector approaches (e.g. Clean Clothes Campaign), through to smaller regional initiatives (e.g. Human Rights Centre). The duration of projects was from 24 to 36 months, and their size ranged from approximately €500,000 to €1,800,000.

The inherent diversity of structures and institutional approaches is reflected in the nature of the projects that organisations proposed (see *Annexe 4 – List of Beneficiaries and Projects*), and has provided clear added impact to the Programme as a whole. Yet diversity in itself does not guarantee the Programme's ongoing health, and a more strategic selection of projects would be advisable, details of which are provided at *6.1 – Calls for Proposals below*.

### 5.2 GEOGRAPHICAL COMPOSITION OF THE PROJECTS

Several projects focused on particular regional concerns or initiatives, whereas others were truly global in their scope. Some of the more interesting projects however focussed on sector-specific approaches at a global level, which allowed a strong focus of approach and quite notable impacts. The geographic and activity distribution of the projects is provided in *Annexe 8*.

### 5.3 TYPES OF ACTIVITIES

The projects ultimately selected pursuant to this call for proposals addressed a number of themes, activities and target groups, and could be grouped loosely as follows:

- Personal assistance to human rights defenders, including support for endangered defenders, support for their families in dangerous situations, medical/ psychological assistance;
- Permanent emergency-response services, and the development of capacities to transfer and re-house defenders;
- Training in security measures;
- Monitoring and international alerts, with accompanied advocacy activities and international missions;
- Strengthening of national and international mechanisms for the protection of defenders;
- Creating and strengthening defenders networks;
- Training and teaching activities;
- Providing equipment to guarantee the security of defenders;
- Capacity building for local defender associations through *inter alia* re-granting for local projects, training programmes, etc;
- Participation of human rights defenders in international and regional initiatives (conferences, etc.);

- Direct interventions in support of HRDs at the local level, for example through the provision of lawyers, conducting trial observations, or enlisting diplomatic and other support;
- Awareness-raising activities (publications, films, seminars, meetings etc.);
- Follow-up activities of all of the above.

See also *Annexe 8 – Distribution of Project Activities*.

#### **5.4 STATUS OF THE PROJECTS**

As indicated at *Methodology* above, at the time of this Evaluation the implementation period for most projects had been only 12 months, with some projects having commenced activities at the end of 2008, and others having experienced considerable delays, due to contractual and recruitment difficulties. For the most part, delays in the implementation of the projects have been corrected. Generally speaking, the project activities are adhering to agreed schedules, with some organisations however frankly describing obstacles that hindered some deadlines, or had required a disproportionate use of human resources. The excellent communication and high degree of mutual trust existing between EC Programme Management, EC Project Managers, and Beneficiaries has meant that most difficulties have been identified and addressed in a timely and appropriate manner (see also 6.3.1 – *Communication and Coherence*).

#### **5.5 CASE STUDIES**

The ToR for the Request for Offer required one or two country visits outside the EU to be conducted, in addition to visits to all Beneficiary organisations. The Expert considers that this was an excellent initiative, since it allowed for an opportunity to examine in detail the activities of Beneficiaries, their interactions with partners, associates and stakeholders, and their impact on target groups. The 5th Dublin Platform for Human Rights Defenders, organised by Front Line and held on 10th to 12th February inclusive was considered an ideal occasion to fulfil some of these objectives; while obviously within the EU, the large number of international and European participants, including the presence of many human rights defenders, justified its selection for examination.

After consulting extensively with Beneficiaries, the Expert also decided to visit Kinshasa, capital of the Democratic Republic of the Congo. Its choice was considered suitable since over half of all Beneficiaries have offices, activities, partners, associates or stakeholders working on human rights defender issues in the country. The complexity and difficulty of the political and human rights environment, its status as a post-conflict country with on-going violations of international human rights, humanitarian and criminal law, and the consequent concentration of parallel activities by the local and international community were also important factors in its selection. The Expert visited Kinshasa from 17<sup>th</sup> to 21<sup>st</sup> February 2010, and conducted a large number of meetings.

This visit served to highlight and crystallise the many different issues that had presented themselves in the course of the wider evaluation, primarily relative to communication, cooperation, and complementarities, and the often-unbalanced relationship between international and local organisations.

The Expert's observations from these two visits are generally incorporated in the Main Findings presented below, and detailed descriptions can be found in *Annexes 9 and 10*.

## 6 MAIN FINDINGS

These findings complement and complete the Preliminary Observations (see *Annexe 11*) provided to the European Commission on 1<sup>st</sup> February, and which formed the basis of the Expert's presentation at the EIDHR Human Rights Defenders Programme Coordination Meeting, held in Brussels on 4<sup>th</sup> and 5<sup>th</sup> February 2010.

### 6.1 CALLS FOR PROPOSALS

The Beneficiaries and EU personnel interviewed by the Expert for the most part expressed satisfaction with the scope of the 2007 Call for Proposals, which allowed for a broad range of activities and approaches at the global and regional level, and which provided suggested activities that were clearly stated as being non-exclusive. This openness to new and diverse approaches is highly commendable, and this diversity is clearly one of the strengths of the current round of projects. However it is the very breadth of the CfP that needs to perhaps be addressed in order to provide more strategic and targeted protection to HRDs<sup>12</sup>.

The CfP 2007 stimulated considerable interest amongst organisations, and resulted in an interesting array of projects and activities. Organisations themselves have indicated that the CfP itself encouraged them to look more deeply at how they can best respond to the needs of HRDs. It is felt however that the CfP Guidelines could be refined to some degree, in order to more clearly prioritise or emphasise certain activities and approaches. The following non-exhaustive suggestions are based on the Expert's observations relative to the impact of the projects, and which are developed further at 6.5 – *Effectiveness and Impact* below:

- Prioritise preventive and proactive strategies, addressing root causes of violations, and counteracting emerging threats, such as oppression of civil society through restrictive registration of organisations, repression of cyber-dissidents, etc.;
- Encourage innovative approaches, for example relative to mediation and conflict resolution;
- Give particular consideration to specialised or sector-specific activities, particularly where the observed impacts are generally high (one repeatedly occurring suggestion has been independent trial monitoring).

As indicated above, the Expert is of the firm view that the protection of HRDs can be best assured by a diversity of activities and approaches. In practical terms, this means that the totality of Projects should comprise a *strategic balance* between established international human rights organisations, organisation specialised in HRD issues, international, trans-national and regional approaches, specialised sector approaches, and support and capacity-building of local and grass-roots organisations. The CfP should indicate clearly the Programme's emphasis on supporting a diversity of activities, sectors, approaches and organisational structures, and that proposals are encouraged from organisations outside the EU.

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<sup>12</sup> See Recommendation 1

At the same time, if the EC wishes to remain committed to providing more local or non-EU based support, consideration should be given to making CfP procedures and eligibility requirements more flexible, since they currently preclude smaller organisations which are being increasingly marginalised from sources of financial support, for example by restrictive local NGO registration or foreign payment requirements.

Related to the above, the Expert observed widespread frustration – both within the EC and amongst local stakeholders – relative to the lack of direct assistance to local organisations. Whilst local organisations often clearly lack the financial and technical capacity to conduct certain projects, under the current round of projects they are, in reality, being excluded from any form of direct benefit. Nevertheless, current systems of reimbursement by Beneficiary organisations provide an example of “channelling” resources to local organisations (notwithstanding the sometimes onerous practical difficulties this presents), thereby circumventing oppressive registration and financial constraints imposed by State authorities, and also allowing organisations support at a very broad level, notably through funding for overheads. Direct support activities (including but not limited to re-granting) can have powerful psychological benefits: it is seen as an expression of faith by the international community in the management and technical capacities of local organisations, while at the same time providing them with a degree of independence and credibility within their own communities – whereas the EC benefits by effectively “outsourcing” project selection, management, technical assistance and accountability to the contracting Beneficiary, thereby maintaining appropriate quality control<sup>13</sup>.

The Expert observed an imbalance between the reliance of certain international organisations on their local partners’ presence in the field, without necessarily a corresponding contreperte or flow of assistance in the other direction. An example provided was that of organizations conducting “investigative missions” in the field, with all inputs, information and report-writing provided by local organisations, without any corresponding acknowledgement on the part of the larger organisation. . One angry defender described the approaches of certain international organisations as being “neo-colonialist” It is suggested that one solution to such imbalances could be to require international organisations to have genuine contractual partnerships with local organisations, or coalitions of such organisations, with this requirement clearly outlined *at the CfP stage*, and that a genuine transfer of capacity and resources be demonstrated at all stages of monitoring and evaluation<sup>14</sup>.

Numerous organisations expressed difficulty defining and balancing qualitative and quantitative impact indicators, and noted the implicitly quantitative approach in the application process, for example in the structure and required content of the LogFrame. The issue of human rights impact indicators is one fraught with difficulty, and is acknowledged by such within the international community. As one interviewee noted: “*how do you measure the real impact of saving a life?*” Nevertheless, it is noted by the Expert that EIDHR has made some attempts to crystallise these issues, notably in its commissioned report “*Generating Impact Indicators*”<sup>15</sup>, which has a section specifically related to human rights defenders<sup>16</sup>.

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<sup>13</sup> See Recommendation 2

<sup>14</sup> See Recommendation 3

<sup>15</sup> [http://ec.europa.eu/europeaid/what/human-rights/documents/impact\\_indicators\\_channel\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/impact_indicators_channel_en.pdf)

<sup>16</sup> *Ibid*, p. 13

The Expert considers that some guidance could be provided to Applicants during the CfP process through the articulation of appropriate indicators that take into account the specific challenges faced by defenders. Clear general indicator suggestions, specifically adapted to the HRD context, could result in more realistic and focussed projects, activities, and anticipated impacts, and would help guide the implementation, monitoring and evaluation processes; crucially, it would have the support and understanding of all parties. The Expert has provided a simple indicative list of HRD Project Impact Indicators in *Annexe 12* that could be used as the basis of a consultative process within the EU and with civil society<sup>17</sup>.

The Expert also noted several issues related to project selection criteria and procedures. The Expert notes that the selected projects, viewed together, seem to lack a cohesive strategic purpose, which may have contributed to the communication and coherence challenges described at 6.3.1 below.

In addition, the Expert has noted a very high risk of duplication in the project selection, with a strong degree of geographical and activity overlap and very similar alert or “observatory” activities being carried out by several of the beneficiaries – without mentioning an already crowded market of international alert and observation mechanisms. Thus far these risks appear to have been adequately managed, either by pure chance or through the coordination efforts of Beneficiaries themselves (the distinction is still not clear), but could nevertheless have been avoided.

It is therefore considered that the Programme could benefit from the *strategic selection* of projects at the political and geographical level, from an EC and HRD perspective, and linked to the political realities in the field and a clear prioritisation of needs in a given context, country or region<sup>18</sup>.

It also appears that insufficient consideration was given to the genuine contribution and capacity of each of the project partners, with on the one hand some European organisations providing a “foot-in-the-door” structure to local organisations who implement the project without having sufficient technical capacity to do so, and on the other hand organisations listing local “partners” who in reality provide no more than ballast to the application process.

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<sup>17</sup> See Recommendation 4

<sup>18</sup> See Recommendation 5

The Expert is of the strong view that regional projects and non-European organisations should be supported, since they can be an effective and efficient method of channelling resources and skills, whilst addressing specific issues such root causes, trans-national issues, trends in violations, and common cultural, linguistic and historical contexts. The Expert considers however that prudence should be exercised in the selection of such projects, notably relative to *capacity, efficiency, sustainability, and added value*<sup>19</sup>. In addition, consideration should be given as to whether the issues to be addressed are of a true regional character. On the other hand, the Expert considers that it is not necessary to show a *similar degree of threat* to HRDs in individual countries of a given region; the Expert is in fact convinced that such projects should be based in countries that provide *relative* regional stability and safety, to facilitate the implementation of project activities.

Some possible modalities of project selection could include:

- Particular care should be taken prior to the final selection of Projects to minimise the potential for duplication of activities, regions and sectors between EIDHR HRD Projects;
- The technical capacity and real input of each project partner should be qualitatively examined and verified, perhaps through the creation and application of qualitative partnership criteria.

## 6.2 PROGRAMME MANAGEMENT

The Expert notes the exceptional flexibility, openness and responsiveness that have been demonstrated by EIDHR, at all stages and with organisations, in its management of the HRD Programme. In addition, the Expert was impressed by the considerable efforts undertaken by AIDCO in Brussels to coordinate Programme activities and magnify their impact on HRDs, to provide an interface between organisations and EU institutions, and at the same time advance the political objectives of the EC as a whole. This reactivity to the changing circumstances in the field and the needs of defenders – as well as the needs of Beneficiaries – has been one of the clear strengths of this Programme<sup>20</sup>.

In addition, organisations felt that EIDHR administrative and financial reporting requirements are particularly onerous, and distract considerably from the Project activities themselves, particularly for smaller structures. Repeated mention was made of the difficulty in preparing financial reports for projects whose activities involve multiple exchange rates. However, in practical terms, given the size of the projects, and after considering EIDHR financial and accountability requirements, the Expert is of the view that little can be expected relative to change in this regard, and observes that capacity requirements for organisations also implicitly include the ability to deal with complex administrative and financial environments.

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<sup>19</sup> See also Recommendation 6

<sup>20</sup> See Recommendation 7

## 6.3 GENERAL ISSUES

### 6.3.1 Communication & Coherence

The Expert observed considerable confusion and dissatisfaction concerning Programme communication and reporting requirements, notably the system of quarterly Flash Reports, which was intended to be a voluntary mechanism to enhance timely and qualitative communication between the EC and organisation, particularly on cases and activities in the field where the EC can provide strategic or political intervention. It would appear that this well-intentioned purpose was unfortunately either mis-communicated to or misunderstood by organisations, who questioned its relevance, and saw it as an additional layer of reporting. In addition, EC Project Managers queried their usefulness since, even where organisations complied, they did not necessarily respond to the EC's own need to have *timely* political information upon which they could act as necessary. A number of organisations on the other hand expressed their satisfaction with the systems of communication, since it provided them with a regular mechanism to reflect on the impact of their activities, and assisted in the drafting of their interim narrative reports.

This issue was raised and discussed at the Coordination Meeting held in February 2010, and it would appear that certain misconceptions were clarified and resolved. The Expert remains of the view however that AIDCO and beneficiary organisations have a *shared responsibility* to maintain strong communication channels, to ensure qualitative information travels where and when it is most required, and to express or clarify any confusion as it arises<sup>21</sup>.

The issue of communication and coherence between the EC in Brussels, EU Delegations, EU institutions and EU Member States arose as a universal theme during the course of this Evaluation. The Expert has observed extraordinary unevenness in the degree of interest and support relative to HRDs and human rights in general, with dramatic variations between individual Delegations and even between individuals within those Delegations. Even in countries where the security of HRDs is clearly of the utmost importance, the EU Guidelines on HRDs do not appear to be adequately or evenly implemented, if at all.

Organisations have consistently and independently noted clear contradictions between the stated priorities of the EC relative to human rights and the EU's broader political and economic interests in a particular country or region. Related to this, activities by EU Delegations to sensitise and mobilise EU Member States relative to the EU Guidelines remain patchy or non-existent, in some situations resulting in organisations alone being required to raise awareness amongst diplomats, when this could and should be done conjointly with EU Delegations.

As indicated at 6.1 above, political realities can limit the ability of certain Delegations to support or even acknowledge EIDHR HRD projects or some of their activities, and may serve to explain the "lack of interest" shown by Delegations in certain difficult and complex environments. However the Expert was *not* persuaded that the explanations provided fully justify inadequate support of HRD issues at the Delegation level, for the following reasons:

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<sup>21</sup> See Recommendation 25

- The purpose of the Guidelines is to *enhance, support and strengthen* – not dictate – ongoing EU efforts action relative to HRDs, to assist EU Missions (including those of Member States) in their *approach* to HRDs; it is a tool for use in the field, with all the practical difficulties this entails. EU Delegations are already required to report on the human rights situation in their respective countries, with the situation of HRDs an integral, indivisible and logical part of this process, and EU Missions are therefore asked to “*adopt a proactive policy towards human rights defenders*”. The Guidelines allow for considerable flexibility however, for example “*in certain cases EU action could lead to threats or attacks against human rights defenders*”, in which event consultations should take place with interested groups. In short, the strategies adopted will vary considerably from country to country, but Delegations are not excused from having any approach whatsoever.
- The Expert considers that the issue of Delegations’ capacity to implement the Guidelines and create HRD strategies should be addressed frontally and frankly, on a case-by-case basis, both within the EU structures *and with relevant stakeholders in the field*. It is not only an issue of managing expectations, but is also one of seeing the Guidelines as an organic tool, capable of being adapted to specific situations without watering-down its overall strength<sup>22</sup>.

