ANNEX **2**

of the Commission Implementing Decision on the Annual Action Programme 2014 - Part 1
in favour of the ENI South countries

Action Document for Euromed Justice and Police IV

1.   **I**DENTIFICATION

Title/Number	Euromed Justice and Police IV CRIS number: ENI/2014/037-384		
Total cost	Total estimated cost: EUR 10 000 000 Total amount of EU contribution. EUR 10 000 000 Budget line: 21.03.01.03		
Aid method / Management mode and type of financing	Project Approach Direct management – Procurement of services		
DAC-code	15110	Sector	Public sector policy and administrative management

2.   **R**ATIONALE AND **C**ONTEXT

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

The EU's dialogue and co-operation with non-EU countries in the area of justice and security is shaped by different policy and strategy documents. The Joint Communication "Human rights and democracy at the heart of the external action of the EU - Towards a more effective approach[1]", the European Security Strategy (ESS)[2] and the Concept for European Community Support for Security Sector Reform[3] are the main policy documents, highlighting the need for "nationally/regionally owned reform processes designed to strengthen good governance, democratic norms, the rule of law and the respect for human rights[4]".

In 2011, the Arab Spring opened the door to democratic political change in the European Neighbourhood Instrument South Partner Countries (ENI SPC). Security and justice sectors' reform is an integral component of the nascent democratic process in the region. Police and justice sectors' reform will necessarily differ by country and must be tailored to the political realities and specific circumstances of each state. However, the region remains bound by similar processes and mutual interests. The proposed action aims to create an effective framework for co-ordination, co-operation and exchange of experience through the establishment of a coherent and structured approach with a focus on dialogue, capacity

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[1]   "Human rights and democracy at the heart of the external action of the EU – Towards a more effective approach", COM(2011) 886 final, 12.12.2011.
[2]   "A Secure Europe for a Better World, European Security Strategy", Council of the European Union, 12.12.2003.
[3]   "A Concept for European Community Support for Security Sector Reform", COM(2006) 253, 24.5.2006.
[4]   Idem, p. 7.

building and provision of tailor-made expertise. The latter constitute a tool for building regional confidence and dialogue providing leverage for the implementation of justice and security programmes at bilateral level. Moreover, they focus on nascent democratic transformation and institution-building by addressing the needs of those institutions and actors which are key to build democratic societies, assisting security and justice sectors in developing expertise, accountability, transparency and professionalization. While the proposed action addresses each sector separately through different results-oriented components, the close relationship and interdependence between both sectors will also be addressed through joint activities in order to address common challenges and to create synergies between police and justice actors in the broader concept of rule of law[5].

The main innovative aspects concern both the content and the methodology of the proposed action. While the regional programme will continue to support constructive regional dialogue and provision of expertise in police and justice sectors, it will also include new contents responding to needs related to the democratic process such as assistance in enhancing, independence, inclusion, transparency, accountability and accompanying redress mechanisms in the justice sector. If activities are to a large extent regional, specific multi-country grouping activities focusing on common interests and needs will also be promoted whenever relevant. This approach will notably allow adjusting to the diverse level of engagement and policies' development of ENI SPC, in line with the "more funds for more reform" approach, reconfirmed by the European Neighbourhood Instrument (ENI)[6].

The overall objective of the proposed action is to contribute to the development of a Euro-Mediterranean area of effective and democratic justice and security systems by strengthening the rule of law and continuously progressing towards the alignment to international standards.

The specific objective is to support relevant reforms of the justice and security systems in ENI SPC and to foster effective co-ordination and co-operation between them and with EU Member States in the areas of police and justice. For that purpose, the present proposal will be divided into separate justice and police components (which will in turn be divided into several expected results). Throughout the document, the word "police" should be understood as law enforcement agencies in general (police gendarmerie, border guards, coast guards and any other agency with policing functions).

Both components are developed building upon recent changes and on a flexible and demand-driven approach basis.

