



The European Union's EIDHR Programme for All Countries

**STUDY ON EIDHR LESSONS LEARNT TO
PROVIDE RECOMMENDATIONS FOR THE
NEW STRATEGY 2011-2013**

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FINAL REPORT

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The contents of this publication are the sole responsibility of the contractor and can in no way be taken to reflect the views of the European Union.”

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The Experts hope that this Study of EIDHR will contribute to the formulation of the new Strategy in a relevant, effective and sustainable manner.

Any mistakes or omissions are the responsibility of the authors. The views expressed in this report are theirs and can in no way be taken to represent those of the European Commission.

EXECUTIVE SUMMARY

This "Study on EIDHR Lessons Learnt, to provide recommendations for the new Strategy 2011-2013" was commissioned by the EC from a consortium led by IBF International, following the *EC Framework Contract mechanism*. From May to July 2009, three experts¹ consulted documents and met with EC officials at headquarters, EC Delegation staff in eight selected countries, and the representatives of EU Member States, other donors, civil society groups and government partners on issues related to EIDHR. Following a briefing at EC headquarters on 6 and 12 May 2009, they prepared an Inception Report which outlined the methodology, scope and plan of the work, and was delivered to the EC.

The Study on EIDHR has three components:

-the analysis and findings of thematic and geographical evaluations and studies on EIDHR, produced in the last 6 years, with the objective of providing 'Lessons Learnt and Recommendations' for the future EIDHR Strategy.

-the analysis and findings of visits to eight countries: Algeria, Colombia, Democratic Republic of Congo, Guatemala, Morocco, Turkey, Vietnam and Zimbabwe, selected by the EC services with a view to give an overview and assessing the relevance and effectiveness of the Country Based Support Scheme (CBSS) and its predecessor "micro-projects", as well as its complementarity with other EC actions and other donors. The missions took place between the end of May and end of June 2009. The reports can be found in Annex C and the main findings for each country appear in subsections 3.2, and 3.3.

- a summary of the findings of questionnaires to EC Delegations in third countries, in Annex C subsection 3.4. A set of Lessons Learnt and Recommendations for the formulation of the new EIDHR Strategy is in Annex B.

The following points summarize the overall analysis, **conclusions and lessons learnt** in this study. They are listed in detail in section 4:

- The EC is a high profile actor in development in third countries, but not a high profile actor in human rights.
- The five objectives defined in the EIDHR strategy paper 2007-2010 cover the current problems of human rights and democratization worldwide in an adequate and realistic manner.
- The EC lacks frequent consultation with civil society representatives in its programming process. Consultation with CS is stipulated in Regulation (EC) N° 1889/2006.

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- EIDHR is based on a culture of competition. It launches open Calls for Proposals for the best projects under specific priorities, and funds them according to a policy of transparency, non-discrimination and fairness. This process, however, does not guarantee continuity at country level, unless there is a human rights country strategy to establish priorities and goals over the medium and long term.
- Generically, geographical evaluations of the previous EU Initiative on Human Rights and Democracy 2001-2006 micro projects proved that they were innovative, played a pilot role in the country, had good visibility, and promoted a positive impact for the EC.
- All comprehensive thematic studies/evaluations reflect the importance of including cross cutting issues in EC interventions, such as governance and gender. EIDHR would strengthen local civil societies even more if it demanded that these cross cutting issues be reflected in project proposals. Labour rights should be respected in their implementation, as should good governance and gender balance.
- Analysis of the questionnaires completed by EC Delegations and country visits on the implementation of CBSS show that the EC Delegations take an organisational view of complementarity, rather than a thematic one. EIDHR plays a peripheral role in the human rights initiatives of EC Delegations.
- EC Delegations have discretion to choose whether to have a CBSS and what its priorities might be, depending on the sensitivities of local authorities.
- Local Human Rights Defenders often use the EC Delegations as a last defense against the local authorities.
- EC Delegations might be given the same flexibility under Objective 2, as they enjoy under Objective.

The experts make the following overall **recommendations** for formulating the new EIDHR Strategy 2011-2013. (They are given in more detail in Section 5.):

- Make the strategy a document of public and NGO interest in Europe and in third countries.
- Maintain the five objectives defined in the EIDHR strategy paper 2007-2010 in the new strategy, but distinguish between Objectives 2 and 3, in order to avoid duplicating effort and the allocation of funds.
- Give greater importance to Regulation (EC) N° 1889/2006, on consulting civil society in the programming process. Systematic consultation with civil society is needed on the application procedures for funding. Under Objective 2 it is

especially important to have a full picture of the country context from the perspective of international and local NGOs and Country-based organisations, in order to assess what the CBSS priorities should be, and support formal human rights dialogues with governments.

- Calls for Proposals managed by EC headquarters should reflect a long-term strategic approach on the EIDHR and its objectives. Before 2007 the priority areas changed during the programming period, making the long-term development and assessment of the programme and its initiatives, difficult. Therefore, a detailed evaluation and precise reporting of the finalised programmes is essential to keep them effective, and to help develop future programmes.
- Take evaluations and assessments of geographical projects into account when formulating the new strategy. Follow EC evaluation methodology closely, and include qualitative and quantitative indicators, that enable strategic lessons and recommendations to be extracted for the on-going implementation of EIDHR.
- Emphasise EC cross-cutting policies such as good governance and gender balance throughout the application procedures for EIDHR projects.
- Target CBSS interventions carefully. Analysis of the questionnaires completed by EC Delegations and country visits show that CBSSs would be more efficient if EC Delegations were to introduce specific issues and priorities, that adapted worldwide calls to each country and its own socio-economic environment. Within budgetary constraints, EC Delegations should always include a “human rights policy coordinator” to ensure that all EC actions complement each other.
- EC Delegations have discretion to decide whether to launch an EIDHR or not, depending on the human rights situation in their country. They should keep this.
- Establish a coordinating mechanism between EC Delegations and headquarters, for regular discussion of Objective 3. This could be made an integral part of EIDHR monitoring and consultation mechanisms between headquarters and EC Delegations, to elicit feedback and suggestions.
- Make the CBSS supplier by simplifying the actual running of the programme, to take advantage of CBSS flexibility when special interventions are needed. This should also enable the submission of proposals at any time there is a window of opportunity to act in a given country.

ABBREVIATIONS

AAP	Annual Action Programme
DG DEV	Directorate-General for Development
DG ENLARG	Directorate-General for Enlargement
EIDHR	Both European Initiative for Democracy and Human Rights/ and European Instrument for Democracy and Human
CBSS	Country Based Support Scheme
CSOs	Civil Society Organisations
DFID	UK Department for International Development
EC	European Commission
EDF	European Development Fund
EU	European Union
EUEOM	European Union Election Observation Mission
HR	Human Rights
IPA	Instrument for Pre-Accession
LA	Local Authorities
MDC	Movement for Democratic Change, Zimbabwe
NGOs	Non-Governmental Organisations
NSA	Non-State Actors
OPURR	Organisation Paix Unité Réconciliation Reconstruction
ToR	Terms of Reference
UN	United Nations
UNDP	UN Development Programme
USAID	United States Agency for International Development
ZANU-PF	Zimbabwe African National Union

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- B- Lessons Learnt and Recommendations on the analysis of Questionnaires to EC Delegations in Third Countries
- C- Field mission reports
- D- List of organisations and their representatives (Field visits)
- E- ToR for the study
- F- List of main documents (desk study)
- G- Work plan/Schedule of Activities (revised)

1. BACKGROUND AND SCOPE

EU policy in support of democracy and human rights in third countries has been articulated and developed in Commission communications, European Parliament resolutions and Council conclusions over the years. As indicated in the Treaty mandates², the general objective of developing and consolidating democracy and the rule of law, and respect for human rights and fundamental freedoms is now a feature of all forms of the EC co-operation with third countries.

The European Instrument for Democracy and Human Rights (EIDHR) was created under Regulation (EC) No 1889/2006 of the European Parliament and the Council³ as a financing instrument for the promotion of democracy and human rights worldwide, allowing for assistance, independent of the consent of third country governments and other public authorities. It came into force on 1 January 2007 replacing the “European Initiative for Democracy and Human Rights”, which expired on 31 December 2006. Both of them are operational tools for the European Union’s role in promoting, developing and consolidating human rights, rule of law and democratization in third countries, as described in Commission Communication of 8 May 2001. Community assistance under the said Regulation shall be consistent with the EC’s policy on development cooperation and with the EU’s foreign policy. The financial envelope for the implementation of Regulation No 1889/2006 is €1,104,000,000.

The “EU Initiative for Democracy and Human Rights” evolved considerably during its implementation between 2001 and 2006. It attempted to encompass a multiplicity of themes echoing EU Guidelines, as well as other human rights mandates and suggestions from Council and Parliament. The emphasis was mainly on “single issue” projects, assessed on their individual merits, through periodical global campaigns. Nevertheless, it also supported international human rights instruments and mechanisms, and international criminal justice. Simultaneously, it was the instrument through which the Commission developed the EU role in election observation⁴.

Taking the experience of 2001-2006 into account, the current EIDHR seeks to address the promotion of human rights and democracy worldwide in a more effective, transparent, timely and flexible manner. There is still a need for specific financial resources and a specific financing instrument that can continue working independently, whilst complementing all other EC instruments for external assistance on democracy and human rights. These range from political dialogue and diplomatic demarches, to various instruments of financial and technical cooperation. They include both geographic and thematic programmes.