Related to all the above, the potential and actual impact of EU and Member State interventions and observations both in Brussels and *in the field* cannot be overstated, and organisations have provided strong examples where such support has saved lives and reduced violations, for example through trial observation and other visible signs of support to defenders. Given this clear correlation between EU activities and concrete protection of HRDs, the Expert considers that the EU should maintain and improve its communication and coordination efforts, and ensure a greater harmonisation of policies as well as their implementation at the Delegation level<sup>23</sup>.

### **6.3.2 Security, Confidentiality and Impartiality**

The Expert notes the general satisfaction with the degree of confidentiality being provided in the context of the EIDHR programme, however some organisations felt that having to provide information concerning HRDs violates key undertakings that they have made with Defenders, with the feeling that once information is provided, they effectively lose control of its ultimate destination, in the mid- to long-term.

The Expert is of the view that the information being provided to EIDHR is being contained and handled in a secure and appropriate manner, but that issues of trust and assurance could be alleviated by the formulation of clearer protocols according to which such information is provided by Beneficiaries and subsequently received, processed, distributed, stored and archived – or destroyed – by the Commission, while at the same time balancing this with the responsibility on the part of organisations to provide transparency and accountability in their activities<sup>24</sup>.

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<sup>22</sup> See Recommendation 8

<sup>23</sup> See Recommendation 9

<sup>24</sup> See Recommendation 10

The Expert noted concerns by organisations regarding their own safety, the safety of their local partners, and the security of information provided to the European Commission at the Delegation level. In certain highly dangerous or volatile countries and contexts, they were not certain as to the level of political and physical protection the Delegation is able or willing to provide to them and their direct partners. This concern was aired at the Programme coordination meeting held in February 2010, and the EC was quite clear that organisations are independent agents, and cannot rely on more protection than any other organisation operating in the field. The logic of this is clear, and the Expert considers that it would be contrary to fundamental principles of universality to provide a two-tiered level of protection.

The Expert is however of the view that, linked to the observations relative to communication and coherence above, the EC should articulate the extent and limitations to the support available to beneficiary organisations in response to any rights violations, and that furthermore such clarification be communicated to all operational levels<sup>25</sup>.

#### 6.4 RELEVANCE

In general, the EIDHR-funded activities in support of HRDs have been highly relevant – that is, they have met genuine needs in an appropriate manner. As indicated at 2.1 – *Analysis of the Programme context* above, the challenges faced by defenders are very real, and it is clear that the long-term work of NGOs has been essential to their support and protection in many contexts. Organisations and many EU Delegations and Member State Embassies have been active in using the Guidelines as an advocacy and practical tool, which is one manner in which EC policy objectives have been translated into concrete action.

The Expert considers that the nature and range of project activities, as indicated above, have been appropriate and necessary, and that they have made a significant contribution to supporting HRDs in third countries. Nevertheless, while activities have been relevant in themselves, certain factors have diluted this relevance (and therefore effectiveness) from a Programme perspective.

One example is an over-representation of some approaches and activities, such as international alerts – to the detriment of others that are maybe less “visible” but which are nevertheless highly relevant and effective (see *Annexe 8 – Distribution of Project Activities*)<sup>26</sup>.

The Expert also considers that issues of relevance arose in the selection of certain target groups; there is a clear distinction between human rights defenders and human rights victims, however this was not always clearly observed in practice<sup>27</sup>.

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<sup>25</sup> See Recommendation 11

<sup>26</sup> See generally Recommendations 5 & 6

<sup>27</sup> See Recommendation 14

## 6.5 EFFECTIVENESS AND IMPACT

The overall effectiveness and impact of the Programme is beyond question. The Projects have demonstrated a number of objectively verifiable impacts, with Beneficiaries providing literally hundreds of examples of where they felt they made a qualitative difference to HRDs, often in the most extreme political environments. Stakeholders repeatedly emphasised that the support provided to HRDs has been essential, and the Expert is convinced that lives have been saved, violations have been halted or reduced, local organisations have been supported in a myriad of ways, and that the rights of defenders are higher in the international and public consciousness than ever before, and in significant part through the collective efforts of the Beneficiaries and the European Commission, working together as genuine partners.

Since many of the activities implemented by organisations blended into certain truly global and organic approaches, it is difficult to separate out specific projects that have contributed to these general achievements. It is clear, however, that certain patterns of effectiveness and impact have emerged. For example, the Expert considers that international advocacy efforts have significant results, through monitoring international protection mechanisms and raising awareness at the highest seats of power. These activities are essential if the issue of defenders is to remain in the visual field of governments and the international community. The Expert has also noted the value of sector-specific activities, and defender-specific approaches. Sector-specific activities are a means of providing niche or specialised support to groups of defenders who may have specific needs, because, for example, they are subjected to particular patterns of abuse and thus require highly-skilled responses, or because they could benefit directly from the credibility and weight that a particular professional, peer or industry group could provide. The Expert is also of the view that direct financial support can have very real impacts at the local level, and that such approaches, including re-granting activities, should perhaps be given more weight.

The effectiveness of other approaches is more problematic. For example, networks can provide a useful platform for ancillary activities, but can have difficulties relative to sustainability; supporting regional and non-EU based projects is desirable, but requires stringent analysis before approval. Attribution issues also arise with respect to the various systems of international alert, due to the overlapping and over-representation of this activity as mentioned above; it is not entirely clear to the Expert that the impacts cited by beneficiaries were the result of their own efforts, or of other beneficiaries or organisations – or indeed the result of other factors altogether.

The Expert notes other attribution issues relative to the difficulty delineating project activities from the general activities of an organisation. EIDHR HRD support does not extend to financing the general activities or operating costs of an organisation, and while at the financial level this seems in order, with clear budget lines being accounted for by beneficiaries, this distinction is not always at the operational level<sup>28</sup>.

Some approaches are also fraught with difficulty in the longer term, for example the evacuation of defenders in danger. The Expert has observed that while such strategies undoubtedly save lives, the broader implications are sometimes not directly addressed:

How long and to whom should support continue? What level of support should be provided? What is the quality of the life of the defender after evacuation? What are the mid- to long-term professional options for the defender? What is the impact on HRDs and organisations left behind? Does evacuation merely serve governments' purposes by other means? These questions provide an example of the need to formulate qualitative impact indicators for activities supporting HRDs, as indicated above.

Organisations produced a large number of concrete outputs, in the form of publications, training sessions, training and protection manuals and tools, films, protection equipment, defender databases and resources, etc., with the substantive and physical quality of these outputs being in general quite high. Stakeholders expressed considerable satisfaction with the effectiveness of these outputs, and reported incorporating them in their professional activities.

These comments must however be tempered by a number of observations concerning certain tendencies in the implementation of the projects which have undoubtedly limited their global impact. The most significant of these is that there is a surprising lack of communication and cooperation between beneficiary organisations, even in environments where activities are taking place in the same regions or even countries, and in similar sectors. Whilst no flagrant duplication of activities has been observed to date, increased cooperation and communication would mitigate this risk, as well as capitalise their shared objectives, improve their complementarities and increase potential impacts.

Flowing from this, the beneficiary "community" could greatly benefit from the active sharing of their collective *savoir-faire* and tools; these could include the creation of protocols for verifying sources, the creation of criteria for the triage of cases, adapting specialised databases to different sectors and contexts, etc. Whilst the Expert is under no illusion as to the complex operational and funding environment in which organisations must try to survive, and which unfortunately has the negative (but often unspoken) effect of fostering cultures of competition and "information withholding", it is nevertheless clear that genuine exchanges of experience, information and practices between beneficiaries and the wider civil society should be seen as an integral part of their activities, and indeed ultimately ensures the survival of their organisations and of civil society in general<sup>29</sup>.

The Expert observed that local capacity building is fragmented and inconsistent, with for example some organisations failing to establish or apply consistent or strategic criteria in the selection of local partners and activities<sup>30</sup>. In addition, at the national level many beneficiaries have failed to adequately engage the international and diplomatic community – including, critically, the EU Delegations having a clear interest in being informed of their presence and activities. At the international level, some organisations maintain excellent relations with relevant international or regional institutions, for example in Brussels and Geneva, however others fail to do so, even where such activities and visibility would clearly be the benefit of the project<sup>31</sup>.

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<sup>28</sup> See Recommendation 16

<sup>29</sup> See Recommendation 17

<sup>30</sup> See Recommendation 18

<sup>31</sup> See Recommendation 19

Also related to this, the Expert noted that many organisations seem to rely disproportionately on “country of origin” resources, that is drawing on their local contacts and networks to engage the support of particular Member States. The Expert considers that organisations should look more broadly at their mechanisms of support to include all EU States, engaging the assistance of European partners where necessary<sup>32</sup>.

Beneficiaries did not always provide qualitative feedback to the EU regarding the outcomes of alerts and urgent interventions; more seriously, some organisations do not seem to have conducted rigorous and strategic follow-up of cases or activities and events, sometimes even depriving themselves of “success stories”. In addition, there is not always a strong flow of follow-up and feedback between organisations and the field. Such lapses in follow-through of activities render an assessment of impacts more difficult, and would have undoubtedly had an effect on the longer-term effectiveness of the projects<sup>33</sup>.

The Expert noted that numerous organisations have experienced difficulty in hiring and retaining appropriately qualified and experienced personnel. The Expert is of the view that poor salary levels are largely responsible for these recruitment and retention problems – the European salaries in the organisations evaluated are often derisory compared with the cost-of-living in major cities where many organisations are based, and the Expert observed even during the evaluation period the “haemorrhaging” of key project staff to higher paid work in international organisations that offer genuine career structures. Clearly such issues affect the effectiveness of projects, which can only be as good as the professionals that are implementing them.

The Expert queries where responsibility for this actually lies, since the Commission itself does not fix salary figures, and concludes that it could be a result of deeply ingrained attitudes on the part of both donors and organisations relative to the value of human rights work itself. Clearly, the scope of this evaluation cannot address the complexity of this issue, and hence no recommendation will be made on this point, however the Expert does consider that AIDCO could consider spearheading multi-donor dialogue with civil society representatives concerning ways to raise *de facto* salary expectations and career prospects within organisations, to ensure that human rights workers in Europe, at least, are properly recognised for their considerable qualifications, experience, commitment, sacrifices and risks<sup>34</sup>.

## 6.6 EFFICIENCY

Programme management by beneficiaries was uneven; most organisations have implemented activities in a timely manner, and reported accordingly, with minor or no changes to the original projects. Others were required to respond to significant changes in the field, and in collaboration with the EC adjusted the activities accordingly. Several had significant difficulties commencing projects, but appear for the most part to have caught up lost ground.

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<sup>32</sup> See Recommendation 20

<sup>33</sup> See Recommendation 21

The Expert noted that several projects seem to have experienced some “over-reach” in their project ambitions and activities, which could have adverse effects on the overall project impacts. Given the overall openness and flexibility of Programme Managers, as referred to above, the Expert considers that Beneficiaries should be encouraged to raise any concerns with the EC at the earliest possible opportunity, and if necessary request contract amendments adjusting activities, not only in response to external changes in the political environment, but also where initial budgets prove to have been unrealistic, since it is preferable to acknowledge difficulties and adjust activities according to priorities, than to have organisations continuing with projects that are spread too thinly and thus less effective<sup>35</sup>. The Expert also observed problems in the efficient structuring and implementation time-frame of activities within certain projects.

## 6.7 SUSTAINABILITY

The Expert observed a lack of consistency in the sustainability of results, mostly divided by activity groupings. One example is the limited sustainability of projects whose primary *raison d'être* is the existence of a regional or thematic network. Networks are essential for the survival of human rights movements, particularly in regions where physical and other access to colleagues is limited or non-existent. However, such networks inevitably entail enormous energy to establish and sustain, and even with the best of intentions rarely survive when there is no longer any form of clear central administration. The Expert considers that one measure to mitigate relative to sustainability could be to require that, in general terms, where projects entail certain ephemeral activities, the percentage of resources devoted to the activity should not exceed a given threshold proportional to other activities, which in turn should not be dependent on the less sustainable component<sup>36</sup>.

Advocacy and practical capacity-building efforts appear to have an ongoing resonance beyond the implementation of the activities themselves. However while there has been considerable training, for example, there has been little in the way of training-of-trainers, although some organisations did refer to training of “resource persons”, which while certainly commendable does not allow for direct replication of this particular activity. The Expert would also like to see far greater emphasis placed on institutional capacity building, for example relative to fund-raising and management, as one way of supporting local organisations towards genuine independence<sup>37</sup>.

Almost by definition, many of the protection and direct intervention activities (financial assistance, evacuation, etc.) have limited sustainability, even though their quantitative impacts are strong, measurable and immediate. It is for this reason that the Expert recommends broadening concepts of protection to incorporate preventative activities, as mentioned at 6.1 – *Calls for Proposals* above. The Expert also considers that the HRD Programme could benefit from a certain cross-pollination of ideas and approaches from, for example, the EIDHR torture and death penalty Programmes<sup>38</sup>, which have developed strong preventative and impact-limitation strategies and guidelines (see also 6.8 – *Cross-cutting issues* below).

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<sup>34</sup> See Recommendation 13

<sup>35</sup> See Recommendation 22

<sup>36</sup> See also Recommendation 6

<sup>37</sup> See also Recommendation 18

## 6.8 CROSS-CUTTING AND OVERLAPPING ISSUES

### 6.8.1 Gender

Nearly all projects have a gender perspective and adequately address gender-specific issues, with carefully targeted and relevant activities, ranging from advocacy and awareness-raising efforts highlighting women HRDs to practical protection training for women HRDs. Gender is an issue that appears to have been successfully mainstreamed into most Project activities, and the organisations themselves demonstrate good gender balance; indeed a majority of projects have women managers. All the organisations demonstrate a high level awareness of the specific and growing threats to women HRDs (as outlined at 3.1 above), and have a strong responsiveness to their needs.

### 6.8.2 Objective 1, Torture, the Death Penalty

There appear to have been little active cross-fertilisation of ideas and approaches, or the development of concrete working strategies, either on the part of AIDCO or beneficiary organisations, relative to overlapping issues such as torture, the death penalty, or at-risk countries and regions. It is accepted that there significant similarities between these areas, and hence an increased potential for duplication of activities, again by both AIDCO and organisations, however this is offset by the high potential for creating constructive synergies, which should be further exploited.

Reducing risks relative to duplication can be addressed in large part by taking into account the general communication considerations outlined above, but from a broader HRD perspective. The development of positive synergies between related issues, however, would entail considerable creativity, and the stretching of existing spheres of activity, influence and thinking. Naturally, for larger organisations and the Commission itself, the logic and facility of blending approaches may be more natural, however for smaller organisations, or those more specialised in defender issues, this may entail venturing into fields and developing working modes and relationships where they have less experience, or feel they have less credibility. The advantages to defenders themselves however, would be sizeable, and the Expert is of the view that these are approaches whose time has come. The Expert notes in this respect the relative facility with which gender issues have been mainstreamed into defender-related activities and approaches, and therefore considers that, with little extra intellectual effort, a diversification of approaches relative to overlapping themes will serve to strengthen the support already being provided to defenders<sup>39</sup>.

In the opposite direction, AIDCO should increase efforts to ensure that defender issues are mainstreamed into other human rights Programmes, in particular relative to the overlapping themes specified above.

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<sup>38</sup> See Recommendation 26

<sup>39</sup> See also Recommendation 26

## 6.9 VISIBILITY

Visibility is a crucial part of supporting HRDs – the activities that have shown the greatest impacts occur when oppressive authorities know they are being actively observed. It is also essential for isolated or incarcerated defenders to know that they are not alone; that someone, somewhere, knows they exist. Equally, it is vital for local organisations to realise that there are others who share their goals, and understand their difficulties, and can provide them with concrete support. Additionally, the visibility of EU support provides valuable weight, independence and prestige to organisations' efforts, and emphasises the EU's concrete commitment to supporting human rights in third countries.

