

## ANNEX 2

of the Commission Implementing Decision on the Annual Action Programme 2014 in favour of the Republic of Azerbaijan

### Action Document for Support to Civil Society in Azerbaijan

#### 1. IDENTIFICATION

|  |  |        |  |
|--|--|--------|--|
| Title/Number                                       | Support to Civil Society in Azerbaijan<br>CRIS number: ENI/2014/033-799  |        |  |
| Total cost   | Total estimated cost: EUR 3.35 million<br>Total amount EU contribution: EUR 3 million <ul style="list-style-type: none"><li>- for an amount of EUR 2 million from the general budget of the European Union for financial year 2014</li><li>- for an amount of EUR 1 million from the general budget of the European Union for 2015, subject to the availability of appropriations following the adoption of the relevant budget</li></ul> Estimated co-financing by potential grant beneficiaries: EUR 350 000 |        |  |
| Aid method / Management mode and type of financing | Project Approach<br>Direct management – grants (calls for proposals)   |        |  |
| DAC-code   | 15150  | Sector | Democratic participation and civil society |

#### 2. RATIONALE AND CONTEXT

##### 2.1. Summary of the action and its objectives

The overall objective of the action is to contribute to the development and consolidation of democracy and the rule of law and respect for all human rights and fundamental freedoms in Azerbaijan. This objective is to be achieved through strengthening the role and capacity of civil society in promoting democratic values.

For this purpose, this action will cover the main subjects of human rights that comply with European Neighbourhood Policy (ENP) Eastern Partnership policy (EaP). The action will improve the adherence to basic human rights and fundamental freedoms in areas such as promotion of democratization, governance, anti-corruption, freedom of expression, freedom and pluralism of media, support in conduct of democratic elections, freedom of association,

the promotion of non-discrimination and gender, ethnic and religious equality, the protection of vulnerable groups, and the protection and promotion of the diversity of cultural expressions.

The above mentioned areas are in line with the European Union Human Rights Strategy and National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan. Consultations with civil society supported the determination of objectives, results and possible activities/actions/projects for the areas of future EU assistance.

## **2.2. Context**

### **2.2.1. Country context**

#### **2.2.1.1. Economic and social situation and poverty analysis**

From the macro-economic perspective, Azerbaijan performed well over the last decade, during which gross domestic product (GDP) growth rate averaged 14.5% during the period 2003-2011. As a result of this strong growth and targeted social assistance programmes, the poverty rate has dropped significantly, from 44.7% in 2003 to around 6% in 2012. Today Azerbaijan has reached the status of upper middle income country with a GDP per capita of USD 7 500 (2013).

However, it has to be noted that the strong growth rate was fuelled mainly by oil and gas revenues, which on the other hand make the Azerbaijani economy vulnerable to potential oil prices fluctuation. In general, the economy of Azerbaijan is highly dependent on natural resources considering that oil and gas account for about 93% of total export and over 41% of GDP, but employs only 2% of the population.

Real GDP in 2013 showed 5.8% growth year-on-year reflecting strong non-oil growth and a successful stabilization of oil output. According to the last International Monetary Fund (IMF) reports, the near-term growth prospects are generally favourable, forecasting overall GDP growth above 5% also for 2014 and inflation stabilizing at around 3%.

Currently, Azerbaijan's Human Development Index (HDI) is 0.731 and the country is ranked 76 out of 187 countries.

Despite progress made by the country in reducing poverty levels and advancing the reform agenda, social protection, education and health reforms must be continued to unlock Azerbaijan's full growth potential. In addition, serious improvements must be made in the areas of democratic participation, respect of the rule of law and overall good governance.

Contrary to marked economic developments, reports of international organizations and watchdogs state about increased restrictions on freedoms of expression, assembly, association and other fundamental rights.

#### 2.2.1.2. National development policy

Azerbaijan approved its development concept "Azerbaijan 2020: A Look into the Future" (Concept 2020) in 2012. Alongside with plans on development of human capital, improvement of social security system, formation of a modern education system etc., special focus is made on the development of civil society. The objectives set include enhanced cooperation between government agencies and civil society organizations (CSO), via the development of a "National Action Plan on the development of civil society", the adoption of legislation stimulating conducive CSO environment, the increase of financial support to CSO, the establishment of "Non-governmental organization (NGO) houses" and education centres and other issues. The Concept 2020 also foresees CSO participation in the development of state programmes and work of public commissions.