The geographic scope may be enlarged to other countries where relevant (for example fostering Sahel-Maghreb cooperation).

Broader consultations with Partner Countries, EU Member States, other donors and relevant stakeholders (including law- judicial professional organisations and civil society organisations) will be conducted during the inception phase, building on the achievements and existing networks developed by the previous phases of Euromed Justice and Police projects. EU Delegations (EUD) will be closely associated in the design, implementation and follow-up of the proposed regional programme, which has the intrinsic purpose to complement and add value to bilateral programming.

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[5]   The Secretary-General of the UN defines the rule of law as "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency." (Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies" (2004)).

[6]   Regulation (EU) No 232/2014 of the European Parliament and of the Council establishing a European Neighbourhood Instrument, 11.03.2014, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0027:0043:EN:PDF

2.2. Context

2.2.1. *Regional context*

2.2.1.1. Economic and social situation and poverty analysis

The recent deterioration of the macro-economic situation in the region was caused by the economic crisis, soaring food and energy products prices, and political and social instability related to the Arab Spring. Mediterranean Partner Countries (MPC) are characterized by (i) growth rates relatively lower compared to other developing and emerging regions, with a growth rate of Gross Domestic Product (GDP) per capita which has never exceeded 2.7% on ten-year average, (ii) very high unemployment rates and a low level of participation (about 48% for all countries in the region), particularly for women and (iii) a large informal sector, estimated in some countries at 40% of GDP.

In MPC, living conditions have improved considerably over the last 30 years. Life expectancy, for the entire region, increased from 62.6 years in 1980 to 74.4 years in 2011. Similarly, the infant mortality rate has decreased significantly (from 65.6 (per 1000 births) in 1980 to 15.7 in 2011 for the whole region). In the field of education, the increasing enrolment rates in primary education (in average, almost all children in the region are now in school), secondary education (where enrolment increased from 56.5% in the years 80-85 to 87.5% on average from 2000 to 2012) and post-graduate education (from 16% to 40.5% on the same periods) and increased literacy rates, which rose from 56.3% in the mid 80s to 81% on average over the years 2000-2012, illustrate the efforts and progress made in this area. However, literacy rates of all MPC are still lower in comparison to other regions.

Another important achievement of MPC is related to the reduction of the level of poverty. Among the developing and emerging countries, MPC have, on average, the lowest percentages of the population below the international poverty line. Only 1.8% of people live with less than USD 1.25 per day. Similarly, the Gini index, which gives a measure of the level of income inequality shows that Mediterranean societies are relatively more egalitarian than those in other regions of the southern hemisphere. However, a significant proportion of the population (10%) is in a vulnerable situation (i.e. living with less than USD 2 per day).

2.2.1.2. Euro-Mediterranean co-operation background

In 1995, the Barcelona Declaration[7], which launched the Euro-Mediterranean Partnership, encompassed in its agenda democratic reforms and human rights, economic prosperity and stability. With the introduction of the European Neighbourhood Policy (ENP)[8] in 2004, the so-called Barcelona Process essentially became the multilateral initiative for dialogue and co-operation between the EU and MPC. In 2008, the Barcelona Process was replaced by the Union for the Mediterranean. Complementary bilateral relations managed mainly under the ENP and through association agreements signed with each partner country.

After the Arab uprisings, the EU High Representative and the Commission published two communications – "A partnership for democracy and shared prosperity with the southern Mediterranean"[9] and "A new response to a changing neighbourhood"[10] – that outlined how the ENP and other EU instruments could be used to advance democracy in Arab countries. They focus on three main elements: democratic transformation, a partnership with people and civil society, and sustainable and inclusive growth. Following the set-up of the

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[7] Adopted at the Euro-Mediterranean Conference; 27-28/11/95; Full document available at http://www.eeas.europa.eu/euromed/docs/bd_en.pdf

[8] "Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", COM(2003) 104 final, 11.3.2003, and "Implementing and promoting the European Neighbourhood", SEC(2005) 1521, 22.11.2005.

