



ANNEX 8

of the Commission Implementing Decision on the Multi-Annual Action Programme 2018-2020 for the European Instrument for Democracy and Human Rights (EIDHR) to be financed from the general budget of the Union

Action Document for Supporting key actors - Building legal expertise and fostering cooperation – International Criminal Court

INFORMATION FOR POTENTIAL GRANT APPLICANTS

WORK PROGRAMME FOR GRANTS

This document constitutes the work programme for grants in the sense of Article 110(2) of the Financial Regulation in the following sections concerning grants awarded directly without a call for proposals: 5.4.1.

<p>1. Title/basic act/ CRIS number</p>	<p>Supporting key actors - Building legal expertise and fostering cooperation – International Criminal Court CRIS number: EIDHR/2018/041-031 for EUR 1,000,000; EIDHR/2019/041-338 for EUR 1,000,000; and EIDHR/2020/041-344 for EUR 1,000,000 financed under European Instrument for Democracy and Human Rights</p>	
<p>2. Zone benefiting from the action/location</p>	<p>Global reach, with particular emphasis on Africa, Asia-Pacific, Europe, and Latin America and the Caribbean ; the action shall be carried out in the mentioned regions and at the seat of the ICC in The Hague, where the project team will also be based.</p>	
<p>3. Programming document</p>	<p>Multiannual Indicative Programme (2018-2020) for the Instrument for Democracy and Human Rights Worldwide - Commission Implementing Decision C(2018)6409</p>	
<p>4. Sector of concentration/ thematic area</p>	<p>Legal and Judicial Development</p>	<p>DEV. Aid: YES¹</p>

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

5. Amounts concerned	<p>The contribution is for an amount of EUR 1,000,000 from the general budget of the European Union for 2018,</p> <p>for an amount of EUR 1,000,000 from the general budget of the European Union for 2019,</p> <p>and for an amount of EUR 1,000,000 from the general budget of the European Union for 2020, subject to the availability of appropriations following the adoption of the relevant budget.</p>			
6. Aid modality(ies) and implementation modality(ies)	<p>Project Modality</p> <p>Direct management –grants – direct award</p>			
7 a) DAC code(s)	15130 – Sector – Legal and Judicial Development			
b) Main Delivery Channel	40000- Multilateral Organisations – International Criminal Court			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			
10. SDGs	SDG 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"			

SUMMARY

The International Criminal Court (ICC) is the only permanent international criminal court with global aspiration. At the same time, the EU recognizes that accountability and justice are most successful if the justice system of each state functions effectively and independently, thereby enabling the ICC to serve its intended role as court of last resort, complementing national jurisdictions. In order to apply the principle of complementarity, it is important to further strengthen national judicial systems and in particular legal professionals that are involved in prosecuting crimes at national level within the scope of the Rome Statute (RS). Furthermore, legal professionals that are on the ICC list of counsel are very often lacking knowledge on ICC proceedings. Lastly, those experts are in great need of accessing legal documents and sources of information on international criminal justice.

The **overall objective** of this Action is to increase support for and cooperation with the ICC.

The **specific objectives** are: 1) to broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC; and 2) to reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC.

The action falls under the objective 5 of the **EIDHR** which foresees “*support to targeted key actors and processes, including international and regional instruments and mechanisms*”.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

Fighting impunity and supporting criminal justice is a necessary condition for sustainable development and peace. Impunity can exacerbate grievances, undermine trust towards institutions, lead to repeated cycles of violence, and hinder reconciliation efforts. The Rome Statute system and the ICC play a central role in fighting impunity and, consequently, in promoting stability and development.

The EU is the largest donor in supporting justice and rule of law reform; it plays a central role in the realisation of the principle of complementarity, supporting justice and rule of law programmes worldwide with a focus on criminal justice.

The EU and its Member States continue to strongly support the effective functioning of the ICC and other criminal tribunals, such as the ad hoc international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon.

At the same time, the EU and its Member States promote the fight against impunity in development cooperation and technical assistance programmes at the national level. Within its broader framework, justice and the rule of law are at the core of EU objectives and operations that are constantly being reinforced under its geographical instruments through strengthening national justice systems, enforcement of sentences, detention conditions and capacity of national governments to manage witness protection programmes. It also plays a central role in post-conflict peace building processes through identifying country specific needs and providing aid through appropriate modalities.