The Expert accepts however that, in the very difficult contexts in which Beneficiary organisations must often work, political circumstances often preclude any activities that may draw undue attention to their efforts, or those of their partners. And, paradoxically to the earlier paragraph, many local organisations may be at *increased* risk if their authorities are aware they are receiving international support of any kind.

That said, for each of the supported projects, there is a degree of visibility than can be reasonably – and contractually – expected, even for the most sensitive initiatives. In this respect, the general visibility of many Projects and their activities is extremely poor, and in some cases almost non-existent, and their existence is almost unheard of, even in countries where significant activities have been carried out. In such situations, the question of EU visibility is rendered nugatory.

In addition, a majority of organisations make no direct mention of their contractual project partners, despite the existence of no discernable security or strategic risk. Finally, EU visibility requirements, while uniformly applied to physical outputs or events, such as publications or training events, are not always adhered to on organisations' Internet sites and other more general public communication tools. In addition, and parallel to the issue of project delineation, described above, organisational descriptions to not make clear where EU projects begin or end.

These issues were also raised at the Programme coordination meeting in February 2010, and the Expert notes that some organisations have already taken steps to improve EU visibility, and their own visibility in the field; a great deal clearly remains to be done however, before such efforts become reflexive<sup>40</sup>.

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<sup>40</sup> See Recommendation 23

## 7 RECOMMENDATIONS

Taking into account the matters outlined in the body of this report, the Expert submits the following recommendations to the European Commission, to organs of the European Union, in particular European Union Delegations and EU Member States, and to beneficiary Organisations of the EIDHR Programme of Support to Human Rights Defenders, for their consideration and implementation.

### 7.1 RECOMMENDATIONS TO THE EUROPEAN COMMISSION

It is respectfully recommended to the European Commission that it takes all reasonable steps to:

- Provide more comprehensive and specific Guidelines pursuant to Calls for Proposals, in order to achieve more strategic and targeted support to HRDs, through *inter alia*:
  - Prioritising or encouraging specific activities and approaches;
  - Indicating clearly the strategic elements that will be taken into account in the final project selection.
- Facilitate greater access to EU support by local organisations or coalitions, for example through the adjustment of Call for Proposal procedures and eligibility requirements, or encouraging re-granting activities by implementing organisations.
- Ensure that implementing partnerships are genuine and balanced, in particular those between international and local organisations, through *inter alia* the requirement of clear contractual relationships, and the demonstration at all stages of implementation of an active exchange of capacity and resources.
- Formulate and disseminate appropriate impact indicators, tailored to the specific needs and challenges of human rights defenders, to provide guidance to applicants and beneficiaries in the design of realistic and focused projects, activities and anticipated results, and to help structure implementation, monitoring and evaluation processes.
- Ensure a cohesive and strategic approach in the *overall* selection of projects, by taking into consideration the following elements:
  - The strategic balance of projects, including a diversity of regions, sectors, organisations, projects, approaches and activities, combined with a mapping of current EC and other donor activities in the specific regions or sectors, and ensuring that the risk of duplication – or over-representation – of activities, regions and sectors between EIDHR HRD Projects is minimised;
  - The strategic selection of projects at the political and geographical levels closely linked to the political realities, needs and constraints in the field;

- Maintain the considerable flexibility, openness and responsiveness that have been demonstrated in EIDHR management of the HRD Programme to date.
- Ensure consistent, even and adequate implementation of EU Guidelines on Human Rights Defenders, and encourage awareness-raising activities by EU Delegations and other EU structures, EU Member States, Programme beneficiaries, and other relevant stakeholders.
- Take active measures to maintain and improve communication, coordination, harmonisation and coherence on human rights defender issues and policies between the EC in Brussels, EU Delegations, EU institutions, and EU Member States.
- Clarify and communicate to Beneficiary organisations relevant information concerning:
  - The handling of sensitive or confidential information provided by Beneficiary organisations;
  - The extent to which protection is available to Beneficiary organisations or their partners in the field;
  - The procedures and recourse available to Beneficiary organisations who wish to raise any serious issues of security, confidentiality or partiality, including relative to EU Delegation personnel.
- Consider initiating dialogue between European institutional donors and civil society representatives concerning salary rates and salary expectations of persons working on donor-funded human rights projects.

## 7.2 RECOMMENDATIONS TO EC BENEFICIARY ORGANISATIONS

It is respectfully recommended to EC Beneficiary organisations that they take all reasonable steps to:

- Exercise care in the selection of target groups, and the identification of project beneficiaries, ensuring that there is a clear delineation made between human rights defenders and human rights victims.
- Ensure greater clarity and transparency in the attribution of their results, to ensure that impacts are the result of their own efforts, and not the collective results of other organisations, or specifying clearly where such attribution cannot be made.
- Establish and maintain a stronger delineation of project activities from the general activities of the organisation, not merely relative to budgeting but at all operational levels.
- Increase and improve their communication and cooperation activities with other beneficiary organisations (including sharing savoir-faire and tools), and thereby increase complementarities and reduce risks of duplication.
- Increase the quantity and strategic quality of their local capacity-building activities, in particular relative to institutional capacity building (for example relative to fund-raising and management), and balance top-down approaches with more bottom-up and local approaches and activities.
- Take stronger measures to engage the support of EU Delegations and the international and diplomatic community.

- Diversify and increase their mechanisms of institutional support to include all EU States, engaging the assistance of local NGO partners where necessary.
- Conduct rigorous and strategic follow-up of cases, activities and events, and ensure stronger follow-up and feedback mechanisms between themselves and their local partners.
- Raise any real or potential problems with the EC at the earliest possible opportunity, and where necessary request contract amendments adjusting activities.
- Take stronger measures to improve EU visibility, the projects' visibility and their own institutional visibility.

### **7.3 RECOMMENDATIONS TO ALL PARTIES**

It is respectfully recommended to all the above-mentioned parties that they take all reasonable steps to:

- Specifically examine and address, on an on-going basis, the needs of particular targeted groups, and current trends in violations, in order to predict and proactively address challenges faced by human rights defenders.
- Assume a shared responsibility to maintain strong communication channels, in particular relative to qualitative information, and to clarify any issues as they arise.
- Actively mainstream cross-cutting and overlapping issues, such as gender, torture, and the death penalty, into defender-related activities and approaches. Conversely, the parties should increase efforts to ensure that human rights defender issues are mainstreamed into other human rights initiatives.

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## **ANNEX II - EVALUATION TERMS OF REFERENCE**

# SPECIFIC TERMS OF REFERENCE

## FWC Beneficiaries 2009 – Lot n° 7

### Evaluation and recommendations on EIDHR support to Human Rights Defenders

#### REQUEST FOR OFFER N° 2009/226296

##### 1. BACKGROUND

On 20 December 2006, the European Parliament and the Council adopted Regulation (EC) 1889/2006 establishing a financing instrument for the promotion of democracy and human rights worldwide, the European Instrument for Democracy and Human Rights (EIDHR)<sup>1</sup>, which entered into force on 1 January 2007.

The key strength of this new Instrument is its ability to operate without the need for host government consent. The EIDHR is thus able to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations which need to preserve independence from public authorities. It can also be active in countries that may be described as “difficult partnerships”, where fundamental freedoms are most at risk and where geographic programmes may meet obstacles.

The **EIDHR Strategy Paper 2007-2010**<sup>2</sup> identifies as its objective 3 the support of "actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict".

The **EU Guidelines on Human Rights Defenders**<sup>3</sup> adopted by the Council in June 2004, and reviewed in 2006 and 2008, underpin the assistance given under Objective 3 of the EIDHR to human rights defenders. Article 1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms defines human rights defenders as not only natural persons but also as groups of natural persons without a legal personality and civil society organisations.

According to the Strategy Paper assistance to human rights defenders under the EIDHR will aim at **strengthening the status of human rights defenders and their fundamental rights**, in particular the right to a fair trial and due process of law according to international standards, and **supporting their activities** such as documenting violations, seeking remedies for victims of such violations, or combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.

<sup>1</sup> Regulation 1889/2006: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0001:0011:EN:PDF>

<sup>2</sup> EIDHR Strategy Paper 2007-2010: [http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr\\_strategy\\_paper\\_2007-2010\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_strategy_paper_2007-2010_en.pdf)

<sup>3</sup> EU Guidelines on HRDs: <http://www.consilium.europa.eu/showPage.aspx?id=1706&lang=EN>

The EIDHR Strategy also foresees that actions financed in support of HRDs under Objective 3 may include Ad hoc measures under Article 9.1 of Regulation (EC) No 1889/2006, directly involving **human rights defenders in need of urgent protection**, as well as civil society organisations whose primary statutory objective is to provide support and protection to human rights defenders within the framework of a project funded under the EIDHR.

A Call for proposals for €10 million launched under the EIDHR in 2007 to finance actions in support of human rights defenders on a regional and/or global scale led to the selection of eleven projects<sup>4</sup> that provide longer term support to HRDs. Some of them also establish rapid reaction mechanisms to grant assistance to HRDs in need of urgent protection in line with Art. 9.1 of the EIDHR Regulation. Nine of the eleven organizations managing the projects are specialized either in a specific category of human rights activism (journalists, trade unionists, lawyers, etc), or in a region, while two of them are specifically dedicated to the protection of human rights defenders on a global scale.

## 2. DESCRIPTION OF THE ASSIGNMENT

### ➤ Global objective

The overall objective of the assignment is to provide the European Commission with an **assessment of the quality of the actions** financed under the EIDHR in support of HRDs to present, as well as with **recommendations on how to improve this support** in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities. A new Call for Proposals for actions in support of human rights defenders under the EIDHR will be launched in 2010. The recommendations issued by the expert will be an important asset during the elaboration of the future Guidelines for grant applicants of this future Call.

The **scope** of the study will cover the 11 EIDHR projects in support of human rights defenders from October 2008 to February 2010.

The **users of the outputs** of the study will mainly be the selected human rights defenders organisations and the Commission services involved in the management of the EIDHR projects on HRDs.

### ➤ Specific objective(s)

The specific objective of this evaluation is twofold. On the one hand, the expert is required to provide an **evaluation** of the first phase of the implementation of the 11 projects in support of human rights activists currently being financed under the EIDHR. This evaluation shall include an assessment of the **relevance and pertinence** of the 11 actions with regards to the objectives of EU policy towards HRDs as stated in the EIDHR Strategy Paper 2007-2010 and in the EU Guidelines on HRDs as well as of their effectiveness when providing timely assistance to HRDs in need of urgent protection.

On the other hand, the expert shall make **recommendations** on how to improve EIDHR support to HRDs to reinforce the capacities of HRDs organisations to do their work, to ensure the protection of HRDs, including in the case of urgent need, to develop networking

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<sup>4</sup> List of the 11 selected organizations: [http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders_en.htm)

between civil society organisations committed to the support and protection of HRDs, and to increase the international recognition of HRDs.

The added value of the actions financed under the EIDHR in support of HRDs should be analyzed in order to ensure their **complementarity** and the risk of overlapping with other actions financed under this instrument but also under other thematic lines of the European Commission, such as Support to Non-State Actors.

#### ➤ **Requested services, including their implementation modalities when relevant**

The tasks to be performed will be the following:

1. Evaluate the pertinence and relevance of each of the 11 projects financed under Objective 3 of the EIDHR in support of human rights defenders as well as others (around 5) currently being financed under other Objectives of the Instrument with regards to the EU Guidelines on HRDs and the EIDHR Strategy.
2. Assess the effectiveness of the implementation of the first phase of the projects and their likely impact on HRDs at risk.
3. Evaluate the quality of partnerships between the beneficiaries and local human rights groups, including through the re-granting system, during the design and implementation of the projects.
4. Assess the quality and quantity of individual cases of HRDs at risk that have been effectively supported by the beneficiaries in the framework of their respective projects and make recommendations on how support to HRDs in danger can be better provided in the future, including through the urgent response capacity the analysis of successful cases and best practices.
5. Provide recommendations on how local human rights activists and groups in third countries may be better supported, capacitated and involved in the elaboration and implementation of future actions under EIDHR funding.

#### ➤ **Required outputs**

A.- A short document (maximum 20 pages, not including annexes) to be used internally by the Commission services on the results of the above-mentioned evaluation. This report may include sensitive information about individual defenders and should include inputs and recommendations on how the EIDHR may address relevant issues of interest to HRDs and their needs in third world countries in the foreseen Call for proposals in 2010, within the scope of the Instrument's Strategy and its Financial Regulation. This report will include an executive summary of two pages with main findings and recommendations.

B.- A second short report (maximum 10 pages) summarizing the main findings and recommendations to be used externally. It could include annexes, such as 1 page per project/organisation with specific information and recommendations.

C.- A first draft of the report shall be presented to the EC in the last week of January 2010 in order to be used during a coordination meeting taking place with civil society organisations in February. (See section 3 below).

The evaluation shall present objective, credible, reliable and valid **findings**, based on facts found during the assignment, on all the issues raised above. The findings will lead to a set of **conclusions** and lessons learnt, on the basis of which final recommendations **for the civil society organisations should be put forward**. These recommendations should be expressed clearly enough to be translated into operational terms by the European Commission.

### **3. PROFILE REQUIRED**

#### **➤ Profile and/or expertise required**

Requirements to be covered by the expert:

- Nationality of one of the 27 EU member States
- Advanced University degree, preferably in law, political science, international relations or other disciplines related to human rights.
- Expertise in evaluation or monitoring of external relations projects/programmes and drafting corresponding reports
- Expertise and extensive professional experience in the fields of human rights
- Experience in development cooperation in general, with professional experience in civil society capacity-building issues in at least one third world country.
- Knowledge of thematic instruments of the European Commission, particularly the EIDHR will be an asset
- Native speaking in English or French and working level in the other language.
- Good command of Microsoft Word.

It is essential that the consultant is not and has not been related professionally, nor that he/she is or has been a member of any of the 11 beneficiary organizations, in order to ensure full independence in his/her evaluation.

#### **➤ Number of requested experts per category and number of man-days per expert**

One, Category 1 expert, is needed for this assignment.

The total man days for this assignment amount to **50 man days**. The expert is required to attend a coordination meeting with the 11 civil society organisations supported by the EIDHR in February 2010 where Member States and the European Parliament will also be present.

#### **➤ Working language(s)**

The working language will be English and French. The reports will be drafted in English.

### **4. LOCATION AND DURATION**

#### **➤ Starting period**

The Starting date of the assignment will be 4 January 2010

#### **➤ Foreseen finishing period or duration**

The finishing date of the assignment will be 17 March 2010.

## ➤ Planning

The two parties will meet in Brussels the first day of the assignment to discuss the ToR and the submitted methodology and make an exact plan and time frame for the assignment. The consultant will be familiarized by then with the documents listed in the annex to the present ToR. Seven days after this first meeting the consultant will present the Commission with an inception report where a reviewed methodology, including a working plan, will be proposed.

The parties will meet again at least 10 days before its end to allow the Commission to receive an oral report of the progress and likely results of the assignment.

A draft final report shall be submitted to the EC no later than 1 March 2010. The Commission will have 10 days to submit comments on this draft.

The final report including all outputs mentioned in the ToR shall be delivered to the EC no later than 19 March 2009.

Indicative planning table (final schedule will be agreed with the expert during the inception phase):

Expected Succession of Activities	Location and Indicative Timing
Briefing meeting with the Commission	Brussels – 4th January 2010
Preparation of the inception report and study of the first documents	home-based work
Submission of the inception report and visit to the organisation based in Brussels	11 <sup>th</sup> -12th of January - Brussels
Field missions to the organisations based in EU	Amsterdam, Paris, Toulouse, Stuttgart, Copenhagen, London, Dublin, Tbilisi
Submission of a first draft report	Home-based – end of January
Participation to the civil society meeting organised by the EC and selection with the EC of the two places to be visited	Brussels – beginning of February
Field missions	Calavi + one or two countries
Drafting the report	Home based
Submission of the draft final report	No later than 2d March 2010
Approval or comments of the final report by the EC	No later than 10 <sup>th</sup> March 2010
Submission of the final report	No later than 17 <sup>th</sup> March 2010

## ➤ Location(s) of assignment

The assignment will be mainly carried out in Brussels and at the home base of the expert. A visit to other countries within and outside the EU is compulsory in order for the expert to meet local partners and/or beneficiaries of some of the projects.