² Article 11 (1) TEU; Articles 177(2), 181^a(1) TEC.

³ On 20 December 2006.

⁴ The 2000 Commission Communication on EU Election Assistance and Observation, endorsed by Council in 2001.

Responding to the need for “local ownership”, EIDHR’s main beneficiaries are civil society organizations. It also supports intergovernmental organizations, however, working for the protection of human rights, and, under special circumstances, natural persons such as human rights defenders. When programming, it consults with other donors and actors, to ensure that assistance activities are as mutually complementary as possible, without overlap or duplication. EIDHR allows the Commission to respond rapidly to unforeseen needs, in order to enhance the credibility and effectiveness of its commitment to promoting democracy and human rights.

EDIHR invokes some “Special Measures” and “Ad hoc Measures”. Otherwise, it is implemented according to “Strategy Papers” that set out EC priorities specific objectives, expected results and performance indicators, and “Annual Action Programmes”, that specify objectives pursued, fields of intervention, expected results, management procedures, and total finance planned. “Annual Action Programmes” also take into account lessons learned from the implementation of past Community assistance.

The current “Strategy Paper”, adopted under the auspices of DG Relex, is for 2007-2010 and develops a global strategy operating at national, regional and international level. It identifies five distinct objectives:

1) Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk. This objective focuses on country or regional situations, where fundamental freedoms⁵ are still to be realised or are at serious risk. The gravity of the situation and the effectiveness of the action are the two key considerations for assessing and prioritising project proposals. Actors are primarily civil society organisations. Local partner organisations should be involved, though the particular circumstances of each situation determines how this may be done, without jeopardising them or creating further resistance to democratic reform. Close information links need to be maintained with EC Delegations on the spot. The call for proposals was launched in 2007 and remains open until 2010. This enables the submission of proposals any time there is a window of opportunity to act in a given country.

2) Strengthening the role of civil society in promoting human rights and democratic reform; in supporting the peaceful reconciliation of group interests; and in consolidating political participation and representation. This objective is implemented primarily through Country Based Support Schemes (CBSS) for concerted action on local democracy and human rights issues of particular concern. All human rights concerns – political, civil, economic, social and cultural- and all aspects of democratisation may be considered, although the emphasis is mainly on assisting civil society to develop greater cohesion in working on human rights and democratisation; in contributing to the peaceful reconciliation of group interests; and in combating discrimination – and so becoming an effective force for positive

⁵ In particular, the right to freedom of thought and conscience, the right to freedom of opinion, expression and public information, the right to assembly and association and the right to freedom of movement.

change. The emphasis is on countries where there is a strong need for more effective action by civil society organisations, yet sufficient freedom and room for manoeuvre for human rights and the promotion of democracy. It implies a country approach, with support schemes managed by EC Delegations and built on the experience with micro projects under the previous EU Initiative for Democracy and Human Rights. Actors are primarily civil society organisations, and especially local civil society groups that may wish to cooperate with others and with national public-sector institutions. Objective two also foresees transnational and regional activities.

3) Supporting actions in areas covered by EU Guidelines - on human rights defenders; the death penalty; torture; and on children and armed conflict. This objective is pursued through activities that are globally applicable.

4) Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy in accordance with EU policy priorities. In so far as these are not covered by other financing instruments and thematic programmes, EIDHR may assist core human rights instruments, international criminal justice mechanisms and regional networks for the training of specialists⁶.

5) Building confidence in democratic electoral processes and enhancing their reliability and transparency, in particular through election observation missions (EOM). Priorities are decided in the light of the election calendar, political developments and resources available, taking into account the Commission's commitment to keep its expenditure within 25% of the total EIDHR budget over the seven-year period. Local civil society initiatives to support the recommendations of EU EOM may receive assistance under this objective, unless they can be supported under Objective 2.

If the worldwide human rights situation deteriorates markedly and there is clear capacity for action on fundamental freedoms, a shift towards Objective 1 can be envisaged. If on the contrary, there is less response than hoped for under Objective 1, possibly because of insurmountable obstacles to civil society organisations' activity in markedly difficult situations, there can be a shift towards Objectives 2, 3 and 4.⁷

To ensure that EIDHR is implemented in a coherent and complementary way, EC Delegations were consulted in May 2007 and January 2008. They were asked to define their own priorities and how they complement other thematic and geographical programmes. EC Delegations do their programming on the basis of selected country priorities and consultations with civil society. In the CBSS it is particularly important that geographic and thematic instruments complement each other. EIDHR support to civil society organisations can address issues that are also covered by geographical instruments, but it is reserved for situations regarded as more 'sensitive' - where the government in the geographical partnership does not take up the need for support.

The 2009 EIDHR Annual Action Programme budget is €36,638,000. The CBSS allocation for 2007-2009 should remain the same, except for only exceptional situations and for well justified reasons.

⁶ It includes an annual grant to support the operating costs of the Venice-based European Inter-University Centre for Human Rights and Democratisation.

⁷ EIDHR Strategy Paper 2007-2010, paragraph 66.

The overall objective of this study is to provide the European Commission with an analysis that includes conclusions; lessons learned; and recommendations for the formulation of the new “Strategy Paper” for 2011-2013.

2. METHODOLOGY AND EXPECTED RESULTS

This study was compiled by a consortium led by the Belgium Company IBF International Consulting, following a request for services within the Framework Contract mechanism (Lot n°4) commissioned by the EC, DGs Relex and EuropeAid.

The study was based exclusively on the ToR, using a Study methodology that had been agreed previously. Its focus was set under guidance from Aidco/Relex.

The CBSS under review focused on countries that were regionally diverse. Eight mission reports were compiled on the countries selected, with a set of lessons learnt from each, and specific recommendations. Despite their diversity, they reflect common lessons learnt, and recommendations for the countries visited overall.

The questionnaires to EC Delegations should be assessed in a general context. They cover a wide geographical area, which makes it difficult to assess them by region or country. The experts’ findings provided a summary of Lessons Learnt and Recommendations, which should apply to the future EIDHR Strategy.

The ToR stipulate, among other things, the following important points:

A – Context

- The formulation of a new strategy for 2011-2013 is the *raison d’être* of this study, based on an analysis of past and ongoing EIDHR activities and relevant documentation for the period of 2004-2009.

2.1. Scope and rationale

The objective of the assignment is the elaboration of a study that provides an overview of past and ongoing EIDHR activities from 2004-2009 and recommendations for the formulation of a new strategy for 2011-2013.

- To draw analytical and concrete conclusions from the different thematic and geographical evaluations and studies produced on EIDHR between 2004-2009, within the scope of this study. Annex F lists the documents used for the analytical work of this study.
- To give an overview of the implementation of the Country Based Support Scheme (CBSS) and the predecessor “micro-projects” in the following countries selected by EC services: Algeria, Colombia, Democratic Republic of Congo, Guatemala, Morocco, Turkey, Socialist Republic of Vietnam and Zimbabwe. To analyse in detail how complementarity has been ensured in the eight selected countries.

- To analyse answers given no later than 24 June by EC Delegations in third countries on the implementation of the EIDHR. Subsequently to provide a summary of lessons learnt and future recommendations.

2.2. Activities and Workplan

The Study was carried out over 91 working days in the following sequence of activities:

- a) Briefing and desk study: Experts had initial briefings with EC central Services, in Brussels (Aidco and Relex) on 6th May and 12th May.
- b) Field missions to the countries selected: visits to the eight selected countries to collect as much information as possible, through fact-finding and interviews. The resulting mission reports appear in Annex C, and are summarized in Section 3 of this report.
- c) Proposal –building: Presentation of the draft final report
 - An Inception report was the first *interim* activity and was delivered on the 15th May. A draft report (including five pages of lessons learnt from the EIDHR 2006/7-2009), and the final reports were the two *subsequent activities*.
 - The study was conducted by the Consultant/Contractor, under the overall orientation and supervision of the EC, in accordance with the revised work plan/Schedule of activities shown in Annex G).

2.3. Key Actors and resources

Main Interlocutors and Resources

The Experts identified much important material in the wealth of documents provided by the EC headquarters services, EC Delegations and other relevant actors.

The Study mobilized a number of actors, from the eight selected countries and EC headquarters:

A – Africa, Asia, Latin America, Europe and ENPI region

- EC officials in Delegations.
- Organisations of non-state actors, in particular EIDHR-financed NGOs, directly approached for information for this study. Their information was then assessed, to gauge the relevant and effectiveness of the CBSS.
- International organisations active in the areas reviewed by the Study.
- Donors (EU Member States and others) relevant to this study.

B – Europe

- EC Officials from Aidco and the Relex family (DG DEV, DG ENLARG, DG Relex).
- The Experts Team.
- The study was carried out by a team of three independent experts, experienced in the areas of Democracy, Human Rights, Rule of Law and Development cooperation. Each was allocated an estimated total workload of 30 working days, which was to cover the preparation of the whole assignment and all reporting duties. The Team leader was allocated one additional working day.

2.4. Outputs and outcome

E – Expected Results were:

The submission of a Final Report that should include:

- An analysis of past evaluations on EIDHR and its predecessor programme.
- A lessons-learnt analysis of the current EIDHR Strategy Paper.
- A list of recommendations for the future Strategy Paper.