[9] "A Partnership for democracy and shared prosperity with the Southern Mediterranean", COM(2011) 200, 8.3.2011.

[10] "A new response to a changing neighbourhood", COM(2011) 303 final, 25.5.2011.

Barcelona process, this demand for enhanced co-operation is duly reflected at political level since the very first framework document adopted by the Ministers of Foreign Affairs in Valencia in 2002[11], endorsed the idea of a regional programme in the field of Justice, Freedom and Security. Successive European Councils (Tampere in 2006 and Lisbon in 2007) have stressed the importance of strengthening the Euro-Mediterranean Partnership in the field of security and, in particular, of implementing the Euro-Mediterranean Code of Conduct on Countering Terrorism, adopted in 2005[12]. In response to the Arab Spring, the EU designed the Support to Partnership, Reform and Inclusive Growth (SPRING) Programme[13] in October 2011, as a vehicle for the provision of support to partner countries in the Southern Neighbourhood on a more-for-more basis taken as an incentive approach based on differentiation: "those that go further and faster with reforms will be able to count on greater support from the EU"[14].

As of 2014, the ENI replaces the ENPI and constitutes the new financing instrument defining the relationship with the Southern Neighbourhood. The main objective is to advance further towards an area of shared prosperity and good neighbourliness by developing a special relationship based on co-operation, peace and security, mutual accountability and shared commitment to universal values of democracy, the rule of law and respect for human rights.

2.2.2. *Sector context: policies and challenges*

In 2011, the Arab Spring opened the door to democratic political change in the ENI SPC. Security and justice sectors reforms are an integral component of the nascent democratic process in the region. While the reform of those two crucial and sensitive sectors is a long-term process, it should be a key part of institution building in the new nascent democracies. The transitions to democracy are varied in nature and scope. Police and justice sectors reforms will necessarily differ by country and must be tailored to the political realities and specific circumstances of each state. However, the region remains bound by similar processes and mutual interests. Improved operation and quality of services of security and justice actors are more important than ever. New factors call for a careful handling of security issues: external factors, with the development of new forms of criminal activities; and internal ones, with the multiplication of public calls for more transparency, independence, accountability and mastering of skills to handle new situations in a more professional manner respecting democratic principles and human rights.

The EU's dialogue and co-operation with non-EU countries in the area of justice and security is shaped by different policy and strategy documents. The European Security Strategy (ESS)[15] and the Concept for European Community Support for Security Sector Reform[16] are among the main policy documents, highlighting the need for "nationally/regionally owned reform processes designed to strengthen good governance, democratic norms, the rule of law and the respect for human rights"[17]. The latter document also recommends strengthening policy and programming dialogue including non-State

[11]   5th Euro-Mediterranean conference of Foreign Ministers, Valencia, Spain, 22-23 April 2002, Presidential conclusions; 8254/02 (Presse 112).
[12]   http://eeas.europa.eu/euromed/summit1105/terrorism_en.pdf
[13]   Support for Partnership, Reforms and Inclusive Growth (SPRING) adopted by the European Commission on 16 September 2011 and Communication on "Increasing the impact of EU Development policiy: An Agenda for Change", COM(2011) 637 final, 13.10.2011.
[14]   "A Partnership for democracy and shared prosperity with the Southern Mediterranean", COM(2011) 200, 8.3.2011, p. 5.
[15]   "A Secure Europe for a Better World, European Security Strategy", 12.12.2003.
[16]   "A Concept for European Community Support for Security Sector Reform", COM(2006) 253, 24.5.2006.
[17]   Idem, p. 7.

actors[18]. Other more specific documents complete these main policy documents such as for example the European Maritime Security Strategy[19].