## 5. REPORTING

For specific report requested, see above under "Requested outputs". Final outputs must be submitted in electronic versions in both Word and PDF formats.

In annex to the report, the expert has to include: ToR, methodology, list of persons interviewed and places visited, literature and documentation consulted and other relevant technical annexes.

➤ **Language**

The reporting language will be English.

➤ **Timing for submission and comments and, when relevant, for approval**

A draft calendar for submission of the different products requested under this assignment shall be proposed in the methodology to be submitted in the offer by the applicants. The exact timing will be agreed between the consultants and the Commission on the start of this assignment.

## **6. ADMINISTRATIVE INFORMATION**

The offer should include:

- CV of the expert;
- A methodology (max 4 pages A4) prepared by the expert to carry out the assignment.
- A financial offer

The budget must also include costs for:

- Travels and per diems to Brussels as well as for the cities where the beneficiaries' headquarters are located: Paris, Dublin, Toulouse, Amsterdam, Calavi (Benin), Stuttgart, Copenhagen, Tbilisi and London.
- Travels and per diems to one or two cities outside the EU: to be agreed by the Commission and the expert after the visits to the different organizations' headquarters in Europe has taken place.

This will be a global price contract.

Due to the particular sensitivity of some of the information needed to complete the assignment, the expert will be requested to sign a confidentiality agreement with the Commission regarding the use and the transfer of data used for this evaluation.

**The applicants shall submit in their offer a proposed methodology including a tentative calendar for this assignment.**

The Commission must receive the final invoice from the contractor by the end of April 2010 at the latest.

## **ANNEX: List of basic documents to be read before the briefing**

**- Regulation 1889/2006:**

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0001:0011:EN:PDF>

**- EIDHR Strategy Paper 2007-2010:**

[http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr\\_strategy\\_paper\\_2007-2010\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_strategy_paper_2007-2010_en.pdf)

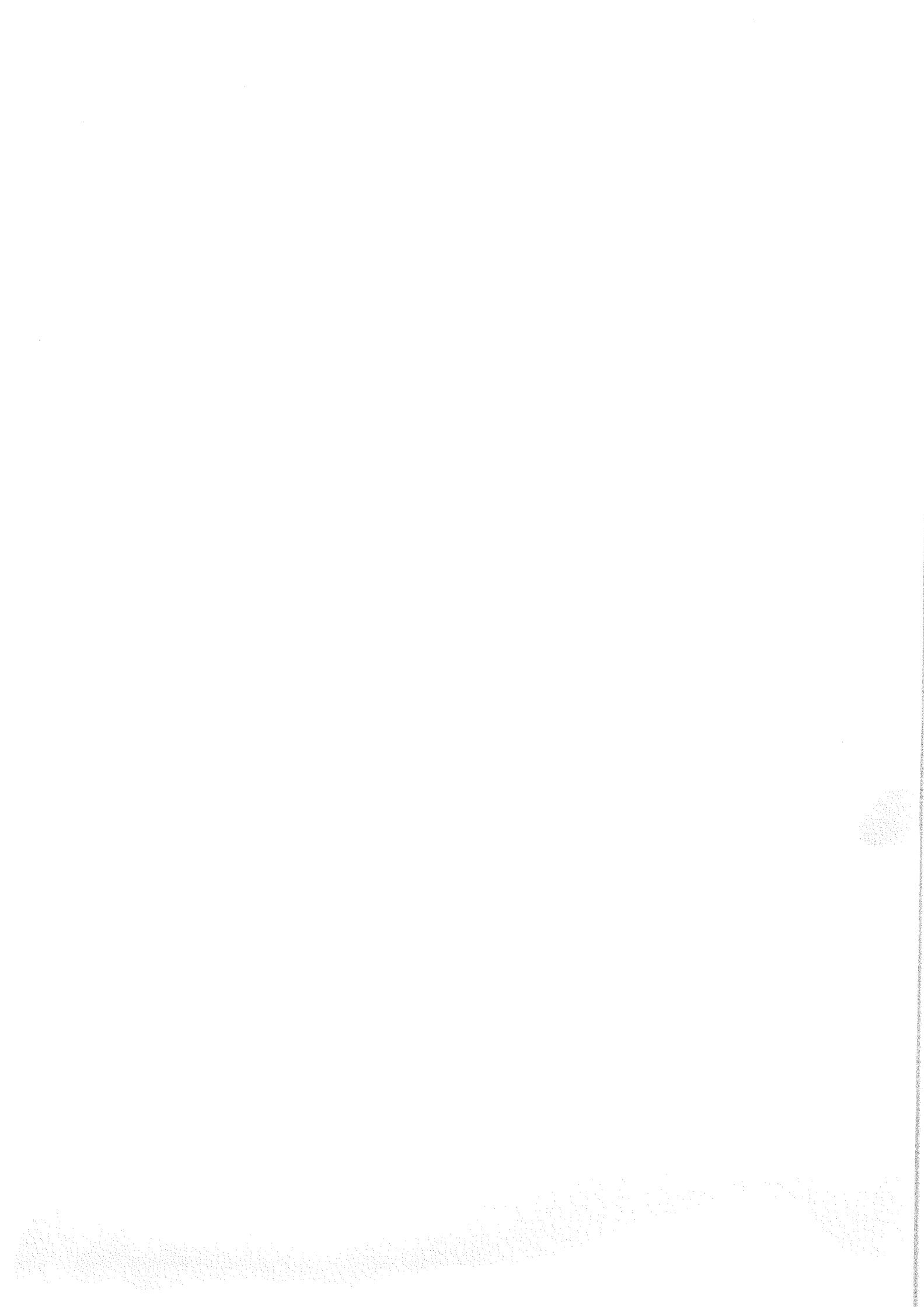
**- EU Guidelines on HRDs:** <http://www.consilium.europa.eu/showPage.aspx?id=1706&lang=EN>

**- Call for Proposals - EIDHR - Support for Human Rights Defenders (2007):**

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderby=upd&orderbyad=Desc&searchtype=RS&aofr=126412>

**- EIDHR Website:**

[http://ec.europa.eu/europeaid/what/human-rights/index\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/index_en.htm)



### ANNEX III - LIST OF BENEFICIARIES & PROJECTS

Organisation	Project title	Amount (€)	Duration (months)	Per annum
Avocats sans Frontières (France)	Les avocats au service des avocats	607,965	24	303,982
Brot für die Welt (Germany)	Support and enable African Human Rights defenders in using national, regional and international human rights protection systems	989,430	36	329,810
Clean clothes Campaign (Netherlands)	Human Rights Defenders (garments workers) Bangladesh, Indonesia, Sri Lanka, Cambodia or any other regions at stake	629,138	36	209,712
Dimension Sociale (Benin)	Synergie d'actions pour la professionnalisation et la protection des défenseurs des droits de l'homme en Afrique	499,879	24	249,939
Euro-Mediterranean Foundation of Support to Human rights Defenders (Denmark)	Soutien et renforcement des capacités des défenseurs des droits de l'Homme dans la région euro-méditerranéenne par le biais d'une assistance financière rapide et stratégique	981,513	36	327,171
FIDH (France)	Renforcer la protection des défenseurs des droits de l'Homme	1,720,000	36	573,333
Front Line (Ireland)	Protection, security, rapid response and international support for human rights defenders	1,801,679	36	600,559
Human Rights Centre (Georgia)	Creation of the South Caucasus Network of Human Rights Defenders	698,483	24	348,241
Protection International	Global programme for the protection of human rights defenders	900,000	36	300,000
Reporters sans Frontières (France)	Soutien aux journalistes et cyber-dissidents écrivant sur la situation locale des droits de l'Homme.	616,350	36	205,450
The Institute for War and Peace Reporting (UK)	Building Central Asian Human Rights Protection & Education Through The Media	1,275,921	24	637,960

## ANNEX IV - INCEPTION REPORT



The European's Union European Instrument for Democracy and Human Rights (EIDHR)

## Evaluation and Recommendations on EIDHR to Human Rights Defenders

**FWC Contract n° 2009/226296  
BENF 2009– lot nr 7- Governance and Home Affairs**

**EuropeAid/127054/C/SER/Multi**

## **INCEPTION REPORT**

**15 January 2010**



Project financed by  
European Union

**SOFRECO – Governance-20 Consortium and  
SICI Dominus**

*This report was prepared with financial assistance from the European Union. The views expressed herein are those of the authors and SOFRECO and do not represent any official view of the European Commission.*

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## ABBREVIATIONS

<b>EC</b>	European Commission
<b>EIDHR</b>	European Instrument for Democracy and Human Rights
<b>EU</b>	European Union
<b>HRD</b>	Human Rights Defenders
<b>ToR</b>	Terms of Reference
<b>UN</b>	United Nations

## 1 EXECUTIVE SUMMARY

The *EU Guidelines on Human Rights Defenders* aim to provide concrete guidance for the assistance and protection of human rights defenders. Specific support to human right defenders is provided under the European Instrument for Democracy and Human Rights (EIDHR), whose *Strategy Paper 2007-2010* identifies at Objective 3 the “*support of actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogue, on human rights defenders...*”. EIDHR allocated 16 million Euros to this Objective for this period, and a Call for Proposals launched in 2007 resulted in the selection of 11 civil society projects (see *Annexe I*) providing support to HRDs. These projects form the subject of the current assignment, and the present Report has been prepared pursuant to Section 4 (Location & Duration – *Planning*) of the Terms of Reference (ToR) of the above-mentioned Request for Offer. This Report complements and completes the Evaluation Methodology provided by the Expert in December 2009 (see *Annexe II*).

## 2 EVALUATION OBJECTIVES

The *overall objective* of the assignment is to provide the European Commission with an assessment of the quality of the actions financed under the EIDHR in support of HRDs from October 2008 to February 2010, as well as with recommendations on how to improve this support in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities.

The *specific objectives* require the Expert to:

- i) Provide an evaluation of the first phase of implementation of the 11 projects in support of HRDs, in particular to evaluate their pertinence and relevance, and to assess the effectiveness in the provision of timely assistance to HRDs at risk;
- ii) Make recommendations on how to improve EIDHR support to HRDs;
- iii) Analyse the added value of the actions financed under the EIDHR in support of HRDs, to ensure their complementarity and the risk of overlapping with other actions financed under the EIDHR.

## 3 INCEPTION REPORT – STRUCTURES AND SOURCES

The Report presents the rationale, approach and processes of the evaluation of funding under the European Initiative for Democracy and Human rights (EIDHR) for projects supporting Human Rights Defenders. It is based on the following information:

- Project documentation received from the EC and from beneficiaries. This documentation has included EC and EIDHR policy documents, project documents (proposals, “flash reports” and other interim reports, financial reports, project outputs etc.) and other documentation in the possession of beneficiaries, the EU, and stakeholders. Although the desk phase of this Evaluation has been relatively short, and the amount of information available has varied widely from project to project, the Expert has nevertheless been able to form an initial view of issues to be examined in the course of this Evaluation.
- Input from interviews conducted by the Expert in Brussels and Paris, and via telephone and other exchanges of information. In Brussels the Expert met staff from EuropeAid, the Council of the European Union and with Brussels-based beneficiaries or their representatives, and other stakeholders. In Paris, the Expert met Paris-based beneficiary organisations, and conducted telephone interviews with all other beneficiaries and a number of partners or stakeholders.

## 4 EIDHR HRD PROGRAMME RATIONALE & PROJECT RESPONSES

HRDs are persons who, individually or with others, act to promote or protect human rights. They are afforded special protection under the UN Declaration on Human Rights Defenders (1998), and supporting their activities is one of the major priorities of EU external policy in the field of human rights.

HRDs face multiple challenges in many regions of the world, and are often subjected to horrendous violations of their fundamental rights, too numerous to be listed here, for the “crime” of defending the rights of others. Violations can target human rights defenders themselves, the organizations for which they work, or even their families. In addition, women human rights defenders confront risks that are gender-specific, and thus require particular attention. Violations may be of both international and national law, and occasionally the domestic legislation used against defenders itself contravenes international human rights law.

The call for proposals in 2007 aimed to select actions concerning support for human rights and democracy-related actions in the field of human rights defenders, including “*strengthening the status of human rights defenders and their fundamental rights (...) and supporting their activities such as documenting violations, seeking remedies for victims of such violations, and combating cultures of impunity (...)*”

It also aimed to provide an appropriate response in emergencies to protect and support human rights defenders. A broad range of assistance measures was envisaged, ranging from protecting the physical integrity of human rights defenders and their immediate families, to supporting registration procedures of civil society organisations.

The projects ultimately selected pursuant to this call for proposals have addressed a number of themes, activities and target groups, and can be grouped loosely as follows:

- Urgent support to HRDs and their families and supporters (alerts, material assistance, protection measures...);
- Interventions and advocacy at the national, regional and international level, to improve legislation, ensure implementation of regional or international instruments, and strengthen mechanisms, etc.;
- Direct interventions in support of HRDs at the local level, for example through the provision of lawyers, conducting trial observations, or enlisting diplomatic and other support;
- Capacity-building of local organisations supporting HRDs, through re-granting for local projects, training programmes, etc.;
- Awareness-raising and network creation/ strengthening activities (publications, films, seminars, meetings etc.);
- Follow-up activities of all of the above.

Some projects have focussed on particular regional concerns or initiatives, whereas others are truly global in their scope.

## 5 EVALUATION QUESTIONS

The Evaluation aims to address not only the relevance and effectiveness of the Projects themselves, but also the relevance and effectiveness of EIDHR support to HRDs, in order to orient future programming in this regard, and it is for this reason that the Evaluation questions are dual-pronged in their approach. In reality, the issues elucidated here cannot be quite so neatly categorised, given the level of interdependence between policies, priorities, activities and approaches, however the questions will serve as the theoretical skeleton of the evaluation, and help structure the final report.

### 5.1 RELEVANCE, EFFECTIVENESS AND EFFICIENCY OF EIDHR SUPPORT TO HRDS

#### 5.1.1 Key questions

- To what extent did EIDHR support HRDs during the evaluation period?
- How can EIDHR improve its future support to HRD?

#### 5.1.2 Specific questions

- Relevance
- To what extent did EIDHR support fulfil Objective 3 of the EIDHR Strategy Paper 2007 – 2010?
  - To what extent does Objective 3 (above) overlap with other EIDHR objectives, and to what extent can this overlap be positively exploited?
  - To what extent is EIDHR support adjusted to the *specific needs* of HRDs?
  - To what extent has the EIDHR's strategy concerning the support of HRDs incorporated the lessons learned from other donors' experiences?

- Effectiveness
  - To what extent has EIDHR contributed to supporting HRDs?
- Efficiency
  - To what extent has EIDHR aid contributed to supporting HRDs with a cost comparable to that of good practice observed by other international donors or donor countries?
- Sustainability
  - To what extent has EIDHR aid contributed to supporting HRDs in such a way that it will continue after the conclusion of this support?
- Coherence/ complementarity
  - To what extent do the EIDHR policies relative to HRDs mutually reinforce other related sectors (torture, asylum policy...)?
  - To what extent has EIDHR support been complementary to assistance provided by other donors and other activities relevant to HRDs, and to what extent has this improved protection of HRDs?
- Cross-cutting issues
  - To what extent did EIDHR integrate cross-cutting issues into the design and implementation of its support, in particular gender, good governance, human rights generally, the rule of law, democracy, and development of the role of civil society?

## 5.2 RELEVANCE, EFFECTIVENESS AND EFFICIENCY OF THE PROJECTS

The Expert has developed general guidance notes to beneficiary/ implementing organisations (see *Annexe III*), which contain a number of questions that will be directed towards beneficiary organisations, and which will orient queries with local partners and all stakeholders. The query framework however follows a format that is necessarily similar to that concerning EIDHR support as a whole, with the key question being: *To what extent did the Project support HRDs during the evaluation period?*

### 5.2.1 Key questions

- To what extent did the Project support HRDs during the evaluation period?

### 5.2.2 Specific questions

- Relevance
  - To what extent did the Project contribute to achieving Objective 3 of the EIDHR Strategy Paper 2007 – 2010?
- Effectiveness
  - To what extent has the Project contributed to supporting HRDs? In particular, what has been the *direct impact on individual HRDs*?
- Efficiency
  - To what extent has the Project contributed to supporting HRDs in a cost-effective manner?