3. Analysis and Findings

3.1 Analysis of the thematic and geographical evaluations and studies

The thematic and geographical evaluations and studies yielded a variety of thematic and country-specific conclusions. They adopted diverse methodologies and their scope and geographical coverage varied. So did the lessons learnt from them and their conclusions. Some focused on instruments; others on countries; one compared two countries; and some looked at the EIDHR projects in entire regions.

A comparative analysis, therefore, gave little scope for drawing up recommendations for the new EIDHR strategy. However, a few points repeatedly recurred and these should be taken into consideration when drafting the new EIDHR Strategy 2011-2013.

- Global EU objectives on human rights and democracy require regional and country strategies; strategic planning should be accompanied by an analysis of the situation in the countries and the regions; special strategies should be developed for countries with difficult political and human rights conditions.
- Partnerships between organizations working in the same region should be encouraged.
- EIDHR and some local NGOs lack a rapid-response mechanism when projects or individuals face political problems.
- CBSS priorities and projects should focus more on specific human rights themes, especially when the political environment is stable and civil society organizations are strong.
- In countries where human rights NGOs are weak and atomized, the creation of project consortia may help bring about changes. These may simultaneously nurture necessary contact between capital-based NGOs and local ones.
- EIDHR should emphasize an even more pronounced rights-based approach, rather than the community development approach observed in a few projects.
- Purposeful and issue-oriented coordination with other donors needs to improve, including coordination with non-EU member states.
- It is a good idea to involve local academia in EIDHR, to improve awareness of human rights activities and increase their outreach.
- The process of EIDHR identity-building requires adequate financial and human resources.
- Several teams of Consultants observed that EIDHR projects were not close enough to the human rights priorities of the third countries.
- EC Delegations had rather limited knowledge of national and local civil society.
- There was insufficient analysis of the impact of EIDHR projects. Few evaluations took place and Delegations did not have the resources to monitor their impact.

- Criteria and indicators for assessing human rights projects were weak, and inadequately applied by project managers. A good benchmark for training on human rights and legal aid projects is the number of cases taken to courts. For example, Legal aid for migrant women, can be seen to be effective if they report follow up and win rape cases in courts.
- There should be more cooperation and exchange between EIDHR macro-projects and micro-projects.

The findings basically underline the relevance of having both regional and country-level strategies on human rights issues, and on how to address these issues with EIDHR. The evaluations and studies assume - more implicitly than explicitly - that EC Delegations could be more active in talking with civil society and monitoring projects. The policy of de-concentration has limitations if EC Delegations do not receive sufficient human and financial resources to carry it out. The idea of promoting regional exchange and support is worth retaining.

Other conclusions and recommendations are listed below:

Thematic Programmes:

- EU policy principles should be communicated at all levels.
- The EC has made substantial improvements in dealing with governance issues.
- Work with democracy and human rights organizations should relate to points on the *national* agenda.
- Coordination with other donors should improve.
- EIDHR should adopt a comprehensive approach that addresses the political level, the level of institutions, and capacity development. Some of the projects did not sufficiently relate their capacity development initiatives to the national human rights agenda at political level.
- Greater attention should be paid to the social and political context of torture victims.
- The prevention of torture and the rehabilitation of torture victims are interrelated and a holistic and integrated approach resulted in a more effective contribution in the contest of the fight against torture.
- Project participants and target groups should be involved in the process of identifying indicators.

- The EC should be more involved in project management, through representation in a Steering Committee. Senior officers should be encouraged to participate as speakers in seminars. The EC would benefit from increased visibility.
- Implementing organisations should elaborate indicators for multiplier effects. EIDHR grantees are mainly concerned about the results of their individual projects. They should be encouraged to think beyond the projects and look into opportunities how to replicate and spread good practices (a snowball effect).
- There is apparently no structured way for information and knowledge gained from EIDHR projects to feed into policy-making at broader EC level.
- The relationship between Europe Aid and Relex is not always clear to all stakeholders.⁸
- The de-concentration of project management to the EC Delegations does not improve contact between the EC and beneficiaries, when Delegations have too much work and need more managerial staff.
- Allocating projects on the basis of proposal-writing skills is risky if the Delegation does not know the NGOs involved. The Delegation should therefore seek to develop relationships with NGOs.
- Victims of human rights' violations require psycho-social, as well as legal assistance. To complete their rehabilitation they also require a second stage of assistance in finding employment. Project partners are often dependent on their donors. There should be no unrealistic expectations of financial sustainability.

Geographical evaluations and studies:

- EC Delegations should communicate more actively with NGOs and state institutions if they wish to identify EIDHR projects that have more impact and sustainability. Coordination between micro and macro-projects could produce synergies.
- Better dissemination of 'Human Rights and Democracy of the European Institutions' is needed. More documents should be translated into local languages.
- There should be more regional events and exchanges between countries.

⁸ "Evaluation on the Abolition of Death Penalty Projects", ECORYS, April 2007, p. 5.

- The EU should systematically align cooperation strategies with partner countries. Wherever the Government has a human rights policy, for example against discrimination or on minority issues, the EU would be well-advised to include it in its human rights dialogue, technical cooperation and EIDHR projects.
- Political conflict leads to the polarization of civil society and mutual distrust. EIDHR cannot promote a coherent set of projects because it selects them on the basis of individual project appraisals. Implementers of EIDHR micro-projects themselves seem to request more coordination and greater liaison between project staff and NGOs with EC funding.
- The visibility and institutional memory of EIDHR are rather low. EIDHR should be more coherent at country-level.
- EC Delegations should draft human rights strategies. The EC Commission might establish focal points at regional level to enhance thematic competence regionally.
- Impunity and strengthening of the judiciary are repeatedly cited as priority concerns in third countries.

3.2 Overview and Assessment of relevance, effectiveness and complementarity of Country Based Support Schemes – CBSS

The eight visited countries were diverse. They had different political, economic and social conditions and a different history of EU and EC development and human rights engagement and cooperation. This section provides an overview of the relevance, effectiveness and complementarity of the CBSS in the eight countries.

Annex A provides a complete set of recommendations for the new EIDHR strategy.

- The Country Based Support Systems (CBSS) address thematically relevant issues but the projects they support are not linked to human rights dialogue initiatives at the level of the EU Presidency and the Commission. In some countries a lower profile may be appropriate, but the Commission should explore opportunities to improve the link between human rights dialogue and EIDHR projects. This will increase the political relevance and the visibility of the CBSS.
- The CBSS are valuable instruments for addressing the local human rights context even though the CBSS are politically sensitive in some countries, in particular in Algeria and to some extent in Vietnam.
- EC Delegations acquire valuable knowledge and insight in implementing the CBSS. This would increase if they put even more emphasis on dialogue with local civil society and in monitoring the impact of the projects.

- EC Delegations should consult with other donors and local civil society more often on human rights issues and on CBSS priorities.
- Many international NGOs and well-connected national NGOs with headquarters in the capital access the funding. It is more difficult for provincial NGOs to get funding and to meet the procedural demands. However, they often join in as partners or associates.
- EC Delegations should analyse the standing and the capacity of local structures and organizations. In some countries, for example in the DR Congo, it may be advisable to engage even more in dialogue with the churches and faith-based groups, while in others, for example Vietnam, lawyers associations play a significant role.
- CBSS priorities tend to cover a broad range of activities and lack focus. This has undermines the coherence of the projects and also makes competition very intense. The Delegation could hold more regular dialogue with civil society organizations and also inform other donors about CBSS.
- While projects are mostly relevant and effective, the short implementation periods may limit their impact. Here, the European Commission should explore opportunities for allowing longer implementation periods in a specific country, for example if political or other impediments make this appropriate.

3.2.1 Algeria

The Algerian authorities significantly limit citizens' ability to use freedoms of speech, press, assembly and association for political reasons. This restricts the potential for a civil society that is well-organized and devoted to human rights issues. The EC Delegation had to suspend the EIDHR in 2006, after the Government intervened to stop it.⁹ Since the launch of EIDHR micro projects in 2002, the EIDHR has normally informed the Algerian Government about every Call for Proposals.

The 2002-2006 Calls for Proposals for micro projects¹⁰ and their relevance, effectiveness and impact, were generally positive although no external evaluation took place afterwards. Nevertheless, projects were allocated under the priority “persons with disabilities”. This priority could have been tackled through regional programmes for civil societies in cooperation with local authorities (ONGD I and II), as the subject does not offend Governmental “sensitivity” on human rights. Despite the 2006 suspension, the EC Delegation launched a CBSS Call for Proposals in 2009. However, it might betray the very nature of EIDHR, if it decides to avoid distressing the Government by selecting projects with a very soft impact on the human rights situation of the country.

⁹ The Algerian Government was very upset that EC-Brussels had granted “Avocats sans Frontières” an EIDHR project to implement in Algeria

¹⁰ 2002, 2003, 2004, 2005. The one launched in 2006 was finally suspended.