The document also covers several human rights elements such as media freedom, access to information and gender equality. It envisages the design of measures aimed at developing freedom of speech and information, approximation of media legislation to international standards, support to strengthen economic independence, professionalism and capacity of the mass media. In the field of gender equality, measures will be undertaken to prevent gender-based violence, create equal opportunities on the labour market, women economic empowerment and promotion to decision-making positions. A number of special documents will be adopted such as "Azerbaijan's family strategy", a national action plan on gender equality, a children's code and a national children's strategy. Moreover, an institute of "family psychiatrists", help centres and shelters for women subjected to domestic violence, and a system to monitor evasion of education and early marriages will be created.

Human rights and fundamental freedoms are more explicitly envisaged in the "National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms" approved by the President on 27 December 2011. In connection with the implementation of this National Action Programme, a number of measures were taken to learn from the experience of the European Court of Human Rights and to master the skills for the implementation of precedents.

In a view of implementation of its commitments Azerbaijan established cooperation with international community, the European Union, the United Nations (UN), the Organization for Security and Stability in Europe (OSCE) and the Council of Europe (CoE). The country included measures to develop a democracy, to ensure human rights and fundamental freedoms, to strengthen the rule of law in the EU-Azerbaijan ENP Action Plan, as well as in the National Indicative Programme.

Despite all these international commitments taken by the government in the field of human rights, concrete implementation remains problematic, which undermines the credibility of the strategies.

### 2.2.2. *Sector context: policies and challenges*

Steps backwards have been taken by the government on the legislative side for many human rights related topics. On the contrary, the general trend is towards more control over all parties expressing opinions not in line with the government, be it CSOs or other parties. In view of the above, it is expected that despite a façade of 'official support' to all CSOs, the government will in fact only support 'non-controversial' CSOs, namely those whose actions do not relate directly with human rights defence or those who interpret human rights defence in line with the official government stand. This further justifies the need to support the 'controversial' areas as the last bastion for human rights protection in Azerbaijan.

The Constitution of the Republic of Azerbaijan provides for freedom of association, although the law places some restrictions on this right, and amendments enacted during March 2013 and January 2014 placed additional restrictions on CSO financing and functioning. The package of amendments closes loopholes for the operations of unregistered, independent, and foreign CSOs. Changes include new registration-related obligations, increased grant-related and other reporting requirements, and expanded punishments for perceived non-compliance with local laws, government investigations, and information requests. It is expected thus that the number of CSOs which will *de facto* be able to continue operations will decrease. The EU's support through this action will contribute to counter this trend by supporting the remaining CSOs. In this context, the importance of the activities carried out by the CSOs still active will be even greater for the beneficiaries, as it might be one of the very few possibilities for defending human rights.

Critical journalists, bloggers, human rights defenders, and civic and political activists face crackdown on their fundamental right to freedom of expression and are blackmailed, intimidated or arrested on different charges. Azerbaijan stated the commitment to decriminalize defamation in 2012, however on 4 June 2013 the President signed a series of legislative amendments that extend criminal defamation provisions to online content. Despite shrinking environment a number of opposition and independent print and online media outlets, expressing a wide variety of views on government policies, operate in the country and by this slightly contribute to the media pluralism. However, newspaper circulation rates and distribution outside of Baku are very limited.

Independent media and other participants of democratic development have been especially targeted preceding Presidential Elections in October 2013, when the government maintained a repressive political environment, which did not provide the fundamental freedoms of assembly, association, and expression necessary for a free and fair electoral competition. OSCE/ODIHR (Office for Democratic Institutions and Human Rights) observers witnessed procedural irregularities, including ballot box stuffing, serious problems with vote counting in 58% of observed polling stations, and failure to record the number of received ballots. Credible CSOs, such as Election Monitoring and Democracy Studies (EMDS), conducted

local observation and also reported about serious violations. In late October following EMDS' critical postelection statement, authorities opened a criminal investigation of the group and another election monitoring CSO, the International Cooperation of the Volunteers (ICV), on alleged tax evasion and other charges. On 16 December 2013, authorities arrested EMDS Chairman and sentenced him to three months pre-trial detention.