- Sustainability
  - To what extent has the Project contributed to supporting HRDs in such a way that this support will continue after the project implementation period?
- Coherence/ complementarity
  - To what extent do the Project's activities relative to HRDs mutually reinforce the organisation's other activities, and the activities of its partners (in particular its local partners)?
  - To what extent has the Project been complementary to assistance provided to HRDs by other organisations, and other activities relevant to HRDs, and to what extent has this improved the protection of HRDs?
- Cross-cutting issues
  - To what extent did the Project integrate cross-cutting issues into the design and implementation of its support, in particular gender, good governance, human rights generally, the rule of law, democracy, and development of the role of civil society?
- Visibility
  - To what extent did the Project promote or enhance the visibility of both its activities and of EC support?

## 6 EVALUATION PROCESS AND PROCEDURES

### 6.1 METHODOLOGY REVIEW AND UPDATE

The essential components of the Methodology (see *Annexe II*) remain unchanged. As anticipated, some co-ordination/ timing difficulties have arisen in the organisation of visits, however they are in the process of being satisfactorily resolved. The issue of risk to HRDs is being adequately managed, with these risks having been possibly slightly overstated in the original Methodology (the Principle of Precaution continues to be applied however). The desk-study phase has progressed most satisfactorily. The level of beneficiary and stakeholder cooperation has been very high, however fairly assertive follow-up has been required to date, to ensure the evaluation (in particular the field-study phase) remains on schedule. Cooperation with the EIDHR project management team in Brussels has been excellent, with the Expert spending one day on EC premises examining project material, with several other visits also being anticipated. The time-frames allowed for Ex-EU visits are on the other hand rather too short, but can be managed depending on the exact selection of countries/ activities. The Expert can perhaps conduct the final Ex-EU visit in parallel with the final report-writing period, and "dove-tail" her observations into the report immediately prior to submission.

## 6.2 “CASE STUDIES”

In addition to visits to the beneficiary organisations, the ToR require the conduct of one or two Ex-EU field visits (in addition to a visit to Benin) after the intra-EU visits (including Georgia), to allow the Expert to observe representative on-the-ground activities and assess their impact, and meet with local partners and beneficiaries of projects. These will form the basis of two Evaluation “case-studies”, but the observations will also be integrated into the evaluation findings and recommendations.

Beneficiaries have proposed a number of suggestions for these visits, and their relevance to the evaluation is being assessed on an on-going basis. The Expert will also be attending the HRD Conference being held in Dublin in mid-February, which will not only provide an excellent opportunity to meet with Programme beneficiaries and stakeholders, but also to observe “in action” their individual and collective participation in the event, and of course to assess this important activity on behalf of a key beneficiary organisation (FrontLine). It is noted that the ToR require the selection of the country visits mentioned above prior to the Co-ordination Meeting to be held in Brussels on 4<sup>th</sup> and 5<sup>th</sup> February 2010, and this selection will be conducted in consultation with the European Commission in Brussels and the organizations themselves.

## 6.3 EVALUATION STRUCTURE

The ToR require the following outputs for this Evaluation:

- A short report (20 pages) for the *internal use* of the Commission services, on the results of this Evaluation. A first draft of this report is to be provided to the EC to be used in the Coordination Meeting, which will be held on 4<sup>th</sup> and 5<sup>th</sup> February 2010.
- A short report (10 pages), based on the above internal report (less of course all sensitive operational or other information) summarizing the main findings and recommendations, for *external use*. In addition, it has been agreed that the Expert will prepare a short presentation of her preliminary observations/ findings at the Coordination Meeting referred to above.

It is anticipated the Final Report (internal) will have the following general structure:

- I. *Executive summary*
  - i. Purpose of the evaluation
  - ii. Method
  - iii. Analysis and main findings
  - iv. Main conclusions
  - v. Main recommendations

- II. Introduction*
  - i. Objectives
  - ii. Brief analysis of the Programme context
  - iii. Purpose of the evaluation & presentation of the evaluation questions
  - iv. Limitations and constraints
- III. Methodology*
  - i. Overview
  - ii. Process
  - iii. Analytical approach
- IV. Background information on the projects*
  - i. Strategy and policy aspects
  - ii. Types of activities
  - iii. Case studies (Ex-EU field trips)
- V. Main findings*
  - i. Responses to evaluation questions & findings
    - 1. Relevance
    - 2. Effectiveness/ Impact
    - 3. Efficiency
    - 4. Sustainability
    - 5. Coherence & complementarity
    - 6. Cross-cutting issues
    - 7. Visibility
  - ii. Overall evaluation of EIDHR support
- VI. Conclusions & Recommendations*
- VII. Annexes*

The Final External Report (10 pages) will concentrate on the main findings and recommendations, but as indicated above will exclude any information of a sensitive nature.

## **7 WORK PLAN**

The Work-plan for the Evaluation process (see *Annexe IV*) as provided in this Report is itself a work-in-progress. It is intended to provide a tentative indication of field-visits, meetings and events, and is being up-dated on almost an hourly basis in consultation with beneficiaries, stakeholders, and EC programme managers. It incorporates field-visits, meetings, and interim/ final deadlines, as well as a running calculation of days worked (including several weekend days) pursuant to the contractual obligations between the EC and the Consortium. Any changes to this work-plan however will involve the specific organisations or countries visited, rather than *when* visits in general would take place. As indicated above, the final report-writing phase *may* have to be conducted in parallel with a final Ex-EU visit, and for this reason the Expert wishes to ensure that running updates and inputs to the preliminary report provided to the Commission in early February/ late January are scrupulously maintained, as visits and interviews progress, in order to respect the required deadline for the final reports.

## ANNEX I: LIST OF BENEFICIARIES & PROJECTS

Organisation	Project title
DIMENSION SOCIALE-BENIN	Synergie d'actions pour la professionnalisation et la protection des défenseurs des droits de l'homme en Afrique
EURO-MEDITERRANEAN FOUNDATION OF SUPPORT TO HUMAN RIGHTS DEFENDERS	Soutien et renforcement des capacités des défenseurs des droits de l'Homme dans la région euro-méditerranéenne par le biais d'une assistance financière rapide et stratégique
THE INSTITUTE FOR WAR AND PEACE REPORTING	Building Central Asian Human Rights Protection & Education Through The Media
DIAKONISCHES WERK DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND	Support and enable African Human Rights defenders in using national, regional and international human rights protection systems
HUMAN RIGHTS CENTRE	Creation of the South Caucasus Network of Human Rights Defenders
FEDERATION INTERNATIONALE DES DROITS DE L'HOMME	Renforcer la protection des défenseurs des droits de l'Homme
ASSOCIATION REPORTERS SANS FRONTIERES	Soutien aux journalistes et cyber-dissidents écrivant sur la situation locale des droits de l'Homme.
FRONT LINE THE INTERNATIONAL FOUNDATION FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS TRUST	Protection, security, rapid response and international support for human rights defenders
PROTECTION INTERNATIONAL	Global programme for the protection of human rights defenders
ASSOCIATION AGENCE COOPERATION JURIDIQUE INTERNATIONALE	Les avocats au service des avocats
STICHTING SCHONE KLEREN KAMPAGNE	Human Rights Defenders (garments workers) Bangladesh, Indonesia, Sri Lanka, Cambodia or any other regions at stake

## ANNEX II: METHODOLOGY DECEMBER 2009

### I. RATIONALE

#### a. CURRENT SITUATION

Human rights defenders (HRDs) are persons who, individually or with others, act to promote or protect human rights. They are afforded special protection under the UN Declaration in Human Rights Defenders (1998), and supporting their activities is one of the major priorities of EU external policy in the field of human rights.

Defenders face multiple challenges in many regions of the world. They are instigators of change by their very nature, and are often seen as challenging established power structures. Repression is tragically a common response, leading to violations of HRD's human rights for the "crime" of protecting the fundamental freedoms of others. These violations can include executions, disappearances, torture, beatings, arbitrary arrest and detention, through to restrictions on freedoms of movement, expression, association and assembly. Defenders are often subjected to unfair trial and conviction. Violations can target human rights defenders themselves, the organizations for which they work, or even their families. In addition, women human rights defenders confront risks that are gender-specific, and thus require particular attention. Violations may be of both international and national law, and occasionally the domestic legislation used against defenders itself contravenes international human rights law.

The *EU Guidelines on Human Rights Defenders*, the ambit of which extends to groups and civil society organisations, aim to provide concrete guidance for the assistance and protection of human rights defenders. Specific support to human right defenders is provided under the European Instrument for Democracy and Human Rights (EIDHR), whose *Strategy Paper 2007-2010* identifies at Objective 3 the "*support of actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogue, on human rights defenders...*". EIDHR allocated 16 million euros to this Objective for this period, and a Call for Proposals launched in 2007 resulted in the selection of eleven civil society projects<sup>1</sup> providing support to HRDs. These projects form the subject of the current assignment, and the present methodology has been prepared pursuant to the requirement of Part 6 (Administrative Information) of the Terms of Reference (ToR) of the Request for Offer.

#### b. OBJECTIVES

**Global Objective:** The overall objective of the assignment is to provide the European Commission with an **assessment** of the quality of the actions financed under the EIDHR in support of HRDs from October 2008 to February 2010, as well as with **recommendations** on how to improve this support in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities.

**Specific Objectives:** The specific objectives require the Expert to:

- iv) Provide an *evaluation* of the first phase of implementation of the 11 projects in support of HRDs, in particular to evaluate their pertinence and relevance, and to assess the effectiveness in the provision of timely assistance to HRDs at risk;
- v) Make *recommendations* on how to improve EIDHR support to HRDs;

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<sup>1</sup> [http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders_en.htm)

vi) Analyse the *added value* of the actions financed under the EIDHR in support of HRDs, to ensure their *complementarity and the risk of overlapping* with other actions financed under the EIDHR.

### c. ASSUMPTIONS AND RISKS

RISKS	RISK EVALUATION	RISK MITIGATION
Problems arise regarding the coordination of activities with beneficiary organisations and stakeholders	Moderate	<ul style="list-style-type: none"> <li>i) Draft detailed work-plan &amp; establish schedule with beneficiary and stakeholders representatives at desk study stage;</li> <li>ii) Create scheduling/ interlocutor alternatives, to apply in the event of unforeseen changes.</li> </ul>
External events result in unavailability of key beneficiary and stakeholder representatives	Slight to moderate	<ul style="list-style-type: none"> <li>i) Monitor external events in beneficiary countries;</li> <li>ii) Create scheduling/ interlocutor alternatives, to apply in the event of unforeseen changes;</li> <li>iii) Maintain close pro-active liaison with beneficiaries and stakeholders prior to visits.</li> </ul>
Beneficiary organisations disagree with findings/ recommendations of the Expert	Slight	<ul style="list-style-type: none"> <li>i) Raise concerns at the earliest opportunity, enabling Beneficiary to explain any discrepancies and clarify any misunderstandings</li> <li>ii) Discuss any potentially contentious findings/ recommendations to beneficiary concerned prior to submission of report (Output B); clarify misunderstandings &amp; resolve divergences of opinion to the extent possible.</li> </ul>
EC disagrees with findings/ recommendations of the Expert	Slight	Maintain regular liaison with EC (BRX and Delegations), raising concerns at the earliest opportunity and clarifying any misunderstandings.
ASSUMPTIONS	VALIDITY	COMMENTS
Beneficiaries and Stakeholders are willing and able to provide timely and adequate information.	VALID	The adequacy of responses will be assessed throughout the assignment, and requests made where gaps are identified; any difficulties experienced will be addressed, if necessary with the assistance of the appropriate EC Delegation.
EC Delegations facilitate contact with stakeholders, and provide necessary political, security and other advice.	VALID	A key component of this assignment is the necessity of maintaining close contact with the EC, both in Brussels and in the field, in particular about the specific information being sought by the Expert.

## II. STRATEGY

### a. COORDINATION AND KEY ISSUES

#### i. Coordination

The internal coordination of this assignment will be relatively easy to implement, given that the ToR provide for a single Expert, and the indicative planning table is already well-defined. As indicated above, the Expert will, in collaboration with the Contractor, maintain regular contact with the EC throughout each of the assignment phases. Beneficiary coordination could prove more difficult, since it will be necessary to meet with key project representatives of each of the beneficiary organisations, and other stakeholders, spread over numerous countries on three continents (see also *Risks* below). The Expert will enter into close collaboration with the beneficiaries and stakeholders at the earliest possible opportunity, in order to establish a working schedule, in particular relative to those operating outside the EU. The Expert being resident in Paris will facilitate the coordination of this assignment, since three beneficiaries are based in France, there is rapid train access to London, Brussels, and Amsterdam, and the city is a major international flight hub.

#### ii. Key issues

This methodology takes into account the following key issues:

- The beneficiaries represent significantly differing organisations, supporting various sectors of HRDs, and with both national and international approaches. It will therefore be essential to incorporate their differing mandates, approaches and activities (status strengthening, HRD support etc.), management styles and implementation processes in the evaluation and recommendation phase;
- Similarly, the differing degrees of experience of each organisation relative to HRDs, the relative size and scope of the EIDHR-supported projects, as well as their differing stages of implementation will be factored into the time and resource planning of the assignment, as well as the evaluation and recommendation processes;
- As indicated above, women HRDs face very specific challenges, as do certain vulnerable groups, such as members of ethnic, linguistic and other minorities. The specific issues of such increased-risk groups will be specifically addressed at all phases of the assignment;
- The degree of personal and institutional risk faced by beneficiaries and stakeholders must be carefully incorporated in the field-visit phase, ensuring that the assignment "*first does no harm*", and such factors are to be taken into account in the formulation of recommendations;
- The stability, and the degree of likelihood of significant beneficial or negative change in beneficiary countries, taking into account political, economic or other factors, will need to be addressed in the formulation of recommendations;
- The feasibility of implementing the final recommendations will form an essential part of the assessment and report-writing phases.

### b. ORGANISATION OF THE ACTIVITIES

The Expert will perform the principal activities as outlined at (c) below, and will undertake primary responsibility for all European logistical aspects, for example arranging EU travel and accommodation. The Expert will maintain continuous and substantive contact with the EC and Contractor on all aspects of these activities.

The Contractor will be responsible for all administrative matters and liaison with the EC in Brussels, the organisation of all international travel by the Expert, and the provision of all outputs in the required format and within the contractual timeframe.

c. **ACTIVITY DESCRIPTION**

<b>Stage</b>	<b>Project objectives</b>	<b>Principal activities</b>
1. Desk Study	Design assignment; Identify key interlocutors and stakeholders; Prepare work plan; Collect information for the reporting phase	Hold initial briefing with EC; Establish contact with beneficiaries & stakeholders; Analyse documents and relevant materials; Prepare work plan for interviews/field visits; Prepare questionnaires for interviews; Prepare draft internal report (Output B – see <i>Reporting</i> below)
2. Field Visits	Obtain data on which to base analysis	Conduct interviews with EC Delegation task managers, beneficiaries and relevant stakeholders; Collect additional project documents; Prepare synthesis of each country visit
3. Reporting	Assess the efficiency, effectiveness and impact of EIDHR-funded projects, and developing recommendations for future assistance	Conduct detailed analysis of EIDHR supported projects, and develop recommendations; Draft internal report (Output A) Draft short external report (Output B – main findings and recommendations) <sup>2</sup>
4. Feedback & dissemination	Synthesise the conclusions and recommendations; Disseminate the results of the analysis.	Hold a debriefing meetings to discuss the draft report Submit final report after incorporation of comments

The Expert will identify a full range of stakeholders and obtain their views through semi-structured interviews. These stakeholders will include, where necessary *and appropriate*:

- Representatives of NGOs implementing projects;
- Beneficiaries of projects (such as activists, lawyers, etc);
- Representatives of governments and inter-governmental organisations dealing with the beneficiaries;
- Individual human rights defenders;
- Independent observers (such as legal academics, journalists, etc)
- Staff of EC Delegations in each country visited.

In general terms, the Expert will adopt an “appreciative enquiry” approach, seeking to build on the positive outcomes of projects, while identifying any shortcomings and hence formulating appropriate conclusions. This approach will be underpinned by an analysis, to be carried out at the desk study stage, of the impact indicators that will be used to assess the overall programme, possibly in the form of an *ex-post-facto* logical framework.