Cooperation between Algeria and the EC is frameworked in the 2005 Agreement of Association, which makes no formal reference to human rights as such¹¹, except within the social-professional framework¹². The political dialogue established under this Agreement does not refer to human rights. At the moment, therefore, there is no bilateral cooperation on strategic human rights components like the justice system or Rule of Law. Nevertheless, the EC Delegation has continued working with Algerian civil society on issues indirectly connected to economic, social and cultural human rights, on the grounds that any effort to support it will eventually contribute to a more open and democratic society. Its instruments are the thematic lines for youth, migration & asylum, and the environment, and regional programmes for NGOs (ONGD I and II), with the participation of local authorities. The complementarity between EIDHR and other EC programmes in Algeria is therefore really significant, as it is the only EC programme working on “pure” human rights in Algeria. The EC Delegation says that the EIDHR, through CBSS, is also the only EC instrument that may directly finance Algerian NGOs. Although EC thematic programmes from Brussels are open to them in theory, in practice they cannot access them because their operational and financial capacity is too weak to meet an international call for proposals.

Most Western countries, be they EU members or not, have no interest in supporting Algerian civil society on human rights issues. Nevertheless, there are some (Spain, Holland, United States, France) which try to do so by focusing on women and children - areas that are not sensitive for the Government - and always avoiding the subject of “human rights” as such. In any case, no donor has opened Calls for Proposals to finance local NGO projects on human rights issues. In this sense, EIDHR through CBSS is unique, and very relevant and significant for Algerian civil society. There is no formal means of communication among the International Community on cooperation matters, or specifically on human rights. Nor is there between the EC Delegation and EU members.

The 2009 Call for CBSS Proposals was not preceded by any meeting between the EC Delegation and Algerian civil society, to gauge their views of the human rights situation. This lack may have arisen from the EC Delegation’s desire to deal with this issue as discreetly as possible and avoid problems with the Government. During the microprojects’ implementation, no formal dialogue was ever established between the Delegation and the implementers, either through seminars or periodic meetings where they could have exchanged information on the human rights situation in Algeria.

¹¹ Although, the preamble and article 2 mention respect for human rights, in accordance with the UN Charter on Human Rights.

¹² Article 74.

3.2.2 Colombia

The 44-year internal armed conflict continues between the Government, guerrilla organizations and regional paramilitary groups. The human rights situation in Colombia remains uncertain, regarding the right to life, personal integrity, personal freedom and security, as well as the right to due process and judicial guarantees.

The micro projects' Calls for Proposals, 2001-2006, show a change in priority from the global to the more specific. The calls for 2005-2006 were more selective and focused on certain human rights priorities, like the fight against discrimination, and the rights of indigenous peoples and victims. Their results and impact were widespread. This is most evident in projects with specific objectives, focusing on specific vulnerable groups - but there was no external evaluation. The EC Delegation produced guidelines which increased its visibility and knowledge of what it was doing. However, local civil society shared a sense of frustration when the EC Delegation stopped the EIDHR in 2007 due to lack of managerial staff. To fill the gap, the "Stability Instrument" was introduced as an exceptional measure. Its implementation was quite special as both Relex and the EC Delegation were involved in the selection of grantees. There was no public Call for Proposals but certain local NGOs were invited to take part, in accordance with specific objectives established in advance in a consultation process between EU members and civil society, that urged NGOs to create consortia. The two NGOs¹³ chosen to receive grants were positive about the experience. Both focused on assistance to the victims of the important Law 975/2005 and its implementation. The 2009 CBSS Call for Proposals combines the budgets from 2008 and 2009. The EC Delegation wants grants to range from €250,000 to €300,000 per project, which is far higher than previously. (Allocations for micro projects formerly were around €60,000 each). It argues that these are easier to manage than time-consuming smaller grants.

Human Rights and democratization are among the most important components of the cooperation between Colombia and the EC. The Colombian Government's policy towards the EC is based on the 2006 Paris Declaration. Consequently it would like to harmonize EIDHR with the rest of the cooperation and with its National priorities on human rights. The EC's multi-annual framework agreement has two components intimately related to human rights:

- "Peace and Stability", whose funds are administered by the authorities through the Colombian Social Agency¹⁴ using EC procedures. Its programmes refer to regional peace actions¹⁵ (only in certain regions), displaced persons and alternative development of coca-production. Some imply Calls for Proposals from local NGOs. There are accusations, however, that the authorities grant allocations only to those close to the Governments' position.

¹³ "AVRE" and "Colombian Commission of Jurists".

¹⁴ Acción Social.

¹⁵ They are called "Laboratorios de paz".

-“Rule of Law, Justice and Human Rights”, that provides technical assistance to key State institutions such as the Colombian Ombudsman, the National Prosecutor and the Judicial Power.

At the same time, there are thematic financial lines: youth, environment, migration and the “Non-State Actors and Local Developing Authorities” Programme (NSA), which aims at reducing poverty in Colombia. EIDHR, however, is the key instrument for supporting local civil society working on human rights and closely complements other EC actions in this field in Colombia, because:

-In Colombia, CBSS has a focus on rights.

-The independence of EIDHR gives the EC substantial power to strengthen NGOs, that are stigmatized by the authorities.

- The NSA programme cannot be used to empower local civil society, when it is among the victims and some local authorities are among the alleged perpetrators.

-The nature of the armed conflict and its consequences requires independent NGOs, that are devoted to the legal defence of victims and provision of psycho-social assistance, and EIDHR is the best instrument for financing them.

-EIDHR may be used wherever necessary for projects covering the whole of Colombia or for projects covering regions left out of the NSA programme or the bilateral cooperation.

Due to the internal conflict, numerous countries contribute towards strengthening and empowering local civil society organisations working on human rights and democratization in Colombia. For the time being, there is no formal forum for donor countries to exchange information on their projects or to coordinate activities on human rights with civil society. Nevertheless, through the so-called ‘G-24’ the international community supports the “London-Cartagena Process”, set up to facilitate political dialogue between the Government and civil society, and resolve the internal conflict.

Since the beginning of 2009, a new mechanism has been in place for human rights dialogue between the EC Delegation and the Government. An EU-troika holds confidential discussions with the Government on questions related to the armed conflict, human rights and the peace process. There is no parallel formal human rights dialogue, however, with civil society. The EC Delegation has also held no meeting with Colombian human rights NGOs so far, to exchange ideas on priorities, or announce the 2009 CBSS Call for Proposals.

The EC Delegation finds a number of EIDHR issues problematic:

- Colombian civil society is diverse and wide, and so a permanent, regular and formal dialogue with it is difficult.

- Sometimes Brussels has granted funding to a project in Colombia, under EIDHR Objective 1, that the EC Delegation has previously rejected. The EC Delegation should not be involved in any way with projects it has rejected, because it exposes them to the Colombian Government.
- Brussels should be aware that some EIDHR projects under Objectives 1 and 3 may overlap with CBSS projects. There needs to be more exchange of information.

3.2.3 Democratic Republic of Congo

The Democratic Republic of Congo (DRC) is a post-conflict, fragile state with a very poor infrastructure. Today the DRC benefits from a significant amount of international assistance, notably the peacekeeping mission of the United Nations, MONUC (since April 2001).

Thirty seven EIDHR projects were supported over the period 2005-2008, eight of them macro-projects. However, the CBSS plays a rather insignificant role in overall EC development cooperation with the DRC.

EC development cooperation amounted to more than €130 million in 2008, whereas project allocations under the current CBSS were only €600,000 - but this amount is expected to increase. The Delegation organised the Call for Proposals in one phase instead of two. It combined the call for concept notes with the call for proposals.

EIDHR micro projects covered a range of issues related to democracy, participatory governance and human rights, implemented by a diverse set of NGOs. The Delegation viewed EIDHR as an instrument for institutional development and the capacity-building of different kinds of civil society organizations rather than a programme for targeting a specific human rights theme.

The project priorities reflect a wide range of disparate issues. OPURR and the Episcopal Commission for Justice and Peace, however, cooperated in promoting participatory governance at local level.

The very poor infrastructure and political conflicts prevented some projects from fully achieving expected results. Flights are cancelled, roads often blocked, and telephones and internet often do not work. This makes it difficult to organize meetings and to carry out field-based activities. Implementation periods are also short, and delays occurred. However, most organizations showed they were very motivated to meet their own expectations and the EC's.

The CBSS-supported projects are not rights-based, so much as developmental and aimed at social empowerment. The projects were selected on the individual merits of the organisations and the quality of their proposals. It is therefore difficult to say they are coherent.

The EC is known for its support to justice sector reform, but EIDHR is largely unknown by other donors. They therefore have little concern to complement its activities.

The EC Delegation looks at complementarity from the perspective of building the capacity of civil society. In this sense, EIDHR complements the work UNDP does with the government. The British Embassy/DFID, is an important donor, orientated more towards theme and dialogue.

Civil society in the DRC embraces a range of different organizations, including developmental NGOs, church groups, professional organizations and private sector entities. The Catholic Episcopal Commission for Justice and Peace is a key player in the country and in the field of human rights protection.

3.2.4 Guatemala

The level of violence in Guatemala is among the highest in the world and increases annually. Around 98% of crimes go unpunished and impunity is considered the most serious human rights problem.¹⁶ At the same time, Guatemalan civil society is concerned about the exclusion of indigenous groups from the political life of the country, and the failure to give victims the rights to truth and reparation that were promised in the 1996 Peace Agreement.