The Constitution of the Republic of Azerbaijan reaffirms the principles of equal treatment between men and women and the inadmissibility of discrimination of any kind including sex-based discrimination. However, there are significant discrepancies between *de jure* and *de facto* equality in the country. The existing legal framework is constantly enhanced through the adoption of acts that focus specifically on gender equality and Law on Gender Equality (2006) and the Law on the Prevention of Domestic Violence (2011) have been adopted. However, no policy implementation mechanisms have been developed and no national gender equality plans have been adopted since 2005. Despite homosexuality being officially decriminalised in 2000, discrimination based on sexual identity is widespread, particularly in the labour market. General Rapporteur on the rights of lesbian, gay, bisexual, and transgender (LGBT) people for the Parliamentary Assembly of the Council of Europe (PACE) has recently expressed his concern with sudden suicide of the chairman of the Azerbaijan Free LGBT group (Azad LGBT), caused by the hostile environment in the country.

According to the report of the European Commission against Racism and Intolerance (ECRI) anti-discrimination legislation remains little known, scattered and infrequently applied. The manner in which provisions of the Criminal Code intended to safeguard national security or to prohibit incitement of ethnic hostility are used against persons belonging to minorities and journalists presenting their points of view also remains of concern. Whereas civil society reports cases of racist offences and acts of racial discrimination on grounds of ethnic origin or religion, very few complaints are lodged concerning such incidents.

Azerbaijan finalised its second anti-corruption strategy. Citizens are asked to inform the authorities about corruption, notably via hotlines. A new National Anti-Corruption Action Plan (NACAP) 2012-2015 provides for better legislation on criminal prosecution, including the preparation of a law on personal protection of witnesses and collaborators in corruption cases, enforcement rules and rules restricting the immunity of judges suspected of corruption. In addition, the Prosecutor General delineated the jurisdiction of the Anti-corruption Department (ACD) in pre-investigation and investigation phases, and the scope of legal aid in criminal matters. Despite these efforts, Transparency International's Corruption Perception Index 2013 ranks Azerbaijan 127th out of 177 countries; this low position reflects the country's limited progress in defeating corruption.

Despite the abovementioned unfavourable environment, there are still committed CSOs that are ready to continue their activities in the field of democratization and human rights. Financial support to this group is essential for their very existence and contribution to possible changes in the mentioned fields. Considering the current trend towards more control and repression, more than ever civil society has a very substantial role to play in establishing some form of cooperation with the government to improve the situation in the human rights field.

On 30 April, 2013 Azerbaijan underwent its second review of the human rights situation in the country, under the Universal Periodic Review (UPR) mechanism of the United Nations. It included critical recommendations to improve the situation with regard to freedom of expression, religion and belief assembly and association, as well as child, women rights and fight against corruption. Azerbaijan fully or partially adopted 158 out of 162 proposed recommendations and committed itself to improve situation in the field of human rights. With regard to civil society the country accepted the following recommendations:

1. Continue to engage fully with civil society groups in the follow-up and implementation of this review;
2. Establish an inter-institutional mechanism, in which relevant civil society actors will participate, in order to implement UPR recommendations as well as Human Rights Council's Special Procedures and Treaty Bodies recommendations;
3. Strengthen its efforts to guarantee freedom of assembly and association, to respect the work of human rights defenders, and that legislation concerning CSOs is implemented accordingly.

Civil society can play an essential role in the preparation of the country's review by engaging in the reporting process, as well as advocating for implementation of recommendations until the next review planned for 2017. In the framework of the present action the priority areas of the calls for proposals will correspond to the areas highlighted as problematic by the UPR, as well as ENP progress reports. The 2013 ENP progress report on Azerbaijan also notes very little progress on issues of freedom of expression, assembly, fight against corruption, the implementation of the National Human Rights Action Plan, and even regression as regards CSO legislation and the general human rights situation in the pre and post presidential election period.