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<sup>2</sup> It is noted that a draft version of this document must be presented to the EC in the last week of January 2010.

d.

## EXPERT PRESENTATION

**Abigail Hansen** is a qualified lawyer with more than 20 years experience in international and domestic human rights litigation and policy, as well as human rights programme formulation, management and evaluation; she is herself a Human Rights Defender. She has exceptional expertise in the fields of due process and rule of law; remedies for victims of human rights violations; international justice and combating immunity; capacity-building of civil society; and institutional reform. She has provided direct technical assistance to governments and organisations on human rights issues, and is experienced in working on sensitive assignments, and in politically complex environments.

She is familiar with the objectives, approaches and evaluation procedures of the EIDHR, having evaluated EIDHR calls for proposals and projects since 2002, including a major evaluation of EIDHR support to the International Criminal Court in 2008, which shared striking similarities to the technical and practical challenges of the current mission<sup>3</sup>. She is fully familiar with EC Project cycle management (PCM) and logical framework techniques. She is aware of the objectives and activities of a majority of the eleven organisations that are the subject of the current evaluation (for example, the FIDH being one of the NGOs evaluated as part of the EIDHR ICC evaluation); there exists however no discernible conflict of interest in this regard. She is professionally fluent in both English and French.

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<sup>3</sup> See: "EIDHR Evaluation on its Support to the Establishment and Functioning of the ICC – Final Report – Project No. 2007/146677" by Pierre Robert, Abigail Hansen and Florence Burban, December 2008 [http://ec.europa.eu/europeaid/what/human-rights/documents/final\\_report\\_main\\_december\\_2008\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/final_report_main_december_2008_en.pdf)

## ANNEX III: BENEFICIARY GUIDANCE NOTES

### Information required from Implementing Organisations

1. Under the Terms of Reference for the Evaluation, which have already been provided, the Objectives of this Evaluation are as follows:

Global Objective: The overall objective of the assignment is to provide the European Commission with an *assessment of the quality of the actions* financed under the EIDHR in support of HRDs from October 2008 to February 2010, as well as with *recommendations on how to improve this support* in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities.

Specific Objectives: The specific objectives require the Expert to:

- a. Provide an *evaluation* of the first phase of implementation of the 11 projects in support of HRDs, in particular to evaluate their pertinence and relevance, and to assess the effectiveness in the provision of timely assistance to HRDs at risk;
- b. Make *recommendations* on how to improve EIDHR support to HRDs;
- c. Analyse the *added value* of the actions financed under the EIDHR in support of HRDs, to ensure their *complementarity and the risk of overlapping* with other actions financed under the EIDHR.

2. The following gives an indication of the ***general categories of questions*** that will be asked of organisations, stakeholders and beneficiaries:

- a. *Key issue*: The relevance and impact (effectiveness) of the activities on HRDs;
- b. *Key issue*: Observations and recommendations - examples: how to improve EIDHR support to HRDs in danger; how local human rights activists and groups in third countries can be better supported, capacitated, and involved in the elaboration and implementation of future actions under EIDHR funding;
- c. Description of the activities undertaken pursuant to the EIDHR grant of assistance; implementation of activities;
- d. The efficiency of the activities;
- e. Complementarity with the Organisation's other activities/programmes;
- f. Quality & quantity of individual case of HRDs at risk that have been effectively supported;
- g. Examples of successful interventions/ activities;
- h. Examples of problems encountered, and lessons learnt;
- i. The added value of the activities in support of HRDs;
- j. Communication and division of responsibility between Project partners; quality of partnership between your organisation and local human rights groups;
- k. Mechanisms of communication and collaboration, to ensure complementarity with activities of other organisations;
- l. Visibility of the Project/ communication activities;
- m. Mechanisms of internal evaluation and monitoring.

3. The Evaluator would like to meet or talk with Organisations' implementing partners, and any stakeholders and beneficiaries whom they consider could contribute to the Evaluation. She will therefore require a list and contacts information of interested stakeholders/ target groups/ beneficiaries/ individuals (including, where safe and possible, human rights defenders themselves)
4. Please note that the evaluation approach will vary from organisation to organisation, and from individual to individual, and that the interview style will be informal and open-ended. Organisations will have the opportunity to provide clarification or further information after person-to-person interviews at any stage prior to the final submission of the Evaluation Report (First draft due 1 March 2010, Final Draft due 17 March 2010).
5. Documents that would be useful (where appropriate and available)
  - a. Amendments to EC contract<sup>4</sup>
  - b. Interim & "Flash" reports to EC
  - c. Internal Reports/ evaluations/ monitoring
  - d. Financial reports
  - e. External evaluations (example: by other donors)
  - f. Copies of outputs (publications, seminar materials, training materials, films...)
  - g. Any other material which may demonstrate the efficiency & impact of the Project

#### 6. About the Evaluator

**Abigail HANSEN** is a qualified lawyer with over 20 years' experience in international and domestic human rights litigation and policy, as well as human rights programme formulation, management and evaluation. She is herself a Human Rights Defender. She has particular expertise in the fields of due process and rule of law; remedies for victims of human rights violations; international justice and combating immunity; capacity-building of civil society; and institutional reform. She has provided direct technical assistance to governments and organisations on human rights issues, and has evaluated EIDHR calls for proposals and programmes since 2002. She is experienced in working on sensitive assignments, and in politically complex environments.

She is happy to work in both English and French.

She may be contacted at any time: +33 6 24 36 48 15 [abigail.hansen@free.fr](mailto:abigail.hansen@free.fr)

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<sup>4</sup> Original Application & Annexes (including original budgets) will not be required, since they have already been provided by the European Commission.

## ANNEX IV: WORK-PLAN<sup>5</sup>

<u>Legend:</u>	Orange –	Evaluation deadline or key contractual date
	Green –	Confirmed or completed to date
	Pale pink –	Weekend work
	Dark pink –	Time to be confirmed
	Blank –	Tentative or anticipated

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<sup>5</sup> Version as of 15 January 2010 – the working Excel worksheet can be provided at any time on request.

## Evaluation and Recommendations on EIDHR Support to Human Rights Defenders

MONTH	WEEK	DATE	DETAILS	DAYS
<b>DESK STUDY</b>				
January	2	4	ASSIGNMENT START: Briefing EIDHR - Brussels	1
		5	Research & study documents/ contact beneficiaries/ prepare field visits	1
		6	Research & study documents/ contact beneficiaries/ prepare field visits	1
		7	Research & study documents/ contact beneficiaries/ prepare field visits	1
		8	BRUSSELS - STUDY DOCUMENTS EC	1
		9	Weekend	0
		10	Weekend - Preparation inception report/ questions etc.	1
	3	11	Preparation inception report/ INCEPTION REPORT DUE	1
		12	BRX: 10H: PROTECTION-LINE/ 14H: DUPONT/ STUDY DOCUMENTS EC	1
		13	Paris - ACOJURIS - 14H30/ 15H00	1
		14	Paris - RE-CONTACT/ COORDINATION/ Logistics	1
		15	Paris - FIDH + OMTC	1
		16	Weekend	0
		17	Weekend	0
	4	18	Paris - ACOJURIS (ASF)/ RSF??	1
		19	Paris - RSF? Dublin? London?	1
		20	Paris - stakeholders? BRX - stakeholders?	1
		21	COPENHAGEN - EMFHR	1
		22	COPENHAGEN - EMFHR	1
		23	Weekend	0
		24	Weekend	0
	5	25	EU visits - LONDON	1
		26	EU visits - LONDON	1
		27	AMSTERDAM - Clean Clothes	1
		28	AM: AMSTERDAM/ PM: STUTTGART - BFDW	1
		29	STUTTGART - BFDW	1
		30	Week-end - Preparation of Preliminary Report/ Presentation	1
		31	Weekend	0
February	6	1	TBILISI?/ PRELIMINARY REPORT DUE	1
		2	TBILISI?	1
		3	TBILISI?	1

## Evaluation and Recommendations on EIDHR Support to Human Rights Defenders

		4	Co-ordination Meeting BRX	1
		5	Co-ordination Meeting BRX	1
		6	Weekend	0
		7	Weekend	0
	7	8	Ex-EU visits	1
		9	Ex-EU visits/ Dublin?	1
		10	HRD Conference Dublin	1
		11	HRD Conference Dublin	1
		12	HRD Conference Dublin	1
		13	Weekend - Travel/ Consolidation of material	1
		14	Weekend	0
	8	15	Ex-EU visits	1
		16	Ex-EU visits	1
		17	Ex-EU visits	1
		18	Ex-EU visits	1
		19	Ex-EU visits	1
		20	Weekend- Travel/ Consolidation of material	1
		21	Weekend	0
	9	22	Ex-EU visits/ Draft Final Report	1
		23	Ex-EU visits/ Draft Final Report	1
		24	Ex-EU visits/ Draft Final Report	1
		25	Draft Final Report	1
		26	Draft Final Report	1
		27	Weekend	0
		28	Weekend	0
March	10	1	<b>DRAFT FINAL REPORT DUE</b>	1
		2	Consideration of Draft Final Report by EC	0
		3	Consideration of Draft Final Report by EC	0
		4	Consideration of Draft Final Report by EC	0
		5	Consideration of Draft Final Report by EC	0
		6	Weekend	0
		7	Weekend	0
	11	8	Consideration of Draft Final Report by EC	0
		9	Consideration of Draft Final Report by EC	0

**Evaluation and Recommendations on EIDHR Support to Human Rights Defenders**

	10	RESPONSES EC DUE/ de-briefing BRX	0
	11	Draft Final Report	1
	12	Draft Final Report	1
	13	Weekend	0
	14	Weekend	0
12	15	Draft Final Report	1
	16	Draft Final Report	1
	17	Draft final report/ SUBMISSION OF FINAL REPORT - END ASSIGNMENT	1
<b>TOTAL</b>			50

## ANNEX V - BENEFICIARY GUIDANCE NOTES

### Information required from Implementing Organisations

1. Under the Terms of Reference for the Evaluation, which have already been provided, the Objectives of this Evaluation are as follows:

Global Objective: The overall objective of the assignment is to provide the European Commission with an *assessment of the quality of the actions* financed under the EIDHR in support of HRDs from October 2008 to February 2010, as well as with *recommendations on how to improve this support* in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities.

Specific Objectives: The specific objectives require the Expert to:

  - a. Provide an *evaluation* of the first phase of implementation of the 11 projects in support of HRDs, in particular to evaluate their pertinence and relevance, and to assess the effectiveness in the provision of timely assistance to HRDs at risk;
  - b. Make *recommendations* on how to improve EIDHR support to HRDs;
  - c. Analyse the *added value* of the actions financed under the EIDHR in support of HRDs, to ensure their *complementarities and the risk of overlapping* with other actions financed under the EIDHR.
2. The following gives an indication of the **general categories of questions** that will be asked of organisations, stakeholders and beneficiaries:
  - a. Key issue: The relevance and impact (effectiveness) of the activities on HRDs;
  - b. Key issue: Observations and recommendations - examples: how to improve EIDHR support to HRDs in danger; how local human rights activists and groups in third countries can be better supported, capacitated, and involved in the elaboration and implementation of future actions under EIDHR funding;
  - c. Description of the activities undertaken pursuant to the EIDHR grant of assistance; implementation of activities;
  - d. The efficiency of the activities;
  - e. Complementarities with the Organisation's other activities/ programmes;
  - f. Quality & quantity of individual case of HRDs at risk that have been effectively supported;
  - g. Examples of successful interventions/ activities;
  - h. Examples of problems encountered, and lessons learnt;
  - i. The added value of the activities in support of HRDs;
  - j. Communication and division of responsibility between Project partners; quality of partnership between your organisation and local human rights groups;
  - k. Mechanisms of communication and collaboration, to ensure complementarities with activities of other organisations;
  - l. Visibility of the Project/ communication activities;
  - m. Mechanisms of internal evaluation and monitoring.
3. The Evaluator would like to meet or talk with Organisations' implementing partners, and any stakeholders and beneficiaries whom they consider could contribute to the Evaluation. She will therefore require a list and contacts information of interested stakeholders/ target groups/ beneficiaries/ individuals (including, where safe and possible, human rights defenders themselves).

4. Please note that the evaluation approach will vary from organisation to organisation, and from individual to individual, and that the interview style will be informal and open-ended. Organisations will have the opportunity to provide clarification or further information after person-to-person interviews at any stage prior to the final submission of the Evaluation Report (First draft due 1 March 2010, Final Draft due 17 March 2010).
5. Documents that would be useful (where appropriate and available)
  - a. Amendments to EC contract<sup>41</sup>:
  - b. Interim & "Flash" reports to EC
  - c. Internal Reports/ evaluations/ monitoring
  - d. Financial reports
  - e. External evaluations (example: by other donors)
  - f. Copies of outputs (publications, seminar materials, training materials, films...)
  - g. Any other material which may demonstrate the efficiency & impact of the Project
6. About the Evaluator: Abigail HANSEN is a qualified lawyer with over 20 years' experience in international and domestic human rights litigation and policy, as well as human rights programme formulation, management and evaluation. She is herself a Human Rights Defender. She has particular expertise in the fields of due process and rule of law; remedies for victims of human rights violations; international justice and combating immunity; capacity-building of civil society; and institutional reform. She has provided direct technical assistance to governments and organisations on human rights issues, and has evaluated EIDHR calls for proposals and programmes since 2002. She is experienced in working on sensitive assignments, and in politically complex environments. She is happy to work in both English and French.

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<sup>41</sup> Original Application & Annexes (including original budgets) will not be required, since they have already been provided by the European Commission

## **ANNEX VI - METHODOLOGY**

## **European Instrument for Democracy and Human Rights (EIDHR)**

**Request for Services No. 2009/226296**

***Evaluation and Recommendations on EIDHR Support to  
Human Rights Defenders***

**Methodological Approach  
December 2009**

### **I. RATIONALE**

#### **A. CURRENT SITUATION**

Human rights defenders (HRDs) are persons who, individually or with others, act to promote or protect human rights. They are afforded special protection under the UN Declaration in Human Rights Defenders (1998), and supporting their activities is one of the major priorities of EU external policy in the field of human rights.

Defenders face multiple challenges in many regions of the world. They are instigators of change by their very nature, and are often seen as challenging established power structures. Repression is tragically a common response, leading to violations of HRD's human rights for the "crime" of protecting the fundamental freedoms of others. These violations can include executions, disappearances, torture, beatings, arbitrary arrest and detention, through to restrictions on freedoms of movement, expression, association and assembly. Defenders are often subjected to unfair trial and conviction. Violations can target human rights defenders themselves, the organizations for which they work, or even their families. In addition, women human rights defenders confront risks that are gender-specific, and thus require particular attention. Violations may be of both international and national law, and occasionally the domestic legislation used against defenders itself contravenes international human rights law.

The *EU Guidelines on Human Rights Defenders*, the ambit of which extends to groups and civil society organisations, aim to provide concrete guidance for the assistance and protection of human rights defenders. Specific support to human right defenders is provided under the European Instrument for Democracy and Human Rights (EIDHR), whose *Strategy Paper 2007-2010* identifies at Objective 3 the "*support of actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogue, on human rights defenders...*". EIDHR allocated 16 million euros to this Objective for this period, and a Call for Proposals launched in 2007 resulted in the selection of eleven civil society projects<sup>1</sup> providing support to HRDs. These projects form the subject of the current assignment, and the present methodology has been prepared pursuant to the requirement of Part 6 (Administrative Information) of the Terms of Reference (ToR) of the Request for Offer.

#### **B. OBJECTIVES**

**Global Objective:** The overall objective of the assignment is to provide the European Commission with an *assessment of the quality of the actions* financed under the EIDHR in support of HRDs from October 2008 to February 2010, as well as with *recommendations on how to improve this support* in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities.

**Specific Objectives:** The specific objectives require the Expert to:

- i) Provide an *evaluation* of the first phase of implementation of the 11 projects in support of HRDs, in particular to evaluate their pertinence and relevance, and to assess the effectiveness in the provision of timely assistance to HRDs at risk;

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<sup>1</sup> [http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders\\_en.htm](http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders_en.htm)

- ii) Make *recommendations* on how to improve EIDHR support to HRDs;
- iii) Analyse the *added value* of the actions financed under the EIDHR in support of HRDs, to ensure their *complementarity and the risk of overlapping* with other actions financed under the EIDHR.