Up to date, 123 countries are States Parties to the Rome Statute of the International Criminal Court. A number of trials are taking place, and the Court's workload is constantly rising. Fostering cooperation of both States Parties and States not party to the Rome Statute, as well as building legal expertise at the national level, remain crucial.

The EU and its Member States have agreed to continue to further strengthening the ICC to fulfil its mandate, and encourage the widest possible participation in the Rome Statute. This action will also coincide with the 20th anniversary of the Rome Statute in 2018, offering an excellent opportunity to reaffirm in practice the EU's strong support to the ICC as a cornerstone of international justice.

1.1.1 Public Policy Assessment and EU Policy Framework

The EU's **2015 Policy Framework on Support to Transitional Justice**, as well as the relevant Council Conclusions, emphasize the importance of criminal justice as an essential element of transitional justice and reiterate the EU's support to the ICC in the fight against impunity.

Moreover, the **Joint EC/EEAS Staff Working Document** on Advancing the Principle of Complementarity, which was established in January 2013, provides operational guidance to EU staff working in the area of criminal justice and the rule of law in order to advance the principle of complementarity in country specific situations, while respecting the Rome Statute. This policy framework builds on the **2011 Council Decision on the ICC** and its follow-up **Action Plan**, which set as one of their main objectives the advancement of 'the universal support for the Rome Statute of the International Criminal Court [...] by promoting the widest possible participation in it'.

The European Instrument for Democracy and Human Rights (EIDHR) **Multiannual Indicative Programme 2014-2017** underlines the importance of support to international criminal justice mechanisms, and in particular the ICC, under "Objective 5 — Support to targeted key actors and processes". Support to the ICC is also included in the EIDHR Multiannual Indicative Programme 2018-2020 under Objective 5, with EIDHR actions contributing, inter alia, to building capacity and expertise, strengthening resources and supporting outreach activities by civil society. The EIDHR shall also support ad-hoc international criminal courts and tribunals established at country level, including cooperation between international courts and domestic courts.

In the new **European Consensus on Development**, the EU and its Member States recognize impunity as one of the root causes of conflict and fragility, and pledge to continue their support to transitional justice through context-specific measures promoting truth, justice, reparation and guarantees of non-recurrence, contributing to the focus area of "Peace". Furthermore, in the **2015 EU Action plan on Human Rights and Democracy**, the EU committed to develop and implement an EU policy on Transitional Justice, conduct a comprehensive evaluation of the implementation of the 2011 Council Decision on the ICC and the follow-up Action Plan, and formalize the establishment of an EU/ICC Roundtable.

Support to the fight against impunity also contributes to the pivotal area of "Ensuring girls' and women's' physical and psychological integrity" of the EU **Gender Action Plan 2016-2020**. Finally, support to the ICC and international criminal justice is in line with **SDG 16**, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

1.1.2 Stakeholder analysis

The ICC's **main stakeholders are States**, particularly States Parties to the Rome Statute, without the support of which, the Court cannot fulfil its mandate to end impunity for the most serious international crimes. Acting as a court of last resort, and in accordance with the principle of complementarity, the ICC needs the cooperation and support of States at every stage of its operations, including the execution of ICC arrest warrants, access to evidence, requests for freezing of assets of suspects, protection and reallocation of witnesses, as well as enforcement of sentences in national jurisdictions.

Victims are an important stakeholder, as they play an indispensable role in ICC proceedings. The action will also have an impact on processes linked to victim rehabilitation, complementing the support of geographical instruments to truth and reconciliation commissions or national restorative justice mechanisms.

Other important stakeholders include **legal professionals** in national jurisdictions, particularly those in situation countries, countries under preliminary examination and developing country States Parties to the Rome Statute, including persons admitted to the ICC List of Counsel. In addition to political support, the technical capacity of legal professionals, as well as the availability of tools (i.e. Legal Tools Database) are important for States' effective cooperation and engagement with the Court.

Other important stakeholders include international organizations, in particular the United Nations, regional organizations, in particular the European Union and the African Union, non-governmental organizations (NGO), and academia.

1.1.3 Priority areas for support/problem analysis

The main priority area is **fostering cooperation of States Parties** in areas mentioned under 1.1.2. The current level of cooperation of States in these as well as other areas does not allow for the optimal functioning of the Court. As an example, there are 15 outstanding arrest warrants for suspects, which place an obstacle for trials, as the Court cannot try individuals in absentia. Furthermore, only a handful of States have concluded the agreement on relocation of witnesses (18 thus far), while hundreds of witnesses need to be relocated, especially in light of other on-going and potential new trials. Moreover, only 10 States have concluded agreements on enforcement of sentences.