In this regard, a positive impact will be achieved for both the government that would have back up support from CSOs in fulfilling watchdog and reform facilitator function, as well as the civil society that would further build its capacity and become a reliable player. Continued monitoring of the human rights situation in the country would also feed into the work of international organisations and human rights bodies.

### **2.3. Lessons learnt**

The EU Delegation has extensive experience in supporting CSOs through calls for proposals (CfPs) and policy dialogue. The practice shows that steady support to the CSOs increased their capacity and made them more reliable partners at national and international level. This is proved by a number of good examples such as monitoring reports of media coverage broadly used by international community; legal analysis of legislation (elections, media, refugees and asylum) used as a reference by other stakeholders, successful advocacy of human rights issues in international institutions such as the CoE, the European Parliament, the OSCE etc. For instance, as a result of joint Azerbaijani NGO advocacy, the motion for a resolution has been initiated in relation to Azerbaijan in the CoE. Projects have been supported in the fields of media freedom, election and property rights, freedom of association, women and child rights.

The EU Delegation learned several lessons from previous CfPs. Firstly, due to the workload involved without the guarantee of funding, open CfPs decrease the number of applicants and cause frustration among CSOs. Therefore, the present action will use only restricted CfPs. Secondly, concentration on some specific priority areas narrows participation of CSOs and selection of good quality proposals. The cause lies in the limited specialization of CSOs in a particular field. Considering this, planned CfPs will include a broad scope of human rights and democratization objectives. Thirdly, the eligibility requirement for applicants to operate with local partners has helped in the past to support a significant number of local CSOs and built their capacity on the job. This requirement will be included in the planned CfPs.

Internal monitoring indicated that, at the level of project implementation, the grant beneficiaries experienced serious problems with completion of activities in the regions. This difficulty has been mitigated through policy dialogue with authorities. The EU Delegation shall continue to take an active role in mediating the issue between local executive authorities and CSOs. Another obstacle at the implementation stage, also mentioned by result-oriented monitoring (ROM) reports, is lack of dialogue between authorities and CSOs.

#### **2.4. Complementary actions**

The European Instrument for Democracy and Human Rights (EIDHR) and Civil Society Organizations-Local Authorities (CSO-LA) thematic programmes also provide support to CSOs in strengthening their role as independent actors in the development context.

With respect to EIDHR, since the present action has similar priorities, synergy will be ensured by channelling EIDHR funds towards support to the work of human rights defenders, while the present action will cover basic human rights and fundamental freedoms.

On the other hand, CSO-LA programme will cover the social sector, governance, accountability, inclusive growth and sustainable development.

Apart from complementarity with the thematic instruments the action will ensure its relevance to the following:

1. The Institutional Reform Plan 2, that deals with rule of law, fundamental rights and justice issues. Support is provided to reform the Ministry of Justice, the Judicial Legal Council, the Ministry of Internal Affairs, the Central Election Commission, the Ombudsman and the Commission on Combating Corruption. In particular, one of the projects foreseen (to be implemented by the International Organization for Migration) will intervene on migration management and could provide an opportunity for CSOs to promote the respect of the rights of the migrants within state institutions responsible for managing migration.

2. The Education Support Programme (foreseen under Annual Action Programme 2014) also supports an inclusive education system that ensure child rights for proper education, as well as rights of vulnerable groups, i.e. disabled persons.

3. Justice Sector Reform (currently foreseen under Annual Action Programme 2015), provided that sufficient commitment to reform is confirmed, could cover areas such as juvenile justice, penitentiary and probation, including protection of the human rights of children and imprisoned persons. A strong focus is planned to be put on the impartiality of the judiciary.

With respect to the assistance provided by other donors, it has been constantly decreasing in this specific sector. In this context, the EU assistance is even more needed. Among the EU Member States, only United Kingdom provides, though limited and short-term actions, support to CSOs, working mainly on property rights and partially on media. Before downgrading to Projects Coordinator Office, the OSCE Office in Baku worked closely with CSOs in democratization, human rights, corruption, rule of law and elections fields. At the moment all projects are frozen until the approval of a new mandate by the Ministry of Foreign Affairs. This change in the status will definitely limit the support that OSCE will be able to provide to independent CSOs.