The action is consistent with the Agenda for Change[20] which draws particular attention to democracy, rule of law and good governance and the need to address the challenges of security, fragility and transition. In addition, the action is in line with the Joint Communication "Human rights and democracy at the heart of the external action of the EU - Towards a more effective approach" (2011)[21] and the "Strategic Framework and Action Plan on Human Rights and Democracy" (2012)[22]. It is thus consistent with the Communication "The roots of democracy and sustainable development: European engagement with civil society in the field of external relations[23]" (2012). In the 2011 Communication on "A New Response to a changing Neighbourhood"[24], Justice is mentioned as among the most important priorities for reform. It states that democracy lasts only when it is accompanied by "impartial justice from independent judges, security from accountable police and army forces, access to a competent and non-corrupt civil service and other civil and human rights".

The proposed action has been designed by taking into account priorities that were laid down in strategic documents such as the Stockholm Programme[25], promoting citizenship and fundamental rights; the Cybersecurity Strategy of the EU[26]; the EU Drugs Strategy 2013-2020[27] and the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016[28]. The Instrument for Stability Strategy[29] implemented by the Commission Decision of March 19, 2012 reflects the transnational nature of threats and develops adapted responses and policies[30]. The Communication on the EU Counter-Terrorism Policy[31] laid down strategies for countering terrorism threat. Relating to the latter, the EU Strategy for Security and Development in the Sahel[32] recalls that "the security threats in the Sahel – as well as their solution – are of a transnational nature, yet differ in intensity from one country to another[33]". Co-ordination and co-operation are needed at regional level to provide adequate and effective responses.

To complete further, European agencies such as EUROPOL for law enforcement, EUROJUST for network and co-operation in judicial issues, FRONTEX for external border management and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) for drug sector[34] remain significant partners for providing expertise and co-operation in the relevant sectors in partnership with Southern Neighbourhood countries.

In some countries' former regime, the judicial authority did not enjoy independence and in any transition from authoritarianism to democracy, redress mechanisms are needed in order

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[18] Idem, p. 10.

[19] "For an open and secure global maritime domain: elements for a European Union maritime security strategy", JOIN(2014) 9 final, 6.3.2014.

[20] "Increasing the impact of EU Development Policy: an Agenda for Change", COM(2011) 637 final, 13.10.2011.

[21] See footnote 1.

[22] Council of the European Union, "EU Strategic Framework and Action Plan on Human Rights and Democracy" 11855/12, 25.06.2012.

[23] "The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations", COM(2012), 492 final, 12.9.2012.

[24] "A new response to a changing neighborhood", COM(2011) 303, Brussels, 25.5.2011.

[25] "The Stockholm programme – An open and secure Europe serving and protecting citizens", European Council, 2010/C 115/01, 4.5.2010.

[26] "An Open, Safe and Secure Cyberspace", COM JOIN(2013) 1 final, 7.2.2013.

[27] EU Drugs Strategy (2013-20), (2012/C 402/01), 29.12.2012.

[28] "The EU Strategy towards the Eradication of Trafficking in Human Beings", COM(2012)386, 19.6.2012.

[29] Instrument for contributing to Stability and Peace (IcSP) since 2014.

[30] http://ec.europa.eu/europeaid/how/finance/documents/eidhr/ifs_2012_13__strategy_merged_docs.pdf

[31] "The EU Counter-Terrorism Policy: main achievements and future challenges", COM(2010) 386, 20.7.2010.

[32] http://www.eeas.europa.eu/africa/docs/sahel_strategy_en.pdf, p.3.

[33] Idem, p. 3.

[34] EUROPOL is the European Police Office, a European Union's law enforcement agency that handles criminal intelligence. EUROJUST is the agency of the European Union dealing with judicial co-operation in criminal matters. FRONTEX is the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union. Finally, ECMDDA is the European Monitoring Centre for Drugs and Drug Addiction.

to enable reconciliation. It is natural for citizens to seek redress for grievances stemming from actions by repressive regimes once those regimes pass from the scene. The trial of Hosni Mubarak and its resulting guilty verdict in Egypt is a manifestation of this sentiment. In Tunisia, victims of the Ben Ali regime want justice and reform of the security services. In societies emerging from authoritarian rule and/or conflict, measures of transitional justice should pave the way for national reconciliation. They should also help build new institutional and legal structures to consolidate democracy and human rights.