The second priority area is **increasing the knowledge of legal professionals** on ICC-related matters. The Court operates based on the principle of complementarity, which means that the primary responsibility to investigate and prosecute crimes that fall within the jurisdiction of the ICC (namely war crimes, crimes against humanity and genocide) lies with national jurisdictions. Only when national jurisdictions are "unable" or "unwilling" to do so, does the ICC intervene. By increasing the knowledge of legal professionals on ICC-related issues, as well as their access to legal tools (i.e. Legal Tools Database), cooperation of States with the Court will become more effective. At the same time, increased capacities at national level will reduce the need for a future intervention of the Court. The latter is equally important in light of the Court's limited resources and its essential role as the Court of last resort.

As mentioned above, the focus on these priority areas will play an important role in reaffirming the EU's strong support to the ICC as a cornerstone of international criminal justice. The EU and its Member States will continue to further strengthen the ICC to fulfil its mandate, and encourage the widest possible participation in the Rome Statute.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (High/Medium/Low)	Mitigating measures
Low participation in the Action by States, whether in terms of the number or level of participants	L	Selection of targeted regions reflects current cases and situations in which the ICC is involved, as well as the needs and interests of the Court in particular regions. In this regard, detailed communication, outreach and follow-up strategies and activities are used to reach out to targeted participants, in order to better ensure adequate participation.
Low participation in the Action by legal professionals	L	In this regard, detailed communication, outreach and follow-up strategies and activities are used to reach out to targeted participants, in order to better ensure adequate participation.
Assumptions		
<ul style="list-style-type: none"> – Political considerations by States and other key stakeholders regarding cooperation with and support to the Court. – Willingness and capacity of States Parties and States not party to the Rome Statute to cooperate with the Court. 		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

Overall, the ICC's EIDHR-funded activities have been very relevant and effective, and have had a positive impact on the establishment and functioning of the ICC's cooperation activities. Without this support, the ICC would not have been able to organize seminars, events and trainings aimed at fostering better cooperation with States. Moreover, each activity has proved to be a successful way to foster better cooperation of States with the Court, as well as foster a better understanding of the Court amongst States.

To date, the Court has successfully completed 15 High-Level & Cooperation Seminars since 2013, developing a sound knowledge of organizing, managing and implementing such

activities, including respect for security and diplomatic protocol and etiquette, maximizing the participation of invitees, and ensuring cost-effectiveness.

In addition to these activities, the Court has also been able to organize 16 technical events and trainings between 2013-2017, including an annual Focal Points Seminar, Trainings for Counsel (which have proved extremely relevant for Counsel regarding either defence, or representation of victims, while also promoting dialogue and exchanges of expertise amongst participants at the regional level), a side event at the ICC Assembly of the States Parties on “ICC Impact on the Ground”, as well as a number of other events on victims and witness protection, cooperation agreements, and freezing of assets.

With regard to the Legal Tools Project, which is composed of a wide range of electronic legal tools and services, an increasingly populated and thorough Legal Tools Database is constantly being improved, acting as a repository of key Court documents and collections of legal research resources in international criminal law. This Database is available through the ICC website and the Project also includes other legal research tools, including the Case Matrix.

Overall, according to the mid-term review evaluation of EIDHR for 2014-2017, the inclusion of the ICC has made support to democracy and human rights more coherent at national, regional and international levels, and underlines the continued relevance of the instrument to evolving and emerging challenges.

3.2 Complementarity, synergy and donor coordination

For the activities mentioned under 3.1, the ICC has continuously been receiving substantial financial support from the European Union through EIDHR, including for seminars, events, and trainings for legal professionals, as well as for the Legal Tools Project².

In addition, Trainings for ICC Counsel, which remains an important component of EU support, continues to be a sound activity that allows Counsel an opportunity to have an in-depth experience at the Court itself, as well as exchange and transfer practical knowledge, thus strengthening national judicial mechanisms, whilst simultaneously helping to develop of a community of alumni linked to the activity. Moreover, the Legal Tools Projects remains complementary to all of these activities and the overall programmes, as it provides free access to many sources of international criminal law, as well as the opportunity, when possible, to provide specialized training and coaching in the use of these services.