The other important donor in the country is the United States Agency for International Development (USAID), which in the framework of its Democracy, Human Rights and Governance programme supports local organizations for undertaking activities in protection of human rights, transparent elections and political processes, fostering conditions for independent media and unfettered citizen access to socially valuable information. It supported media strengthening activities that include training of journalists, promoting alternative media outlets, and organizing legal defence services for journalists. Last year the USAID initiated a project on formation of the Human Rights CSO Coalition and selected five organizations to conduct research of new and social media, raise public awareness, assess Azerbaijan's commitments on human rights, prepare an annual analytical report on the state of human rights in the country, and participate in the public discussion of draft laws.

The Black Sea Trust for Regional Cooperation (BST) works on legal aid to civil society actors, increasing civic participation in the electoral processes, freedom of the media, information and communication technologies (ICT) and democracy. However, the grant assistance is limited and small-sized.

Recently established donor European Endowment for Democracy (EED) already started funding projects in Azerbaijan with overall disbursement of EUR 0.8 million so far.

In terms of capacity building of civil society, the EU has already ongoing and planned initiatives. Best examples are a) regional technical assistance projects under the Civil Society Facility that includes capacity development trainings, and ad-hoc support to Civil Society Facility applicants and grant beneficiaries and b) planned regional CFP on capacity development, through "mentorship" between organisations.

In order to reach complementarity with mentioned projects and develop further the capacity at national level, the calls for proposal will include a separate lot to increase the capacity and role as independent development actors of CSOs – whether or not they are EU-funded grant



beneficiaries - by delivering more effectively, professionally and independently, notably on advocacy, oversight and public policy development, monitoring and oversight, including in the regions outside of Baku.

## **2.5. Donor coordination**

Human rights, as well as civil society development issues are discussed at different fora organized by the international community. There is the Human Dimension Coordination Meeting (chaired on rotation by the EU Delegation, Member States, Turkey, OSCE, CoE), Media Coordination Meeting (chaired by International Media Support and IREX), Rule of Law Coordination Meeting (chaired by the OSCE and Deutsche Gesellschaft für Internationale Zusammenarbeit GIZ) and until 2013 there was the Election Coordination Meeting (chaired by the OSCE). All these meetings contribute to the exchange of opinions on ad hoc human rights violations and financial assistance to CSOs.

## **3. DETAILED DESCRIPTION**

### **3.1. Objectives**

#### **Overall objective**

The overall aim of the present action is to strengthen civil society and to increase citizen participation in promoting human rights and fundamental freedoms to advance democratic development of the country.

#### **Specific objectives**

The specific objective is to promote the activities of civil society working on democratisation and political and civil rights and increase their capacity and role as independent development actors.

The priority areas of the present action include the following:

- (i) democratization and freedom of expression, freedom of the media, media pluralism;
- (ii) electoral support;
- (iii) promotion of freedom of association;
- (iv) promoting non-discrimination and equality, including gender equality and equality for persons belonging to minorities and other vulnerable groups;
- (v) governance and anti-corruption.

### **3.2. Expected results and main activities**

Expected results:

3.2.1 Capacities of CSOs to promote reform and accountability increased;

3.2.2 Oversight function of CSOs strengthened;

3.2.3 CSOs participation in defining and implementation of national strategies ensured.

#### Activities:

A non-exhaustive list of activities that can help to achieve the expected results includes capacity building activities including trainings, education, seminars/workshops/conferences, advocacy and lobbying, provision of legal aid, awareness raising activities, campaigning, elaboration of publications and of written and visual support material, set up of dialogue mechanisms, analysis, monitoring and reporting, activities of coordination and outreach, evaluation, observation and research.

In order to achieve the abovementioned results, in addition to work to be implemented under individual grants, the EU Delegation will use complementary measures such as policy and political dialogue, as well as support trainings to selected grant beneficiaries.

### **3.3. Risks and assumptions**

#### Assumptions:

- CSOs legislation will not be further restricted during the projects implementation period as the latest changes have been adopted very recently and raised serious reactions from international community and civil society.
- Donors are still operating in the country to ensure the possibility for co-funding requirement.
- The Ministry of Justice will register grant contracts, thus allowing the launch of activities. So, far there were no cases in which registration was not granted.
- A sufficient number of CSOs will apply with qualitative proposals. This will be ensured through keeping broad objective and priority areas.