The EIDHR micro project initiative¹⁷ was generally well-managed and had relevant impact in the country. The projects that won grants, however, show that the priorities established in the Call for Proposals were too wide. Grantees worked on women; the trafficking of children; human rights culture; and domestic violence in the context of indigenous peoples. There was therefore no clear understanding of what EIDHR means. Because it is used where other EC instruments cannot be applied, it can duplicate other bilateral cooperation, or other thematic lines. The 2008 CBSS Call for Proposals was still partly unclear about what EIDHR means, its priorities were still too wide and did not complement other EC actions on human rights in Guatemala. This may have diminished the impact and effectiveness of EIDHR projects in a country where the fundamental human rights of all citizens are at risk. The 2009 CBSS, on the other hand, contains a specific set of priorities that really attempts to counter impunity through effective access to justice; to protect and rehabilitate victims of violence; and to implement the rights of Guatemalan indigenous peoples in accordance with ILO Convention 169. However, issues remain that could be better dealt with through bilateral cooperation or thematic lines - on women and children, issues that the authorities do not find controversial. The real impact of EIDHR in a country like Guatemala otherwise risks dilution.

¹⁶ 17,24 violent deaths per day in 2008; 18,66 violent deaths per day in 2009.

¹⁷ The last Call for Proposals in 2006 allocated funds for 10 projects.

Most EC cooperation goes on bilateral cooperation, according to the EC multi-annual strategies drawn up for Guatemala in 2002-2006 that are still being implemented, and the strategies for 2007-2013. One component of EC bilateral cooperation - on “strengthening the State, democratization and human rights protection” - relates intimately to EIDHR since it involves supporting reform of the justice system, through technical assistance and training. The effectiveness of this important programme cannot be tested, however, because the prevalent impunity does not depend on capacity and training, but on political will. A better solution would be an observatory managed by civil society, designed to test the impact of the programme. EIDHR could be the mechanism for installing a monitoring system of this sort through a specific NGO project.¹⁸ At the same time, the EC operates thematic lines on youth, environment, food security and a special programme on “Non-state actors’ participation in community development policies”. This programme complements EIDHR most closely. Although it focuses mainly on social and economic development and includes the local authorities, it prioritises workers’ rights, political dialogue, and the rights of women and children, amongst others. Its Calls for Proposals in 2008 and 2009 also specifically referred to complementarity with the EIDHR.¹⁹

The EC Delegation is increasingly aware of EIDHR’s usefulness in the fight against impunity in the country. The EC Delegation sees clearly that EIDHR is the only means of establishing a trustworthy system for monitoring the impact of bilateral cooperation. At the same time, it is increasingly refining the programme for “Non state actors participation in community development policies” (NSA) to avoid any overlap with EIDHR priorities- something that was possible until recently.

Since the 1996 Peace Agreements, aid from the international community has constantly flowed into Guatemala. This has created a civil society that depends heavily on international funding and is mostly unsustainable. International funders have rarely demanded real results from projects and have not followed up properly on their effectiveness. There is no donors’ forum to exchange information about projects that might prevent duplication and overlap, or identify priorities for improving the situation in Guatemala. There is no forum of this kind between the EC Delegation and EU members either.

The main members of the international community in Guatemala form the so-called G-13 group for political dialogue with the Government. Within G-13, there is an informal but regular forum that includes the EC Delegation in order to discuss human rights situation of Guatemala. Human rights NGOs can send information directly to this informal group about alleged crimes against social groups or human rights defenders that implicate the authorities. This informal group assesses the situation and also decides

¹⁸ Related to the problem of impunity, we must refer to CICIG, the International agency for criminal research, which receives EC funds through the EIDHR objective 4.

¹⁹ However, reference to the ILO Convention 169 on Indigenous Peoples included in the 2008 Call for Proposals, notably disappeared from the 2009 Call.

on how to proceed with it - either by solidarity visits to victims or by diplomatic “demarches” to the Government. The EC Delegation, however, does not have a parallel forum on human rights issues with local civil society, although for formal communication with civil society, it has two fora on thematic issues: women and indigenous peoples. These fora were set up to follow up on EC initiatives in these areas. The Guatemalan authorities and NGO grantees were invited to take part, but the forum on indigenous peoples no longer works, and the one on women is virtually paralyzed. The main reason is that they had no strategy to work with: no goals and therefore no relevant results. The EC Delegation therefore ordered a study on how to develop a working strategy on indigenous peoples²⁰, but this lacks research data on the problems currently facing Guatemalan indigenous peoples and so cannot produce a better strategy for tackling them.

3.2.5 Morocco

Here, the EIDHR objective of enhancing CSO capacity to promote human rights within their community, at national and grassroots level is relevant. EIDHR actively engages civil society actors to work on jointly-developed action plans that aim to promote and implement human rights standards in Morocco.

Civil society organisations found the priorities, of the 2008 CBSS Calls for Proposals relevant to the Moroccan human rights situation.

In general the projects had good impact. Although up to 70% of NGOs/CSOs work on a voluntary basis, their determination and management skills are evident. Projects tend to involve the participation of civil society and some contribute to the on-going reform process.

CBSS has been effective in promoting legislation and strengthening institutions that are responsible for protecting human rights and accounting for them. The projects reviewed, answered local human rights concerns, and worked towards the standards of international human rights instruments - conventions and treaties.²¹

Relations between civil society - particularly NGOs - and the Government are tense. More civic participation is needed in public advocacy of human rights. Marginalised and vulnerable groups, like women and children, are in particular need of an organised and powerful voice to lobby for the enforcement of their Human Rights.

²⁰ “Estrategia para la pertinente intervención en relación a pueblos indígenas desde las perspectivas multi e intercultural, Comisión Europea en Guatemala”, September 2008.

²¹ Some of the projects, in particular the “*L’amicale marocaine des handicapés*” aimed to elaborate a legal framework for people with disabilities in Morocco. The result has been a mixed Commission of civil society organizations and the Ministry, jointly to finalize a draft Bill. Actions from the same grantee through another project resulted in Morocco’s ratifying the UN Convention for Disabled People (28 April 2009).

Specific Human Rights priorities seem to be more effective, while the priorities for promoting Democracy are more general. Consequently, the CBSS Calls for Proposals on specific Human Rights priorities receive more applications than on democracy-promotion.

The EC Delegation's consultative process with civil society organisations established good coordination and gives grantees a sense of owning the programme.

EIDHR support for greater cohesion among human rights CSOs complements the objectives of the 2009 thematic instrument on NSA & LA in Development, which aims to achieve greater CSO participation in social national policies. EIDHR also complements support given to government institutions, like the Consultative Council on Human Rights (*Conseil Consultatif des droits de l'homme*).

The EC is by far the most structured donor in promoting Human Rights and Democracy in Morocco. A number of others, like USAID, Canada, and a few EU Member states like Great Britain, Denmark and Germany, finance a few CSO projects, with limited financial resources.

Donor coordination is progressing in Morocco and in the human rights field covers project priorities, guidelines and procedures.

3.2.6 Turkey

Activity is relevant to the guideline objective of enhancing local CSO capacity to promote Human Rights at national and grass roots level. It actively engages civil society to collaborate on jointly-developed action plans that aim to promote and implement human rights standards in Turkey. Overall, civil society organisations found the priorities of the 2008/2009 CBSS Calls for Proposals relevant to the shortcomings of the human rights situation in Turkey.

CBSS has been effective in strengthening civil society, and engaging stakeholders from conflicting and vulnerable communities to work together towards a common goal. However, relations between civil society - particularly NGOs - and the Government are of concern. It could be improved in 'less sensitive' areas like the rights of women and children.

EC Delegation staff could improve their evaluation of EIDHR projects by using benchmarks, indicators and targets to increase their effectiveness. EIDHR funding has definitely prompted groups of concerned citizens to work at building civil society. It has provided some of the confidence necessary for engaging in structured work, and helped catalyse empowering processes.

The projects reviewed respond to local human rights concerns, and work towards standards set out in international human rights instruments (conventions and treaties).

Some projects enhanced efforts to develop a constructive dialogue with the Turkish government and other NGOs active in the education field. EIDHR funds helped engage and structure their work and build their capacity.

The EC Delegation's consultative process ensured good coordination between NGOs and gave them a sense of owning the programme.

EIDHR complements IPA funding for civil society dialogue in a satisfactory and productive way. It ensures a mutual exchange of experience, and generates knowledge and understanding between the EC Delegation and the EU Secretariat General for European Affairs. The outcome of the political dialogue is positive for the drafting of the EIDHR priorities. Their outcome feeds back into the political dialogue, raising questions pertinent to the themes of the civil society grant scheme and increasing awareness of the human rights challenges in Turkey. This complementarity contributes to a better understanding of opportunities and challenges, in the programmes funded both under EIDHR and IPA.

At country-level, donor coordination on human rights issues is rather low in Turkey.

3.2.7 Socialist Republic of Vietnam

The Socialist Republic of Vietnam has a mixed human rights record. This year Vietnam has undergone the Universal Periodic Review (UPR) at the UN.

EIDHR faces political constraints in Vietnam, particularly in promoting civil and political rights. Human rights are still politically sensitive, even though many donors have now engaged in dialogue with the Government. The situation of human rights defenders is most critical, but not a priority for EIDHR. EIDHR addresses other vulnerable groups, like women, children and migrant workers.

A new, major, EIDHR Call for Proposals is in preparation and will be launched in August 2009. It will combine two years' budgets and total € 1.8 million which will give the EC Delegation the chance to explore the further potential of EIDHR in Vietnam very soon. The EC Delegation has launched the Call for Proposals in one phase instead of two.