Aside from direct support provided to the ICC, the EU has also provided substantial financing for civil society organizations working to support the ICC. In that respect, the 2016 European Instrument for Democracy and Human Rights (EIDHR) global call for proposals, with an indicative budget of EUR 5 million, will support projects that i) fight impunity by strengthening the rule of law through access to justice and legal and psychological assistance to victims, and ii) support transitional justice mechanisms linked to accountability.

² The following is a summary of this continued support: "Strengthening the International Criminal Court – reinforcing the principle of complementarity and universality and building a high quality defence" (EIDHR/2009/226-215); "Legal Tools Project" (EIDHR/2010/242-649); "Building legal expertise and fostering cooperation" (EIDHR/2012/292-809; EIDHR/2013/292-809; EIDHR/2013/323-196; EIDHR/2015/353-376; EIDHR/2016/374-536; EIDHR/2017/385-859)

3.3 Cross-cutting issues

The Rome Statute makes clear provisions for the protection of human rights, children and women. As part of all activities under EIDHR, the Court aims to reinforce gender dimensions, including types of crimes and assistance to victims. More experience and data disaggregated by sex has to be shared and mainstreamed in all project activities, as far as possible.

Moreover, as activities must be linked to national peace processes and transitional justice developments for countries where the ICC is involved, the Court will continue empowering key actors in implementing the provisions of the Rome Statute and will continue supporting the application of international criminal law as defined by the Rome Statute and corresponding national legislation.

In line with Digital for Development Staff Working Document³ and the Consensus for Development, the action will deploy digital tools for the protection and promotion of Human Rights, namely through the Legal Tools Project (see below).

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

The **overall objective** of this Action is to contribute to the fight against impunity, by promoting the Rome Statute System and increasing support for the ICC.

The **specific objectives** are:

- 1) To broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC.
- 2) To reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC, promoting the principle of complementarity.

The **expected results** are:

R1: Cooperation between the ICC and the States Parties is improved, particularly in the areas of the execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, concluding agreements on relocation of witnesses and enforcement of sentences.

R2: Increased understanding and technical knowledge of the ICC amongst legal professionals participating in the **Legal Professionals Programme**

R3: **Legal tools** continuously updated and further improved, as well as complemented with other information-sharing tools.

³ Commission Staff Working Document: Digital4Development: mainstreaming digital technologies and services into EU Development Policy; SWD(2017) 157 of 2.5.2017; https://ec.europa.eu/europeaid/sites/devco/files/swd-digital4development_part1_v3.pdf

4.2 Main activities

Main activities for R1:

Through **seminars, events and trainings** for fostering cooperation, provide representatives, officials and professionals from States Parties and non-State parties with opportunities to:

- i) Develop their knowledge and share mutually relevant information, thus strengthening the Court's capacity to implement its mandate through improved cooperation; and
- ii) Build and maintain relationships with participants (i.e. government officials, international/regional organizations, NGOs, academia etc.), Counsel and associations of lawyers, by providing a forum for consultations.

In this regard, seminars, events and trainings will be organized in Africa, Asia-Pacific, Europe, Latin America and the Caribbean, the Middle East, and at the seat of the Court in The Hague, Netherlands

Main activities for R2:

Through a **Legal Professionals Programme**, provide representatives and professionals from situation countries, countries under preliminary examination, and developing country States Parties to the Rome Statute with opportunities to develop ICC-specific legal knowledge and experience as a means to advance national capacities for investigating and prosecuting crimes within the jurisdiction of the ICC. Contribution to this activity, i.e. Legal Professionals Programme, cannot exceed 10% of the total EU budget devoted to this Action

Main activities for R3:

- i) The Legal Tools are further updated and improved to assist legal professionals to work effectively and proficiently on core international crimes as enshrined in the Rome Statute and relevant national legislation, by providing free access to legal information in international criminal law, legal digests of such information, and specialized software to work with such law, as well as training, coaching and help desk services. It is expected that the number of users of the Legal Tools Database will continue to rise, as in past years.
- ii) Other information-sharing tools conceived to complement the Legal Tools.

4.3 Intervention logic

Activities related to fostering cooperation amongst States Parties remain of crucial importance to the Court in terms of increasing the number of agreements on relocation of witnesses, enforcement of sentences, ratifications of the Rome Statute and APIC, and so forth, as well as increasing the technical knowledge of ICC Counsel and legal professionals. As the current level of cooperation in these areas does not allow the Court to function optimally, seminars, events, trainings and a legal professionals programme will help the Court further improve its cooperation with States, increase technical knowledge for legal professionals, and foster a common understanding on the importance of these aspects for the effective functioning of the ICC.