#### Risks:

- The authorities put pressure towards CSOs during the implementation phase  
Mitigation: The projects will ensure full transparency with registering the grants, reporting and addressing issues to relevant government authorities. Full support and backup to the CSOs will be provided by the EU Delegation in case of issues.
- Reluctance of the relevant government structures to cooperate with CSOs and ignorance to their requests and invitations  
Mitigation: Wide information on projects will be shared with government agencies. Focal agencies to be supported under budget support, twinning, Comprehensive Institutional Building (CIB) might be contacted for introduction of the CSO activities.
- Problematic implementation of projects in the regions, outside of Baku  
Mitigation: Wider political and policy advocacy jointly with other actors.
- Duplication of activities under grant projects already funded by other donors.  
Mitigation: Information sharing at donor coordination meetings. Synergies with the CoE Action Plan planned to be adopted in 2014.

### 3.4. Cross-cutting issues

The guidelines for the calls for proposals will emphasize the importance of gender aspects (especially women's rights), rights and needs of vulnerable groups (such as disabled people and minorities) as well as environmental aspects in the projects that will be finally selected. Moreover, during the evaluation process preference will be given to proposals that use gender sensitivity tools, such as gender analysis, gender mainstreamed logical framework, gender disaggregated data and gender sensitive indicators etc.

A study on gender profiles of the Eastern Partnership countries conducted in late 2013 identified the main gender challenges present in Azerbaijan such as early or child marriage, gender inequality on the labour market and absence of a national action plan for gender equality. It also pointed out the lack of a list of measurable indicators, applicable to areas such as access to education, poverty, health, violence against women, the economic empowerment of women and the representation of women in decision-making processes. The inclusion of these areas into the applications will be also considered at the evaluation stage.

### 3.5. Stakeholders

The funding beneficiaries will be local and foreign CSOs. According to different sources there are nearly 2 800 local and 111 foreign CSOs registered in the country, out of which around 80 are considered to be active. Advanced CSOs, as well as funding to support CSOs are both concentrated in the capital. The gap between the Baku-based and the CSOs in the regions is mostly visible in the level of organisational sophistication – specifically in human resources management and financial sustainability.

The policy beneficiary is general public, including those whose fundamental rights and freedoms are violated and vulnerable groups, as well as CSOs benefiting from reforms and improved capacities.

The civil society has been consulted on human rights areas of particular concern and has agreed on priorities that have been included in the present Action Document.

Project stakeholders will include the following institutions:

#### 1. Ministry of Justice (MoJ)

The MoJ is a primary government focal point agency for CSOs, which has broad powers to register and supervise CSOs, register grant contracts, conduct studying of CSO activities and other. It is also an initiator of amendments to the CSO legislation. Projects on freedom of association could not be efficient without cooperation and dialogue with the MoJ. The Programme will try to promote this dialogue, leading for improvement of legislative and operational environment for CSOs. Relevant department of the MoJ has announced recently that it is open for such kind of dialogue.

#### 2. Local executive authorities in selected regions where projects will be implemented

Local authorities, although unofficially, request CSOs to get prior authorization from them to conduct any event in the region. This practice shall be overcome, via projects to be selected within the present action, through more awareness raising on the efficiency of CSO activities

and thus building the confidence. Information on the project progress will be shared with the authorities. In case the project is not sensitive, the grant beneficiaries will be advised to build contacts and present their projects to local authorities at the early stage of project implementation.

### 3. Ombudsman office

Ombudsman Institution is the designated body to perform the national preventive mechanism functions, as well as supervisory agency over implementation of the Law on Access to Information. Moreover, the Ombudsman Institution is actively working with the United Nations Children's Fund (UNICEF) on monitoring the rights of children in the country.

The calls for proposals will definitely include priorities such as non-discrimination, and other areas of human rights being under the domain of Ombudsman office. The EU Delegation will encourage grant beneficiaries to keep contact with the Ombudsman office and timely inform about violations. Alternative reports to international organizations, monitoring reports, as well as situation analysis to be developed within selected projects will contribute to the coordination of work between Ombudsman Office and CSOs.