## C. ASSUMPTIONS AND RISKS

RISKS	RISK EVALUATION	RISK MITIGATION
Problems arise regarding the coordination of activities with beneficiary organisations and stakeholders	Moderate	<ul style="list-style-type: none"> <li>i) Draft detailed work-plan &amp; establish schedule with beneficiary and stakeholders representatives at desk study stage;</li> <li>ii) Create scheduling/ interlocutor alternatives, to apply in the event of unforeseen changes.</li> </ul>
External events result in unavailability of key beneficiary and stakeholder representatives	Slight to moderate	<ul style="list-style-type: none"> <li>i) Monitor external events in beneficiary countries;</li> <li>ii) Create scheduling/ interlocutor alternatives, to apply in the event of unforeseen changes;</li> <li>iii) Maintain close pro-active liaison with beneficiaries and stakeholders prior to visits.</li> </ul>
Beneficiary organisations disagree with findings/ recommendations of the Expert	Slight	<ul style="list-style-type: none"> <li>i) Raise concerns at the earliest opportunity, enabling Beneficiary to explain any discrepancies and clarify any misunderstandings</li> <li>ii) Discuss any potentially contentious findings/ recommendations to beneficiary concerned prior to submission of report (Output B); clarify misunderstandings &amp; resolve divergences of opinion to the extent possible.</li> </ul>
EC disagrees with findings/ recommendations of the Expert	Slight	Maintain regular liaison with EC (BRX and Delegations), raising concerns at the earliest opportunity and clarifying any misunderstandings.
ASSUMPTIONS	VALIDITY	COMMENTS
Beneficiaries and Stakeholders are willing and able to provide timely and adequate information.	VALID	The adequacy of responses will be assessed throughout the assignment, and requests made where gaps are identified; any difficulties experienced will be addressed, if necessary with the assistance of the appropriate EC Delegation.
EC Delegations facilitate contact with stakeholders, and provide necessary political, security and other advice.	VALID	A key component of this assignment is the necessity of maintaining close contact with the EC, both in Brussels and in the field, in particular about the specific information being sought by the Expert.

## II. STRATEGY

### A. COORDINATION AND KEY ISSUES

#### i. Coordination

The internal coordination of this assignment will be relatively easy to implement, given that the ToR provide for a single Expert, and the indicative planning table is already well-defined. As indicated above, the Expert will, in collaboration with the Contractor, maintain regular contact with the EC throughout each of the assignment phases. Beneficiary coordination could prove more difficult, since it will be necessary to meet with key project representatives of each of the beneficiary organisations, and other stakeholders, spread over numerous countries on three continents (see also *Risks* below). The Expert will enter into close collaboration with the beneficiaries and stakeholders at the earliest possible opportunity, in order to establish a working

schedule, in particular relative to those operating outside the EU. The Expert being resident in Paris will facilitate the coordination of this assignment, since three beneficiaries are based in France, there is rapid train access to London, Brussels, and Amsterdam, and the city is a major international flight hub.

## ii. Key issues

This methodology takes into account the following key issues:

- The beneficiaries represent significantly differing organisations, supporting various sectors of HRDs, and with both national and international approaches. It will therefore be essential to incorporate their differing mandates, approaches and activities (status strengthening, HRD support etc.), management styles and implementation processes in the evaluation and recommendation phase;
- Similarly, the differing degrees of experience of each organisation relative to HRDs, the relative size and scope of the EIDHR-supported projects, as well as their differing stages of implementation will be factored into the time and resource planning of the assignment, as well as the evaluation and recommendation processes;
- As indicated above, women HRDs face very specific challenges, as do certain vulnerable groups, such as members of ethnic, linguistic and other minorities. The specific issues of such increased-risk groups will be specifically addressed at all phases of the assignment;
- The degree of personal and institutional risk faced by beneficiaries and stakeholders must be carefully incorporated in the field-visit phase, ensuring that the assignment “*first does no harm*”, and such factors are to be taken into account in the formulation of recommendations;
- The stability, and the degree of likelihood of significant beneficial or negative change in beneficiary countries, taking into account political, economic or other factors, will need to be addressed in the formulation of recommendations;
- The feasibility of implementing the final recommendations will form an essential part of the assessment and report-writing phases.

## B. ORGANISATION OF THE ACTIVITIES

The Expert will perform the principal activities as outlined at (c) below, and will undertake primary responsibility for all European logistical aspects, for example arranging EU travel and accommodation. The Expert will maintain continuous and substantive contact with the EC and Contractor on all aspects of these activities. The Contractor will be responsible for all administrative matters and liaison with the EC in Brussels, the organisation of all international travel by the Expert, and the provision of all outputs in the required format and within the contractual timeframe.

## C. ACTIVITY DESCRIPTION

STAGE	PROJECT OBJECTIVES	PRINCIPAL ACTIVITIES
1. Desk Study	Design assignment; Identify key interlocutors and stakeholders; Prepare work plan; Collect information for the reporting phase	Hold initial briefing with EC; Establish contact with beneficiaries & stakeholders; Analyse documents and relevant materials; Prepare work plan for interviews/field visits; Prepare questionnaires for interviews; Prepare draft internal report (Output B – see <i>Reporting</i> below)
2. Field Visits	Obtain data on which to base analysis	Conduct interviews with EC Delegation task managers, beneficiaries and relevant stakeholders; Collect additional project documents; Prepare synthesis of each country visit
3. Reporting	Assess the efficiency,	Conduct detailed analysis of EIDHR supported projects,

	effectiveness and impact of EIDHR- funded projects, and developing recommendations for future assistance	and develop recommendations; Draft internal report (Output A) Draft short external report (Output B – main findings and recommendations) <sup>2</sup>
4. Feedback & dissemination	Synthesise the conclusions and recommendations; Disseminate the results of the analysis.	Hold a debriefing meetings to discuss the draft report Submit final report after incorporation of comments

The Expert will identify a full range of stakeholders and obtain their views through semi-structured interviews. These stakeholders will include, where necessary *and appropriate*:

- Representatives of NGOs implementing projects;
- Beneficiaries of projects (such as activists, lawyers, etc);
- Representatives of governments and inter-governmental organisations dealing with the beneficiaries;
- Individual human rights defenders;
- Independent observers (such as legal academics, journalists, etc)
- Staff of EC Delegations in each country visited.

In general terms, the Expert will adopt an “appreciative enquiry” approach, seeking to build on the positive outcomes of projects, while identifying any shortcomings and hence formulating appropriate conclusions. This approach will be underpinned by an analysis, to be carried out at the desk study stage, of the impact indicators that will be used to assess the overall programme, possibly in the form of an *ex-post-facto* logical framework.

#### D. EXPERT PRESENTATION

**Abigail Hansen** is a qualified lawyer with more than 20 years experience in international and domestic human rights litigation and policy, as well as human rights programme formulation, management and evaluation; she is herself a Human Rights Defender. She has exceptional expertise in the fields of due process and rule of law; remedies for victims of human rights violations; international justice and combating immunity; capacity-building of civil society; and institutional reform. She has provided direct technical assistance to governments and organisations on human rights issues, and is experienced in working on sensitive assignments, and in politically complex environments.

She is familiar with the objectives, approaches and evaluation procedures of the EIDHR, having evaluated EIDHR calls for proposals and projects since 2002, including a major evaluation of EIDHR support to the International Criminal Court in 2008, which shared striking similarities to the technical and practical challenges of the current mission<sup>3</sup>. She is fully familiar with EC Project cycle management (PCM) and logical framework techniques. She is aware of the objectives and activities of a majority of the eleven organisations that are the subject of the current evaluation (for example, the FIDH being one of the NGOs evaluated as part of the EIDHR ICC evaluation); there exists however no discernible conflict of interest in this regard. She is professionally fluent in both English and French.

<sup>2</sup> It is noted that a draft version of this document must be presented to the EC in the last week of January 2010.

<sup>3</sup> See: “EIDHR Evaluation on its Support to the Establishment and Functioning of the ICC – Final Report – Project No. 2007/146677” by Pierre Robert, Abigail Hansen and Florence Burban, December 2008

[http://ec.europa.eu/europeaid/what/human-rights/documents/final\\_report\\_main\\_december\\_2008\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/final_report_main_december_2008_en.pdf)

## ANNEX VII - DISTRIBUTION OF PROJECT ACTIVITIES

### PROJECT REGIONS<sup>1</sup>

REGIONS	Europe/ Int./ mixed	S-S. Africa	E. Europe	N. Africa/ M. East	Centr. Asia	Asia	S. America
ASF	0	0	33	33	0	1	33
BfdW	0	100	0	0	0	0	0
CCC	55	2,5	0	0	0	37,5	5
DS	0	100	0	0	0	0	0
EMFDH	0	0	0	100	0	0	0
FIDH	100	0	0	0	0	0	0
FL	100	0	0	0	0	0	0
HRC	0	0	100	0	0	0	0
IWPR	0	0	0	0	100	0	0
PI	25	24	3	0	0	24	24
RSF	100	0	0	0	0	0	0
<b>TOTAL %</b>	<b>34,45</b>	<b>21</b>	<b>12,36</b>	<b>12,09</b>	<b>9,09</b>	<b>5,68</b>	<b>5,63</b>

### PROJECT ACTIVITIES

ACTIVITIES	Cap. Build./ Training	Advocacy	Emergency Support (including alerts)	Network building	Gen. Financial Support	Awareness-raising/ visibility	Observation & fact finding missions
ASF	39	1	0	60	0	0	0
BfdW	50	10	30	10	0	0	0
CCC	20	80	0	0	0	0	0
DS	50	0	0	50	0	0	0
EMFDH	0	0	35	0	65	0	0
FIDH	0	15	45	0	0	15	25
FL	18	21	23	0	20	18	0
HRC	30	45	25	0	0	0	0
IWPR	40	10	0	20	0	30	0
PI	85	15	0	0	0	0	0
RSF	8	30	62	0	0	0	0
<b>TOTAL %</b>	<b>30,90</b>	<b>20,63</b>	<b>20</b>	<b>12,72</b>	<b>7,72</b>	<b>5,72</b>	<b>2,27</b>

<sup>1</sup> The information contained in all of the tables of this mapping is based in information provided by beneficiaries, notably their own calculations of regional divisions and definitions of activities.

## ANNEX VIII - CASE STUDY 2: DEMOCRATIC REPUBLIC OF THE CONGO

### THE COUNTRY VISIT

The ToR for the Request for Offer required country visits outside the EU to be conducted, in addition to visits to all Beneficiary organisations. The Expert considers that this was an excellent initiative, since it allowed for an opportunity to examine in detail the activities of Beneficiaries, their interactions with partners, associates and stakeholders, and their impact on target groups.

After consulting extensively with Beneficiaries, the Expert decided to visit Kinshasa, capital of the Democratic Republic of the Congo, since over half of all Beneficiaries have offices, activities, partners, associates or stakeholders working on human rights defender issues in the country. The complexity and difficulty of the political and human rights environment, its status as a post-conflict country with on-going violations of international human rights, humanitarian and criminal law, and the consequent concentration of parallel activities by the local and international community were also important factors in its selection.

The Expert visited Kinshasa from 17th to 21st February 2010, and conducted a large number of meetings. These included with political and operational heads of the EU Delegation and in particular the Delegation's national adviser; representatives of MONUC and the international diplomatic community; media representatives; civil society organisations; and individual defenders.

### OBSERVATIONS & COMMENTS

The Expert was somewhat surprised by the relative freedom afforded to civil society organisations, compared with other regimes; while very serious violations clearly occur (including executions), there is not the relentless hard-line crushing that can be observed elsewhere. Violations tend to be centred on issues surrounding freedom of opinion, with journalists singled out for brutality and threats, in particular in the eastern regions. There has been a strong politicisation of human rights issues however, used as a marginalisation tool, and which has largely obstructed meaningful dialogue with government authorities.

The visit highlighted the need for very specific local approaches that must be designed for defenders; as pointed out by the EU Delegation, DR Congo is best considered a continent rather than a country, with all the challenges this implies.

While the Expert noted the strong fragmenting and dampening Impact of violations on civil society, she was nonetheless heartened by the vibrancy and degree of articulation of the local civil society in Kinshasa, which makes some efforts to preserve a degree of unity in the face of considerable threats. The Expert was however surprised that there was very little in the way of networks and coalitions, with the result that their efforts are somewhat diluted.

The Expert noted with considerable concern the high degree of frustration, anger and resentment directed towards larger international NGOs, including EIDHR beneficiaries; they were accused of descending from Europe on fact-finding and other missions, relying on local organisations to provide information, analysis and even allegedly write their reports, with little being provided in return by way of acknowledgement or practical support. One defender described their attitudes as neo-Colonialist; others stated that they were tired of being told they lacked capacity, when what they need are the resources to do their own work. The Expert however considers that, following her own observations and discussions with third parties, the degree of capacity-building needed by local CSOs remains very high, particularly relative to the professionalisation of defenders.

The Expert was dismayed by the lack of visibility of Beneficiary organisations in the country, noticeably even within the Delegation, and this despite specific activities in the country. Local stakeholders did however repeatedly refer to the efforts of FIDH, RSF and Protection International, the two latter organisations receiving strong praise. The activities of Protection International in Bukavu, as a region particularly affected by violations, seemed highly relevant, however the Expert was concerned at the degree of personal risk faced by their staff following their trial monitoring initiatives.

The visit highlighted the risks of “personality-led” initiatives, with organisations being left in a vacuum following any attrition of key staff, such as founder-directors; there is therefore an inherent lack of institutional sustainability in many local initiatives. This seems to be used as a destabilising tactic by the government, with some civil society leaders being lured to government positions, leaving considerable capacity gaps, and contributing to the perception of rights organisations as largely political initiatives.

The Expert observed the generally high level of cooperation that exists on rights issues within the international community in Kinshasa, with the EU hosting regular coordination meetings, which are very highly appreciated by participants. There does appear to be considerable divergence, however, within EU Member States relative to the degree of commitment to defender issues and implementation of the Guidelines, with the French Mission being singled out for particular criticism.

The Expert was heartened by the strong role played by the EU national adviser, who enjoys a very positive reputation and the confidence of both the international and local communities. The degree of insight and assistance he provided to the Expert were essential to her understanding of the very complex DRC human rights and civil society context. This provided a “living” example of the extraordinary value of having strong local personnel.

The Expert's visit served to highlight and crystallise the many different issues that had presented themselves in the course of the wider Evaluation, and can be seen as a “Petri dish” of all that is positive and problematic in the implementation of the EIDHR HRD Programme.

## ANNEX IX - PRELIMINARY OBSERVATIONS

European Instrument for Democracy and Human Rights (EIDHR)  
FWC Beneficiaries 2009 – Lot N° 7 – Request for Offer No. 2009/226296  
*Evaluation and Recommendations on EIDHR Support to  
Human Rights Defenders*

Preliminary Observations  
Coordination Meeting  
Brussels, 4 & 5 February 2010

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### Status of Evaluation & Caveat

This Evaluation is now approximately at mid-term, having commenced in Brussels on 4 January 2010. The Expert has been provided with a vast amount of written material by the European Commission and by beneficiaries of the Programme. The Expert has also interviewed, in person or by telephone, representatives of the EU, beneficiary organisations and their partners and key stakeholders, as well as with Human Rights Defenders themselves.

The Evaluation is however far from over. The Expert has obtained a reasonable overview of the Projects and their impacts, and a deeper understanding of the key dynamics and mid to long-term objectives of the Programme itself. As anticipated in the Evaluation Methodology and the Inception Report, the Evaluation has presented certain timing and logistical challenges, due to its relatively dense time-frame and its justifiably strong emphasis on meeting with beneficiaries and their partners *in situ*, and the **Expert has not had an opportunity to speak in depth with all the Programme beneficiaries, nor adequately test the validity of these initial conclusions.**

By definition however, the purpose of these preliminary remarks is to seize the opportunity of the Programme's Coordination Meeting (4 & 5 February 2010) to air some emerging ideas, and open them for discussion. This process will allow the triangulation of views, stimulate deeper reflection by those attending the event, and thereby contribute to the crucial qualitative phase of this Evaluation, and of course the ongoing implementation of this Programme.