The Legal Tools Project, on the other hand, will continue building upon its successes from previous years, which also aim at fostering cooperation amongst ICC States Parties by

providing easy access to information on international criminal procedures, which helps improve the functioning of the Court. Moreover, linking it to other interactive information-sharing tools, such as the Case Matrix, adds extra value with regard to the dissemination of knowledge and guidance to remote locations across the world, where expertise on ICC proceedings is lacking.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

Both in indirect and direct management, the Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures affecting the respective countries of operation⁴.

5.3.1.1 Grant: Three direct awards to the ICC (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The **overall objective** of this Action is to contribute to the fight against impunity, by promoting the Rome Statute System and increasing support for the ICC.

The **specific objectives** are:

- 1) To broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC.

⁴ https://eeas.europa.eu/sites/eeas/files/restrictive_measures-2017-04-26-clean.pdf

- 2) To reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC, promoting the principle of complementarity.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the International Criminal Court.

The recourse to an award of a grant without a call for proposals is justified as the International Criminal Court is a body identified by a basic act: The Regulation (EU) No 235/2014 establishing a financing instrument for democracy and human rights worldwide includes in its scope (Art. 2) 'promoting and strengthening the International Criminal Court' and under its Objective 5 'support to targeted key actors and processes, including international and regional instruments and mechanisms...including the International Criminal Court'.

(c) Eligibility conditions

The eligibility criteria for applicants will be the default scope defined in Article 11.2 of the Regulation (EU) No 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR).

(d) Essential selection and award criteria

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

The essential award criteria are relevance of the proposed action to the objectives of the financial instrument.

(e) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100%.

Full funding is essential for the action to be carried out. The essentiality of full funding will be justified by the Commission's authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

(f) Indicative trimester to conclude the grant agreement

Third semesters of 2018, 2019 and 2020.

(g) Exception to the non-retroactivity of costs

The Commission authorises the eligibility of costs from 1st August 2018 onwards for the grant agreement to be signed in 2018 and this in order to allow a number of key events and their preparation, which will take place in October 2018.

5.4 Scope of geographical eligibility for procurement and grants

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

5.5 Indicative budget

Direct management the ICC	Amount in EUR	Third party contribution (indicative, where known)
4.3.1. Direct management with the ICC		
– On 2018 EU Budget	1,000,000	n/a
– On 2019 EU Budget	1,000,000	n/a
– On 2019 EU Budget	1,000,000	n/a
Total	3,000,000	n/a

5.6 Organisational set-up and responsibilities

The External Relations and State Cooperation Unit (ERSCU) is in charge of the overall implementation of the Action, under the ultimate authority of the Registrar. Other organs of the Court, the Presidency/Chambers and the Office of the Prosecutor (OTP), provide valuable input and feedback, as well as participate in the implementation of the Action where relevant, particularly with regard to cooperation seminars and/or receiving legal professionals. In this regard, the human resources required for these aspects will continue to be covered by existing ICC staff.

However, in light of the scale of the project and the heavy administration that underpins its implementation, and bearing in mind the great importance the project holds for the Court in terms of enhancing cooperation, understanding and outreach, there is a continued need to have a small team dedicated only to this Action. In this regard, the Court will continue to employ and/or seek to hire, as necessary, on a temporary basis, two professional and one administrative staff, who would lead and/or assist with all aspects of the project's management, implementation, administration and reporting. These temporary staff members will be located within ERSCU, in the External Operations Support Section of the Division of External Operations in the Registry.

In relation to Legal Tools Database activities, the Court will continue to fund one full-time and one part-time Consultant, overseen by the OTP.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The

final reports, narrative and financial, will cover the operational duration of each contract signed with the beneficiary.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the importance of the action, a final evaluation will be carried out for this action or its components via an implementing partner. The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision).