So far, the EC Delegation has awarded grants only to international NGOs, like Save the Children Fund, CARE, Action Aid and international organizations like the International Organisation for Migration (IOM). They work very professionally with vulnerable communities and involve small local organizations. They also disseminate their experience and achievements through their international network. However, the Delegation should explore opportunities for direct grants to local NGOs.

The effectiveness and impact of development work is generally high in Vietnam. Organisations and people in Vietnam are mostly disciplined and committed and there are no serious problems with infrastructure or communication. This is also true of

projects on economic, social and cultural rights. Once a project has been approved at political level, the professional approach of the international NGOs and the good work ethic of Vietnamese staff make many successful.

The main constraints on the effective implementation of EIDHR projects are political. The authorities reserve the right to veto projects that address sensitive issues. This has happened to EIDHR projects and led to delays in implementation.

EIDHR complements the EC's general and sector budgetary support to Vietnam, but not the Non-State Actors and Local Authorities (NSA) instrument, or the activities of other donors. Organizations submit proposals to both the NSA and EIDHR programmes without really knowing the difference between the instruments and without seeing clear distinctions between their aims.

The CBSS is a relatively small programme and not well known by other donors and national stakeholders. Any complementarity is accidental, rather than the result of donor coordination to support smaller human rights projects. The picture is brighter in bilateral cooperation programmes and human rights dialogue. For example, the Head of EU Missions issued a joint statement on his arrest and the sanctioning of his right to peaceful exercise of freedom of expression on 22nd June 2009.

Civil society is still at an early stage and mainly consists of Government -Organised NGOs (GONGOs) and grassroots organizations. The middle tier of independent NGOs and foundations is still absent in Vietnam. EIDHR faces political constraints, but the CBSS should still continue. Vietnamese groups are slowly becoming aware of the relevance of rights-based approaches.

3.2.8 Zimbabwe

The Republic of Zimbabwe has gone through an extremely difficult period of political violence and impoverishment in the past years. Some promising prospects of a gradual recovery from political chaos have arisen and with them, new opportunities for development cooperation. Donors started to pledge new aid.

Twelve local-level EIDHR projects selected through local Calls for Proposals are currently operating in the country (micro-projects and CBSS). In past years, the EC Delegation has annually requested €900,000 for the CBSS. The most recent Call for Proposals launched in March 2009 after consultative meetings with civil society stakeholders that helped identify priorities, combines the €900 000 budget for 2008 with the €1.2 million budget anticipated for 2009. Most participants interviewed approved of the consultation process and the priority areas selected.

NGO human rights work is relevant and had good impact in Zimbabwe. It has made human rights violations in Zimbabwe more visible, and probably increased the pressure on the ZANU (PF) regime and prospects for a gradual positive change in governance and human rights. The outcome of the elections would have been different without the work of many volunteers mobilized by the Zimbabwe Election Support Network, the Catholic Commission for Justice and Peace, other NGOs and initiatives, and the support of regional organizations and the diplomatic community.

Lack of flexibility was frequently cited as the main disadvantage of EIDHR. Given Zimbabwe's crisis situation, *ad hoc* responses to human rights situations and reform endeavors would be desirable. The lack of flexibility also compromised the EC's effort to assume a more visible role in coordinating donors in the field of human rights.

Various EIDHR grantees said the application process consumed too much time and energy, and that dates for submitting of proposals had changed at short notice. The EC Delegation had difficulty maintaining the schedule because staff are involved in many programmes and dialogue initiatives. The project duration was too short, but could be extended to three years.

The Reserve Bank blocked funds to some grantees, and this damaged the effectiveness of some projects. Hyperinflation from 2007 - 2008 reduced the actual value of grants while projects were in the process of implementation.

Civil society in Zimbabwe is active, diverse and predominantly pro-MDC. It depends almost completely on donor funding. Under EIDHR, the EC Delegation works with many different organizations, most of them human rights NGOs with a focused agenda and good proposal-writing skills. Embassies and other stakeholders said that the EC Delegation did not interact much with the Catholic Commission for Justice and Peace which is an important player in the human rights field.

EIDHR is well integrated in the overall movement for human rights and development cooperation and complements other EC development assistance. The Instrument for Stability was pivotal in reinforcing human rights promotion in the context of 2008 elections, and its funds were fully coordinated with EIDHR activity. EIDHR complements the human rights work of other organizations in their selection of topics, procedures, approach and partners, notably the work of other EU member states.

3.3 Analyses of Questionnaires to EC Delegations in Third Countries

This chapter is based on answers to a questionnaire. It asked EC delegations about the implementation of EIDHR and how far it achieved coordination and coherence with other thematic and geographic instruments.

The 2007-2010 EIDHR Strategy Paper emphasises coordination at all levels, including on the ground. EC delegations have acquired increased responsibilities in recent years through the de-concentration process, and so their involvement in the evaluation is particularly relevant.

EC Delegations are crucial in finding synergies with other EU Member States, CSOs, NGOs and International Organizations, to ensure that EU external assistance - both bilateral and multilateral - is Coherent, Coordinated and Complementary. The experts therefore analysed the main points raised by Delegations with a view to the future EIDHR 2010-2013 Strategy Paper.

Generally the Global Economic Crisis has had no significant impact so far on the implementation of EU Human Rights policy and the EIDHR:

Most EC delegations stressed that for the time being, the global crisis has had no direct impact on the implementation of the EU Human Rights policy, or EIDHR. In fact, the promotion of human rights is more vulnerable to legal restrictions on human rights NGOs; political instability in conflict and post-conflict states; and breakdown in the donors' dialogue with the beneficiary State. The global economic crisis, however, affects the living conditions of the poorest and is fertile ground for political instability and social unrest. Some EIDHR countries have already seen public institutions less able to protect human rights, and private aid also seems to be decreasing. Shortage of public and private funds may in the short-term prevent CSOs fulfilling the financial requirements of Calls for Proposals under EIDHR and CBSS.

EIDHR and CBSS are very relevant to Human Rights promotion:

EIDHR is portrayed as an independent and flexible funding instrument. In a restrictive political and legal framework it can promote human rights and democracy without Government intervention. Some EC delegations underlined, however, that in countries where governments do not protect human rights or promote fundamental freedoms, the grant application procedures – and specifically the publication of successful grant applications - prevent human right defenders responding, for fear of retaliation. This occurs in countries covered geographically by Objective 1.

EC delegations consider they should be more involved in establishing CBSS priorities:

EIDHR and CBSS are demand-oriented funding instruments and their bottom-up approach enables them to support grass-root organizations close to the priorities of the local population. EC delegations acknowledge that they are responsible for establishing the priorities of local calls, but would like to be actively consulted in the preparation of Strategy Papers and the Annual Action Programmes.

Most EC delegations invite local NGOs, CSOs, Member States and international organizations for an active discussion with EC delegation staff, before the outline of the AAP and CBSS Calls for Proposals is opened. This enables EC delegations to introduce beneficiaries' concerns into the Calls for Proposals and improve the relevance, coherence and complementarity of the development aid delivered. Delegations have different methods for achieving this, both formal and informal. Many delegations have set a schedule in line with the outlining of the Annual Action Programme. When they establish the CBSS, some tend to use other frameworks to assess specific third-country priorities. In more restrictive political and social contexts, direct contact with CSOs is notably more difficult.

All EC delegations that implement CBSS consider it useful because of the wide range of topics it embraces. But the current CBSS mechanism does not allow funding for projects beyond an annual Call for Proposals, which prevents EC delegations adapting CBSS priorities to meet changes in the political, social and economic environments. Thematic priorities defined in one political, social and economic context can be less relevant in another.

The idea of CBSS is to engage local civil society in the long-term, and EC Delegations can establish fresh priorities every year, if necessary. Even so, it would be valuable if EC Delegations were able to inject pertinent new priorities into Call for Proposals that reflect unexpected or changed situations.

Social and Cultural rights are more easily introduced into Calls for Proposals than Civil and Political Rights:

CBSS calls are intended to finance projects that foster ownership by CSOs. In some difficult countries that do not ensure freedom of expression, local NGOs are keener to respond to calls promoting general, social and cultural rights, than calls based on the promotion of democracy and fundamental freedoms. Nevertheless, democracy-promotion is at the core of EIDHR and the delegations root Calls for Proposals in issues that can promote it.

Weaknesses in local NGOs and CSOs are an obstacle to promoting Human Rights and Democracy from the bottom up.

Many CSOs do not have the capacity to manage the financial and contractual responsibilities required of participating in Calls for Proposals implemented through a CBSS.

This often jeopardizes their chances to compete for grants for macro projects, at global level. Past evaluations have proved that human rights initiatives are often most effective when grass-roots organizations implement them. The problem is that the closer CSOs are to their communities, the less comfortable they are with EC procedures.

EC delegations say that ‘complementarity’ and ‘coherence with other thematic and bilateral instruments’ are assured in principle:

Achieving Coherence and Complementarity in development, has been one of the main goals of international donors in recent years. The EIDHR 2007-2010 Strategy Paper stipulates that “the response will complement the geographical programmes (Instrument for Pre-Accession (IPA), European Neighborhood and Partnership Instrument(ENPI), Development Cooperation Instrument(DCI), Financing Instrument for Cooperation with Industrialized and other High Income Countries (CIC)) and the DCI-based thematic programmes), as well as those on Non-State Actors and Local Authorities in development, on Investing in people, and on Cooperation with third countries in the areas of migration and asylum, which integrate the protection of human rights and underpin democratic processes in various ways”. The Strategy Paper also stresses that activities planned under these thematic programmes will be outside EIDHR’s remit. In line with the philosophy of the previous strategy, EC Delegations generally tend to argue that complementarity is basically assured between funds devoted to human rights via EIDHR, and funds donated bilaterally.