It is in this overall context that the Expert now outlines her preliminary observations. They are not presented in detail, nor according to the proposed structure, of the Final Report due in early March, but rather in a simplified and "organic" format, with the key issues presented under general headings. It is intended that the Expert will present these observations in a condensed form to attendees at the Coordination Meeting. For this reason, they do not contain any confidential operational information, nor do they mention any specific impacts or challenges faced by individual organisations, which will naturally form the basis of the Final Internal Report.

- 1. Communication & Coherence**
  - a. EIDHR HRD Programme**

Programme Beneficiaries are for the most part satisfied with the level of communication between AIDCO and themselves, and the Expert is impressed with the considerable efforts undertaken in Brussels to coordinate Programme activities and magnify their impact on HRDs, to provide an interface between organisations and EU institutions, and at the same time advance the political objectives of the EC as a whole.

Beneficiaries and EC project managers have expressed considerable confusion and dissatisfaction concerning Programme communication requirements, notably the system of quarterly Flash Reports. It would appear that the initial and well-intentioned purpose of this reporting requirement – a voluntary mechanism to enhance timely and qualitative communication between the EC and organisation, particularly on cases and activities in the field where the EC can provide strategic or political intervention – was unfortunately either miscommunicated to or misunderstood by organisations, with most questioning its relevance, and lamenting the imposition of yet another layer of reporting to the already considerable contractual demands.

In addition, EC Project Managers have questioned the utility of the current communication system since, even where organisations comply, they do not necessarily respond to the EC's own need to have *timely* political information upon which they can act as necessary.

On the other hand, it is felt that organisations share this responsibility to maintain communication flows, and provide politically relevant information to Delegations and the Commission in Brussels. In addition, a number of organisations have expressed their satisfaction with the current system of communication, since it provides them with a regular mechanism to reflect on the impact of the activities, and has greatly assisted in the drafting of their interim narratives reports.

The Expert therefore considers it imperative that the European Commission and beneficiary organisations together revise and clarify as soon as possible their mechanisms of communication, and specifically their underlying purposes, in particular concerning the need to provide *timely and qualitative* information to Brussels, which in turn can be used to provide additional layers of protection to HRDs.

#### **b. European Commission, EU Delegations, EU institutions & Member States**

The issue of *communication and coherence* between the EC in Brussels, EU Delegations EU institutions, EU Member States, is of *primordial concern* to Beneficiaries and their local partners.

The key issues that have emerged are as follows:

- There is extraordinary unevenness in the level of interest and support relative to HRDs and human rights in general, with dramatic variations between individual Delegations and even between individuals within those Delegations. Even in countries where the security of HRDs is clearly of the utmost importance, EC policies on HRDs do not appear to be adequately or evenly implemented;
- Organisations have consistently and independently noted clear contradictions between the stated priorities of the EC relative to human rights and the EU's *broader political and economic interests* in the country or region. This may serve to explain – but not justify – the lack of interest shown in certain key Delegations;
- Related to this, activities by EU Delegations to sensitise and mobilise EU Member States relative to HRDs remain patchy or non-existent, in some situations resulting in

organisations alone being required to raise awareness amongst diplomats, when this could and should be done conjointly with EU Delegations;

The potential and actual impact of EU and Member State interventions and observations both in Brussels and *in the field* cannot be overstated, and organisations have provided strong examples where such support has saved lives and reduced violations. Given this clear correlation between EU activities and protection of HRDs, the Final Report will focus on the need for the EC to improve its communication and coordination efforts, and ensure a greater harmonisation of policies and their translation into action at the Delegation level.

## **2. Security and Confidentiality**

A number of organisations have expressed their satisfaction with the degree of confidentiality being provided in the context of the EIDHR programme. Others however have felt that providing information concerning HRDs violates key undertakings that they have made with Defenders, with the feeling that once information is provided, they effectively lose control of where it could ultimately go.

The Expert is of the view that the information being provided to EIDHR is being contained and handled in a secure and appropriate manner, but that issues of trust and assurance could be alleviated by the formulation of clearer protocols according to which such information is provided by Project Beneficiaries and subsequently received, processed, distributed, stored and archived – or destroyed – by the Commission, while at the same time balancing this with the responsibility on the part of beneficiary organisations to provide a level of transparency and accountability in their activities.

Beneficiary organisations have raised a number of critical concerns regarding their own safety, the safety of their local partners, and the security of information provided to the European Commission at the Delegation level. In certain highly dangerous or volatile countries and contexts, they are not certain as to the level of political and physical protection the Delegation is able or willing to provide *to them and their direct partners* in the event of an actual or imminent violation of their rights, with some even fearing disavowal by the Delegation in extreme circumstances.

The Expert is therefore of the view that, linked to the observations relative to communication and coherence above, the EC should clarify the extent and mechanisms of support *specifically available to beneficiary organisations* in response to serious rights violations, and that furthermore such clarification be communicated to all operational levels, in particular to Delegations.

Worryingly, some organisations have expressed misgivings about personnel arrangements in Delegations that demonstrate a certain insouciance or political naivety, with for example country or regional nationals having access to or even responsibility for managing highly sensitive information. Such misgivings at the very least seriously compromise the level of trust existing between the EC and Programme organisations, and in a worst-case scenario could have catastrophic consequences, not only for individual HRDs, but also for the EC's global reputation and operations. In addition, even where security concerns do not specifically exist, there have been concerns raised about the *impartiality* of some local staff, and thus the degree of support they are perceived as providing.

While it is accepted that Delegations undoubtedly undertake extensive security checks of personnel, and that regional and country experts and personnel form an integral and essential part of EC strategy and operations in the field, nevertheless the risk of leaks – intentional or otherwise – and of bias can never be fully eliminated.

The Expert is of the view that the *perception of integrity and impartiality on the part of the EC* is of paramount importance in the implementation of this Programme, and it is therefore recommended that the principle of precaution should prevail in situations of doubt. This could involve the formulation of specific personnel procedures or requirements for “at-risk” countries, situations, organisations and individuals.

### **3. EIDHR HRD Programming & Programme administration**

The persons interviewed by the Expert have for the most part expressed satisfaction with the scope of the 2007 Call For Proposals (CFP), which allows for a broad range of activities and approaches at the global and regional level. The Expert concurs with this view, but it is the very breadth of the CFP that needs to perhaps be addressed in order to provide *more targeted protection* to HRDs.

The following *Programming issues* should therefore be taken into consideration:

- The CFP 2007 stimulated considerable interest amongst organisations, and resulted in an interesting array of Projects. Organisations themselves have indicated that the CFP itself encouraged them to look more deeply at how they can best respond to the needs of HRDs. The bulk of this guidance, in terms of potential scope and activities, is however contained in a single small paragraph, and it is felt that this could be expanded, not only to more clearly emphasise the importance of emergency responses (although this was clearly understood by the current round of beneficiaries), but also to specifically encourage, for example:
  - a. Innovative approaches, for example relative to mediation and conflict resolution;
  - b. Preventive and proactive strategies, addressing root causes of violations, and counteracting emerging threats, such as oppression of civil society through restrictive registration of organisations, repression of cyber-dissidents, etc.;
  - c. Specialised or sector-specific activities, particularly where the observed impacts are generally high (one repeatedly occurring suggestion has been independent trial monitoring);
- The Expert is of the firm view, and thus far confirmed by the interviews, that the health of the Programme, and hence the protection of HRDs, can be best assured by a *diversity* of activities and approaches. In practical terms, this means that the Projects should form a *strategic balance* between established international human rights organisations, organisations specialised in HRD issues, international, trans-national and regional approaches, specialised sector approaches, and support and capacity-building of local and grass-roots organisations. The CFP should indicate clearly the Programme’s emphasis on supporting a diversity of activities, sectors, approaches and organisational structures, and that proposals are encouraged from non-EU organisations;
- At the same time, if the EC wishes to remain committed to providing more local or non-EU based support, CFP procedures and eligibility requirements should be made more flexible, since they currently preclude smaller organisations which are themselves being victimised, for example by restrictive local NGO registration or foreign payment requirements;

Relative to *Project selection criteria and procedures*, it is considered that:

- The Programme could benefit from a requirement for the *strategic selection* of projects at the political or geographical level, from an EC and HRD perspective, and linked to the prioritisation of Defender's needs. The *possible modalities of such selection* will be developed within the Final Report;
- The Programme could benefit, prior to the final selection of Projects, from an informal mapping of current EC and other donor activities in the specific regions or sectors, in order to minimise the risk of duplication;
- In particular, care should be taken prior to the final selection of Projects to minimise the *potential* for duplication of activities, regions and sectors *between EIDHR HRD Projects*, and where reasonably possible verify the capacity and input of each project partner;
- Projects based wholly outside of the EU face considerable challenges, but should continue to be supported, with the proviso that Projects:
  - a. Serve broader strategic objectives;
  - b. Clearly demonstrate the capacity of *all Project partners*;
  - c. Clearly demonstrate the added-value of the Project, as well as its relative cost-effectiveness;
  - d. Have periodic *in situ* monitoring and support by the EC incorporated into the Project contract. This would not be to create a two-tier system of support and reporting, but rather to reflect the realities – and optimise the opportunities – of in-context Projects.

Relative to *administration of the current Programme*, it is observed that:

- Organisations are appreciative of the flexibility and responsiveness that has been demonstrated by EIDHR regarding specific activities, for example in response to the emerging crisis in Iran, and were reassured by their rapid response;
- The Beneficiaries should be encouraged raise any concerns with the EC at the earliest possible opportunity, and if necessary request contract amendments adjusting activities, not only in response to external changes in the political environment, but also where initial budgets prove to have been unrealistic, since it is preferable to *acknowledge difficulties and adjust activities* according to priorities, than to have organisations continuing with projects that are spread too thinly and thus less effective;
- Where there have been changes in EC Project managers, there do not seem to have always been effective hand-over mechanisms, which has impacted on the level of support provided to organisations by the EC;
- Organisations have expressed difficulty defining and balancing qualitative and quantitative impact indicators; some thought could be given to the design of qualitative impact indicators relative to the protection and support of HRDs;
- Organisations find the administrative and financial reporting requirements particularly onerous, and distract considerably from the Project activities themselves, particularly for smaller structures; repeated mention was made of the difficulty in preparing financial reports for projects whose activities involve multiple exchange rates.

#### **4. Project implementation & impact**

The Projects cover a huge range of activities in all parts of the world, and have demonstrated a broad range of objectively verifiable impacts. Organisations have provided literally hundreds of examples of where they feel they have made a qualitative difference to HRDs, often in the most extreme political environments. The nature and significance of these impacts will be discussed at length in the Final Report.

A number of general observations can be made however concerning the implementation and impact of these projects, the principal points being as follows:

- There is a surprising lack of communication and cooperation between beneficiary organisations, even in environments where activities are taking place in the same regions or even countries, and in similar sectors. Whilst no flagrant duplication of activities has been observed to date, increased cooperation and communication would mitigate this risk, and increase potential impacts;
- Following from this, the beneficiary “community” could greatly benefit from the active sharing of their collective *savoir-faire* and tools; these could include the creation of protocols for verifying sources, the creation of criteria for the triage of cases, adapting specialised data-bases to different sectors and contexts, etc.;
- Local capacity-building seems in some instances to be fragmented and inconsistent, with some organisations failing to establish or apply consistent or strategic criteria in the selection of local partners and activities;
- The quality of outputs (publications etc.) seems generally very good;
- Some organisations maintain excellent relations with relevant international institutions, however others fail to do so, even where such activities and visibility would clearly be to their benefit;
- Organisations are often not providing qualitative feedback to the EU regarding the outcomes of alerts and urgent interventions; more seriously, some organisations do not seem to be conducting rigorous and strategic follow-up of cases or activities and events, sometimes even depriving themselves of “success stories”;
- The broader visibility of some Projects is extremely poor, even non-existent, and many organisations make no mention of their key partners in situations where such visibility poses no discernable security or strategic risk;
- Many organisations have reported the difficulty in hiring and retaining appropriately qualified and experienced personnel, particularly in the field. Some organisations have held poor salary levels responsible, but the Expert asks whether this is justified – given that it is organisations who set salary levels in their original proposals – and whether perhaps it is NGO mind-sets about the value of their own work that need to change;
- Some organisations seem to rely disproportionately on “country of origin” resources, that is drawing on their local contacts and networks to engage the support of particular Member States; the Expert encourages organisations to look more broadly at their mechanisms of support to include all EU States, engaging the assistance of European partners where necessary.

## ANNEX X - SUGGESTED HRD PROJECT IMPACT INDICATORS

### Human Rights Defenders Impact Indicators

(Preliminary Indicative List)<sup>42</sup>

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The rights of human rights defenders (HRD) are promoted, through improved protection of, and raised awareness of, the situation of those who work, at personal risk, to advance human rights through non-violent means.

- *Effective* recognition in law and practice<sup>43</sup> of freedom of expression, association and assembly and access to information;
- Specific protection in law and practice for the role of HRDs as lawyers, journalists, trade unionists, etc.;
- Reduction in reported incidents of violence/ threats/ intimidation/ humiliation targeting human rights defenders by State and non-state actors, or *reduced intensity or gravity* of such incidents;
- *Effective* measures in place to ensure protection of HRDs, their families, employees, associates or witnesses, from ill-treatment or intimidation as a consequence of their complaint or any evidence given to authorities;
- Increase in media coverage or media interest (locally, nationally, regionally or internationally) of civil society organisations active in supporting human rights defenders;
- *Effective* monitoring of legal proceedings (civil and criminal) of human rights defenders, indicted or sued in the pursuit of their activities defending the rights of others, resulting *inter alia* in increased media coverage or interest, increased diplomatic or other international interventions, increased release or acquittal of defenders etc.;
- Increase in effective international interventions, resulting *inter alia* in diplomatic representations, presentations before International forums, etc.;
- Increase in *bona fide and independent* prosecution of crimes committed against HRDs due to their work (e.g. death threats, assaults etc);
- Increase in the number of HRDs who *feel* their work is regarded by authorities as legitimate; and who *feel*/unhindered and safe in carrying out their work;
- *Effective* capacity-building of local civil society organisations, including:
  - Degree to which CSOs are known by other actors;
  - Number of registered and effectively functioning CSOs and umbrella organizations;
  - Number and weight of references at the national level to the contribution of CSOs;
  - Degree of financial autonomy of CSOs;
  - Qualitative increase in staff skill levels;
  - Improved quality and availability of methodological and technical expertise;
  - Improved transparency of management of CSOs

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<sup>42</sup> Acknowledgement: This document builds on the indicators provided in the EIDHR commissioned report *Generating Impact Indicators*, March 2005

<sup>43</sup> Expressions marked in *italics* are intended to be interpreted, applied and evaluated from a qualitative perspective.

## Overlapping Issues

### Death Penalty: Examples

- Increase in the number of states having changed national law, or *genuinely considered changing national law*, to reflect their international commitments;
- Increase in number of governments having changed policy, or *genuinely considered changing policy*, to restrict the use of the death penalty
- Reduction in number of states which re-introduced, or *genuinely considered reintroducing*, the death penalty
- Among countries applying death penalty, percentage increase in those restricting, or *genuinely considering to restrict*, the death penalty for certain categories of offences or offenders, and with appropriate legal and procedural safeguards;
- Etc.

### Gender: Examples

- Reduction in reported incidents of violence/ sexual violence/ threats/ intimidation/ humiliation targeting women HRDs by State and non-state actors, or *reduced intensity or gravity* of such incidents;
- Increase in number, coverage, *capacity and credibility* of NGOs that support women HRDs;
- Increase in number and *quality* of regular/ ad hoc publications by NGOs on aspects of women HRDs;
- Percentage of reported crimes against women HRDs that are *genuinely and independently* prosecuted;
- Etc.

### Torture: Examples

- HRDs who are detained are provided with prompt, regular and *adequate* access to *properly qualified and independent* doctors and lawyers, and to family members;
- Confessions or other evidence obtained through torture or other prohibited treatment are *actively rendered inadmissible* in court;
- The crime of torture is *accurately* defined in national law, according to international standards, providing appropriate penalties, and crimes of torture against HRDs are *genuinely and independently* prosecuted;
- Etc.