### 4. The State CSO Council

Being a national donor for CSOs, there are several advantages to cooperate with the Council. First, beneficiaries could approach the Council for co-funding on non-controversial human rights issues, such as actions related with vulnerable groups. Second, the Council is also responsible for facilitation of CSO-government cooperation, initiation of legislation to improve the regulatory environment for CSOs, and engagement of CSOs in the legislative drafting process. Given this, CSOs could potentially use the Council to attract government authorities in implementation of their projects. Moreover, in case if situation with regard to implementation of recent changes to the CSO legislation worsen, the Council will be approached by the EU Delegation with the request to facilitate the dialogue with authorities and overcome the problems.

### 5. Civil Society Facility National Platform (NP)

NP consists of 44 prominent CSOs, out which 38 are independent, whereas 6 organizations are pro-governmental. Five organizations in the Platform represent regions. NP has become the leading active alliance of CSOs in public life of Azerbaijan, through immediate reactions to human rights violations in the country. One of the NP's priorities is establishment of trilateral (NP, government and EU Delegation) working groups and permanent cooperation platform, as well as mediation of the dialogue among member of NP and state agencies on thematic directions. The NP will be able to ensure advocacy for the outcomes of the projects selected within the present action.

It is worth mentioning that important players in the field of rule of law also include the OSCE and the Council of Europe. Unfortunately, it has recently been decided that the OSCE office would be downgraded to project coordination office, while the Council of Europe's operations are currently blocked because their strategic action plan is not yet approved by the government.

Other project stakeholders may include foreign donors and organisations, which are active in promoting human rights and democratic freedoms.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

### **4.2. Indicative operational implementation period**

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is 60 months from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements. The European Parliament and the relevant Committee shall be informed of the extension of the operational implementation period within one month of that extension being granted.

### **4.3. Implementation components and modules**

#### **4.3.1. Grants: calls for proposal (direct management)**

- (g) Objectives of the grants, fields of intervention, priorities of the year and expected results

Objectives and expected results of the two planned calls for proposals will be in accordance with the objectives mentioned in sections 3.1 and 3.2. The CSOs will be invited to submit their applications in the priority areas mentioned in section 3.1.

Two successive calls for proposals will be launched.

- (h) Eligibility conditions

The calls will be opened to non-profit-making organizations, including NGOs, international organizations and universities. Partnership with local entities will be mandatory.

- (i) Essential selection and award criteria

The essential selection criteria are financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(j) Maximum rate of co-financing

The maximum possible rate of co-financing for grants under this call is 90%.

The maximum possible rate of co-financing may be up to 100% in accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 if full funding is essential for the action to be carried out. The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(k) Indicative trimester to launch the call

4<sup>th</sup> quarter of 2014

4<sup>th</sup> quarter of 2015

The actual launch dates will be determined taking into account the planning of other relevant civil society oriented programmes (e.g. thematic and ENPI/ENI programmes, or other donors programmes) in view of ensuring better impact and avoid overlaps or confusion. Launching joint calls for proposals with funds under thematic and/or ENPI/ENI programmes may also be envisaged.

#### 4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act shall apply.

The responsible authorising officer may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult

#### 4.5. Indicative budget

| <b>Module</b>                                  | <b>Amount in EUR millions</b> | <b>Third party contribution (indicative)</b> |
|--|-------------------------------|--|
| 4.3.1. Calls for proposals (direct management) | 3.0                           | 0.35   |
| <b>Totals</b>                                  | <b>3.0</b>                    | <b>0.35</b>                                  |

#### 4.6. Performance monitoring

Monitoring of the activities will be ensured through field visits, thematic group follow-ups and a monitoring element embedded in each of the contracts, in order to measure performance

and achievement of the assigned objectives; and through the results-oriented monitoring (ROM) used for grants and projects. Objectively Verifiable Indicators will be included to logical frameworks of each project.

#### **4.7. Evaluation and audit**

Each contract will include an external evaluation and an expenditure verification at the end of the implementation. Funding for these activities shall be included in the budget of all contracts.

#### **4.8. Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated before the start of implementation.

The measures shall be implemented either (a) by the Commission, and/or (b) by the partner country, contractors, grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in, respectively, financing agreements, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.