EIDHR enables the EC to support individual activities carried out by civil society. The bilateral funds allow the EU and EC delegations to act at policy level.

At thematic level, EIDHR is mostly directed at issues that are tolerated by Governments. EIDHR funds are channeled to more sensitive subjects, where civil society acts as a watch dog, challenging the national authorities. These funds complement the general programmes of good governance and public institution–building, financed with EC budget support.

EIDHR can also make possible activities that enjoy no national consensus for action, where few activities take place, such as ‘War Crimes tribunals’.

EC Delegations report in their questionnaires that they also try to coordinate their work on Human Rights and Democracy promotion with the activities of EU Member States and other International donors.

Most EC Delegations only vaguely explained how they foster exchange of information and real coordination, to maximise effectiveness. It is clear that they made some efforts when devising development strategies. The fact is that procedures seem to stop at dialogue in most cases, but they could usefully be translated into effective guidelines. Joint Committees, Member States, EC Delegations and other International Organisations have opportunities still to explore on human rights concerns.

The EC Delegations should explore the contribution of the Consensus on Development in fostering coordination among Members States and EC development aid.

Some EC Delegations have set up EU Human Rights Groups, but reported no visible impact on development coordination as a result. Previous external and internal studies on Complementarity, Coherence and Coordination underlined that exchange of information is not enough to ensure coherence and complementarity, but it at least fosters a culture of dialogue among different donors and stakeholders.

According to EC delegations, EIDHR complements the Non-State Actors and Local Authorities programme:

There is no clear borderline between activities that can be implemented through NSA and EIDHR programmes, since both can cover human rights issues. NSA/LA focuses on supporting the empowerment of civil society, by building the capacity of non-governmental actors, and facilitating their participation in strategies to reduce poverty and create sustainable development. In this context, EIDHR is used again to address more sensitive issues.

EC delegations stressed the difficulty in assessing the impact of EU Human Rights policies and the EIDHR programme:

EC delegations highlighted the difficulty in assessing the impact of EU Human Rights policies and the EIDHR programme. It is difficult for them to establish a direct link between EIDHR project support and policy developments in the countries concerned.

They anticipate great potential in projects based on the innovations introduced by EIDHR (Objective 1/ difficult countries; sub-granting to Human Right Defenders; and direct support to Human Right Defenders):

In practice, of all EIDHR-financed projects, few involved sub-granting to Human Rights defenders, or giving direct support to them, but EC Delegations foresee great potential in this direction. Objective 1 offers flexible rules that do not require the legal registration of implementing partners, and allow lower EC visibility requirements. These are appropriate for tackling extremely sensitive political, cultural and religious issues, and allow enhanced protection for Human Right Defenders. Sub-granting to Human Rights Defenders is seen as a powerful means of developing civic activism and fostering the creation/development of grass-root NGOs – that would not otherwise be able to apply for grants under difficult and resource-consuming Calls for Proposals, like the EIDHR or other donor programmes.

4. Overall Conclusions and Lessons Learnt

1) The EC is a high profile actor in development in third countries but not a high profile actor in human rights.

The profile and visibility of EU cooperation, particularly in development, is generally high in third countries, especially in social sectors like health and education. But in many countries this is not true in human rights. There are several reasons:

-First, the financial envelopes of these instruments are small in absolute terms, compared with other EU programmes. Multi-country programmes like the European Instrument for Democracy and Human Rights and its predecessor, the European Initiative for Democracy and Human Rights, have budgets of little over €100 million per year.

-Second, there is almost no link between EIDHR project work and the political dialogue carried out locally by the EU presidency and the EC Delegations.

-Third, many EIDHR projects in practice focus more on building the capacity of development-oriented NGOs, than on human rights themes.

2) The EIDHR strategy paper 2007-2010 defines five objectives that are a realistic and adequate response to current problems in human rights and democratization worldwide. Nevertheless:

-The success of Objective 1 in enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk partly depends on the technical capacity of local NGOs and their awareness of EIDHR, so that they answer its Calls for Proposals.

-In practice, there may be an overlap between EIDHR projects covered under Objective 2 and managed at country level by EC Delegations, and EIDHR projects under Objective 3, managed at EC headquarters. This happened in several countries, with CBSS calls for proposals focussing on rights of children, or on the rehabilitation of victims of human rights violations, intended to support actions in areas covered by EU Guidelines on “children and armed conflict” and “torture”.

-EU Guidelines on thematic human rights issues offer an overview, a summary of applicable international standards. However, they do not contain a set of global priorities and achievable goals.

-A global strategy is needed in order to establish a flow of information between EC headquarters and thematic programmes/ projects at country level.

-The country visits pointed to a current worsening of the situation of indigenous peoples, as regards protecting their ancestral homelands against state-backed multinational projects, and the spread of extrajudicial killings. The new EIDHR strategy would be well advised to tackle these significant matters more specifically through Objective 1 or Objective 2, taking into account the relevant International conventions.

- Objective 5 deals with democratic electoral processes, aiming to increase confidence in them and enhance their reliability and transparency. It relies heavily on election observations, but the 2007-2010 EIDHR Strategy Paper does not make clear that EC Delegations should help implement and promote the recommendations made by EU Election Observation Missions, either by using CBSS or Objective 5 funds to complement bilateral cooperation. EU Election Observation Missions are costly, and this gap in the Strategy Paper may be reducing their impact.

3) As stipulated by Regulation (EC) N° 1889/2006, the EC needs to consult representatives of civil society in the programming process. However, at EC Delegation level, adequate consultation with civil society might be lacking.

Country reports and questionnaires show that EC Delegations rarely have regular, formal contact with their local civil societies. Contact is important not only for technical reasons, related to EIDHR implementation, but for gaining a better understanding of local human rights' and democratisation problems and devising a more appropriate set of priorities and responses. Regular and formal communication with civil societies is an effective way of empowering them, when governments try to ignore or destroy them. Strengthening local civil society groups working for human rights and democratization is the general aim of EIDHR Objective 2. It is no justification for EC Delegations to say that civil society in their countries is very wide and atomised. As other donors show, a selection of the more representative, and the more involved, can always be made.

4) EIDHR is based on a culture of competition. It issues open Calls for Proposals for the best projects under specific priorities, and funds them according to a policy of transparency, non-discrimination and fairness. But this does not guarantee continuity at country level, without a strategy to establish priorities and goals for the medium and long term.

There is a trade-off between the efficiency of EIDHR financing instruments -that require that local NGOs have some means of funding themselves- and the general goal of promoting human rights from the bottom up. Many grass-roots organizations cannot meet the EC's financial requirements.

- 5) **Generically, geographical evaluations of the previous EU Initiative on Human Rights and Democracy 2001-2006 micro projects proved that they were innovative, played a pilot role in the country, had good visibility, and promoted a positive impact for the EC.**

The EIDHR Strategy Paper 2007-2010, however, did not include any specific measure of their sustainability and so there may have been a fall-off of achievement, a gap in synergy between human rights and democratization. At EC Delegation level, there should have been clear continuity in priorities and better communication about sustainability with other donors.²²

- 6) **All-comprehensive thematic studies/evaluations reflect the importance of including cross cutting issues in EC interventions, such as governance and gender.**

EIDHR would strengthen local civil societies even more if it demanded that cross cutting issues be reflected more precisely in project proposals. Good governance and gender balance especially should be respected in the internal organization of the projects, and labour rights in their implementation.

- 7) **The analysis of the questionnaires completed by EC Delegations and country visits yields the following conclusions on the implementation of CBSS, and lessons learnt:**

- EIDHR programming requires frequent dialogue, oversight and adjustment. Projects and programmes need to be tailored to particular political, economic, social and cultural contexts, proceeding through stages that are rarely the same.

- EC Delegations view complementarity from an organisational perspective rather than a thematic one. This means that EIDHR complements other programmes because it focuses on the capacity-building of local organisations. Thematic complementarity could be given more weight. Projects for people with disabilities, and projects focusing on migrant workers and women's issues could also be financed through other programmes. Few local organisations look at EIDHR from the perspective of complementarity. They submit similar project proposals under other instruments, in particular the one on Non-State Actors and Local Authorities.

-EIDHR plays a peripheral role in the human rights activity of EC, compared with bilateral cooperation. At country level there is a general lack of strategy about human rights needs, and the complementary potential of CBSS.²³ This can be gleaned from an analysis of bilateral cooperation, the programme on non-state actors and local authorities, and the humanitarian assistance given by ECHO, and EIDHR itself.

²² In Colombia, this mainly affected the work started by the last micro projects Calls for Proposals, which addressed the problems of the Afro-Colombian populations and Indigenous peoples.

²³ See the comments on Guatemala, as regards the changes on the priorities between CBSS Calls for Proposals.

Nevertheless, in many EC Delegations the situation is slowly improving as they achieve a better understanding of EIDHR logic and possibilities. If EC Delegations became more involved in establishing strategies and priorities under Objectives 1 and 3 and exchanged information about those projects and their evaluation, they might become more aware of the need for a complementary approach on human rights.