The evaluation reports shall be shared with the partner organization and other key stakeholders. The implementing partner and the Commission shall analyze the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner entity, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project. The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.10 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 at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, 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.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY)

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Intervention Logic	Indicators ⁵	Baseline ⁶ (incl. ref. year)	Target (incl. ref. year)	Sources & Means of Verification	Assumptions
Overall Objective (<i>impact</i>)	To contribute to the fight against impunity, by promoting the Rome Statute System and increasing support for the ICC	States Parties to the Rome Statute	123	124	Sources: reports of the Court to the Assembly of States Parties (ASP) Frequency: annually Method: research, on-going monitoring, surveys Who: Registry, OTP	
Specific Objectives (<i>outcomes</i>)	To broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC.	By end of the total Action (2018-20), total number of:	-	-	Sources: reports of the Court to ASP; public statements of States; media; participant surveys; CFAs; other relevant reports	Willingness and capacity of States/other stakeholders to (i) participate in Court activities, and agree on
		Agreements on enforcement of sentences	10	11		
		Agreements on relocation of witnesses	18	19		
		Agreements on interim release	1	2		

⁵ Indicators marked with the following notations refer and are linked directly to:

** **EU Results-Based Framework**, indicator: 3. *Good Governance – Number of individuals directly benefitting from Justice, Rule of Law and Security Sector Reform programmes funded by EU external assistance programmes.*

* **EU Gender Action Plan (GAP)**, indicator: 7.5. *Number of individuals [women] directly benefitting from Justice, Rule of Law and Security Sector Reform Programmes funded by the EU.*

⁶ Baseline data is based on the ICC final report for EIDHR/2015/353-376 (29 January 2015 – 31 March 2016).

	Intervention Logic	Indicators⁵	Baseline⁶ (incl. ref. year)	Target (incl. ref. year)	Sources & Means of Verification	Assumptions
					Frequency: annually Method: research, on-going monitoring, surveys Who: Registry, OTP, Presidency	official/informal commitments to cooperation and support for ICC, where relevant; (ii) conclude agreements / join ICC; (iii) cooperate with and support the Court, including via separate national activities; and (iv) implement provisions of the Rome Statute into national legislation.
		By end of the total Action (2018-20), total number of States Parties progressing toward implementing provisions of the Rome Statute related to complementarity into national law.	70	72		
	To reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC, promoting the principle of complementarity	By end of the total Action (2018-20), total number of States Parties progressing toward implementing provisions of the Rome Statute related to cooperation into national law.	54	56		
Expected Results (outputs)	Cooperation between the ICC and the States Parties is improved, particularly in the areas of the execution of arrest warrants, facilitating access to evidence, facilitating requests for freezing of assets, concluding agreements on relocation of witnesses and enforcement of sentences	By end of the Action, cumulative participant satisfaction rate in relation to the quality of regional seminars, technical events and trainings maintained or increased (<i>very satisfied & satisfied</i>)	93%	95%	Sources: seminar/event reports; participant lists; surveys Frequency: immediately following seminar / event Method: research, on-going monitoring, surveys Who: Registry, OTP, Presidency/Chambers	Interest of officials and professionals from target regions to participate States select female officials Possibility to finance some participants
		By end of the Action, total number of:	-	-		
		Regional seminars, technical events and trainings	8	8		
		Participants**	386	400		
		Male participants	275	Half of total participants		
		Female participants*	111	Half of total participants		
	Increased understanding and technical knowledge of the ICC amongst legal professionals participating in the Legal Professionals Programme .	By end of the Action, cumulative participant satisfaction rate in relation to the quality of the Legal Professionals Programme (<i>very satisfied & satisfied</i>)	-	90%	Sources: surveys Frequency: immediately following end of participation in	Mentors and relevant tasks available Continued
	By end of the Action, total number of:	-	-			

	Intervention Logic	Indicators⁵	Baseline⁶ (incl. ref. year)	Target (incl. ref. year)	Sources & Means of Verification	Assumptions
		LPP programme participants ^{7**}	7	9	programme Method: surveys Who: Registry, OTP, Presidency/Chambers	interest in ICC's work Qualified female applicants are interested/apply
		Male participants	4	4		
		Female participants*	3	5		
	Legal tools (i.e. Legal Tools Database / Project) continuously updated and further improved.	By end of the Action, total number of:	-	-	Sources: ICC LTD, online surveys Frequency: annually Method: on-going monitoring, surveys Who: OTP	Continued relevance / interest in using the database
		Information documents available in LTD	103,214	150,000		
		LTD hits	3,109,049	4,000,000		
		LTD visits	67,974	200,000		
		Registered Case Matrix Network users	650	1,400		

⁷ Note: Contributions to the “Visiting Professionals Programme” segment of indicator 1.1.2. cannot exceed 10% of the total EU budget devoted to this Action.