-At EC Delegation level, there is still too little information about EIDHR: what it is; it's potential for complementarity; and its budgets for improving the dissemination and visibility of materials, including in the language of local NGOs. A staff that is regionally coordinated and specialized in EIDHR would improve effectiveness and complementarity at country level.

8) The 2007-2010 strategy envisages a very broad area of activity. In countries where local authorities tend to be sensitive, the power of EC Delegations to decide whether to have CBSS and what priorities they should pursue, can have significant consequences:

-Most EIDHR projects are relevant, but many focus on social rights; support for vulnerable groups; and NGO capacity-building, rather than on critical human rights violations committed by state authorities, such as torture, abduction and detention without trial. As stated above, when possible, EIDHR should focus on sensitive questions that cannot be tackled through the bilateral cooperation.

-Using allocations of aid for political leverage is difficult. EC Delegations tend to shy away from using bilateral cooperation as leverage for human rights, so as not to endanger their relationship with local governments that have a poor respect for international standards on human rights and democracy. Another factor is that EC Delegations are accountable to both Europe Aid and Relex. While EuropeAid has an obvious interest in spending earmarked funds in the most effective way, Relex attempts to accomplish political goals according to an established strategy, and in certain situations this might give rise to a conflict of priorities.

- It is also difficult to sensitize ECHO staff to communicating and addressing human rights concerns when delivering humanitarian assistance, since ECHO has other priorities. However, EC action needs to have a common approach on the respect for basic human rights.

-There are no clear standards for implementing EIDHR in the face of political intervention from local governments. Some Delegations adopt a preventive approach that tries to avoid upsetting local authorities by being transparent with them and not supporting controversial human rights issues. Others prefer not to apply CBSS at all, as there is no way of avoiding political interference by governments. In some cases, EC Delegations decide not to support local NGOs but only international ones. Some EC Delegations even refuse to have Objective 1 projects in their country, or to be involved in managing them.

These discretionary powers are good because they allow EC Delegations to adapt EIDHR to the reality of their countries and avoid diplomatic problems with governments. There is a risk, however, that these political considerations may rob EIDHR of its essential nature. It would be very useful if EC Delegations at regional level could come to a common understanding about when and how EIDHR may be applied, on the basis of some EC general guidelines. This common approach would help better articulate the differences between Objective 1 and Objective 2.

9) Local Human Rights Defenders often use EC Delegations as a last defense against the local authorities.

EC Delegations can only protect them, however, when the local government depends heavily on EC cooperation and is worried about its international image. Protection is easier where the EC has a formal human rights dialogue with the local government. In other countries, where EC Delegations are concerned about the government's sensitiveness to any foreign intervention, better understanding and coordination between EC Delegations and EC Headquarters on implementing Objective 3 might improve the situation of local human rights defenders in each specific country context.²⁴ Objective 3 envisages the implementation of EU Guidelines on Human Rights Defenders through worldwide, regional or country projects.

10) EC Delegations might be given the same flexibility under Objective 2, as they enjoy under Objective 1.

In certain areas with a volatile political situation, or local peculiarities in the human rights field, EC Delegations could be allowed to decide on special measures, or allowed to have a special Call for Proposals for micro-projects.

5. Overall recommendations for the new EIDHR Strategy 2011-2013

1) Make the strategy a document of public and NGO interest in Europe and in third countries

The current strategy of the European Instrument for Democracy and Human Rights, for 2007 - 2010, is a long and comprehensive document. It addresses substantial, institutional and procedural issues and reflects the complexity of the EU's response strategy in support of Democracy and Human Rights. It is not a document that will be read by the general public in Europe or by decision-makers in third countries. It is mainly consulted by EU experts and project applicants. Even Human Rights organisations and activists in third countries do not refer much to the EIDHR strategy and its specific objectives, except when drafting proposals.

Consider that EIDHR has the potential to strengthen and to sharpen the profile of the EU in the field of human rights. It is advisable to discuss the Strategy with other key international players, including UN organisations and NGOs, and selected organised civil society networks in third countries.

²⁴ Vietnam

2) Maintain the five objectives defined in the EIDHR strategy paper 2007-2010, but emphasise the differences between Objectives 2 and 3, in order to avoid duplicating efforts and allocation of funds.

Objective 1 points out that while it directs support mainly towards NGOs, it recognises that in some countries and regions human rights defenders can be at risk because of their position in relation to state institutions, and their daily work. Therefore, efforts should be made to mobilise support on their behalf.

The formulation of the new Strategy should make NGOs more aware of EIDHR and EU Guidelines, which in their turn should look to those groups.

Objective 2 is of great relevance. It should continue to focus on strengthening local civil society groups working for human rights and democracy, and on a participatory and inclusive democracy at local and regional level. A long term perspective is best for empowering civil society support.

Every effort should be made to avoid duplication under Objective 2 (CBSS) and Objective 3. It is recommended that liaison and monitoring be improved. Regular exchange of information between headquarters and EC Delegations would help.

Strategies for global campaigns on democracy and human rights should be made even clearer. A transnational approach should include clear local and regional perspectives through the Call for Proposals.

It is important that the formulation of the new strategy firmly spells out the need to support the rights of indigenous peoples, and combat extra-judicial killings, based on specific international instruments (ILO Convention 169, UN Declaration on the Rights of Indigenous Peoples, Resolutions of the UN Commission of Human Rights, UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions). It can be contemplated through Objective 1 or 2.

Objective 5 supports election observation. This is an important ingredient for developing democracy and more emphasis needs to be put on implementing the recommendations of EU Election Observation missions. The new Strategy should specify clearly which funds should pay for this. Because CBSS funds allocated under CBSS are limited, it is recommended to use the specific funds under Objective 5.

3) Greater importance should attach to consulting civil society in the programming process, in accordance with Regulation (EC) N° 1889/2006.

Systematic consultation with civil society is needed on the application procedures for funding. Under Objective 2 it is important to have a full picture of the country context from the perspective of international and local NGOs and country-based organisations, to assess what CBSS priorities should be and support formal human rights dialogues with governments.

As a top priority, EC Delegations should use the 3% EIDHR budget earmarked for organising and publicising information sessions, and promoting the visibility of EIDHR activities.

- 4) **Calls for Proposals managed by EC headquarters should reflect a long-term strategic approach on the EIDHR and its objectives. Before 2007 the priority areas changed during the programming period which makes the long-term development and assessment of the programme difficult.**

Detailed evaluation and precise reporting of the finalised programmes is essential to keep them effective, and help develop future programmes.

- 5) **In formulating the new strategy, evaluations and assessments of geographical projects should be taken into consideration. EC evaluation methodology should be followed closely and qualitative and quantitative indicators included, so that strategic lessons and recommendations can be extracted for the on-going implementation of EIDHR.**

Geographical evaluations of micro projects under the previous EU Initiative on Human Rights and Democracy 2001-2006 proved that they were innovative, played a pilot role in their country, had good visibility and promoted good impact for the EC.

- 6) **EC cross-cutting policies such as good governance and gender balance should be emphasised throughout the application procedures for EIDHR projects.**

A regional thematic support team at the level of the EC Delegation in a third country could ensure good coordination among all thematic projects at transnational and transregional level. All-comprehensive thematic studies and evaluations reflect the importance of including cross-cutting issues in EC interventions, such as good governance and gender balance.

- 7) **Country visits and analysis of questionnaires completed by EC Delegations, on implementation of CBSS, give rise to the following recommendations:**

The EIDHR budget is relatively modest in comparison with those allocated to geographical programmes. Its projects are rather small and so its interventions must be carefully targeted.

Thematic areas in CBSS Calls for Proposals must be clearly defined to prevent confusion and overlap. In some countries the success rate for applications under EIDHR CBSS is low, which suggests the focus of these Calls for Proposals may still be unclear.

In general, the CBSS is more efficient when EC Delegations are allowed to introduce specific issues and priorities that adapt worldwide Calls for Proposals to each third country and its own socio-economic environment. The new strategy should maintain this.

Stronger dialogue with local NGOs, CSOs, Member States and other international organizations is crucial for identifying the right priorities in Calls for Proposals; achieving coherence and complementarity, and minimising thematic overlap in bilateral and multilateral aid.

Within the constraints of their budgets, it is recommended that EC Delegations should always include a “human rights policy coordinator” to ensure the complementarity of all EC actions.

8) EC Delegations have discretionary powers to launch an EIDHR, depending on the human rights situation in the country. These should be kept.

Evaluations of the impact of having EIDHR should include a “sensitivity to conflict” criterion.

When deciding whether to have CBSS, or to implement regional EIDHR projects under Objectives 1 and 3, regional coordination among EC Delegations would be beneficial, to assess the human rights situation at regional and country level.

9) A coordination mechanism among EC Delegations and EC headquarters is recommended, to engage in regular human rights dialogue under Objective 3.

This could become an integral part of EIDHR monitoring and consultation, to elicit feedback and suggestions.

10) Allow more flexibility for the CBSS

Simplify the running of the programme, to take advantage of CBSS flexibility when special situations call for intervention. Submission of proposals should be allowed at any time there is a window of opportunity to act in a given country. The CBSS mechanism should not become an obstacle, especially for projects that respond distinctively to dynamic environments. A new flexible approach should be introduced to react to unexpected needs in certain countries.