As a first response, Tunisia adopted a comprehensive transitional justice law. The concept of transitional justice refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses[35]. As such, transitional justice is not a 'special' kind of justice', but an approach to achieve justice in times of transition from conflict and/or state repression. By trying to achieve accountability and redressing victims, transitional justice provides recognition of the victims' rights, promotes civic trust and strengthens the rule of law. A process in implementing effective transitional justice is crucially important because, in the aftermath of massive human rights abuses, victims should have well-established rights to see the perpetrators punished, to know the truth, and to receive reparations. Because systemic human rights violations affect not only direct victims, but also society as a whole, in addition to satisfying these obligations, states have the duty to guarantee that those violations will not recur, and therefore, the responsibility to reform institutions that were either involved in or incapable of preventing the abuses.

In Libya, the recently adopted law on transitional justice and the question of the trial of high political figures[36] has to be addressed. Hence, fair and due judicial processes are crucially needed to prevent further escalation of violence. This demand brings another problem to the fore. Transitional justice will rely on judicial institutions that were part of the previous regime and need to be reformed. In many of the ENI SPC, traditional justice mechanisms operate and constitute an area to consider by exploring possibilities for improving human rights' compliance and supporting better co-ordination and dialogue between informal and formal justice institutions.

Professionalization of police institutions and deeper dialogue on home affairs and security as a whole will provide better public accountability of security forces. The post-2011 events triggered drastic citizens' calls for reforms of the security forces. For example, the 'Arab Awakening' was ignited by a Tunisian citizen's resistance to police corruption. The Egyptian revolution also targeted the police as symbols of repression and political control. Libya represents a different case where some revolutionary groups still refuse to join the new army and police as units. Jordan and Morocco did not encounter proper 'revolutions'; nonetheless both governments, under public pressure, undertook constitutional reforms in 2011[37]. Furthermore, it is noticeable that conflict and post revolution situations directly create gaps and areas for development of transnational crime and related cross-border illegal traffics for which countries in the region need co-operation mechanisms, expertise and dialogue. Indeed, crime is today of transnational nature. Criminal networks amass profits from all kinds of trafficking, ignoring borders and contributing to instability in the

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[35] Secretary-General's Report on Transitional Justice and the Rule of Law in Conflict and Post-Conflict Societies, 3 August 2004, S/2004/616.

[36] Saif al-Islam and al- Saadi Gaddafi (Muammar Gaddafi's sons) or of Abdallah al-Senoussi (former head of secret services).

[37] Morocco even initiated with the EU support a 'Programme d'appui aux actions de réparations en faveur des régions touchées par les violations des droits de l'homme' Référence: 2009/227922.

weakest countries. Concerted efforts are needed to detect organised crime activities and disrupt them.

As a response, the proposed action aims at enhancing relevant forums for regional co-operation, co-ordination and exchange of experiences, supporting and comforting the development of up-coming reforms at bilateral level. If activities are to a large extent regional, specific multi-country activities focusing on common interests and needs will also be promoted whenever relevant.

A final but crucial mention should be devoted to the link between security, justice and development. Calls for more public and service delivery oriented policing, social justice[38] and accountability processes are intrinsically linked to economic development, access to justice for all and the role and place of the citizens in society. The relations between the citizens and the state are addressing deeper aspects of democracy and of development as a whole. Empowerment of women in both sectors is also a key point of this programme as well as the protection of vulnerable groups, in order to facilitate fair access to justice and police services.

2.3. Lessons learnt

This section takes into account the completion and ex-post evaluation of Euromed Police II and of Euromed Justice II, both finalised in June 2013, as well as the recommendations formulated by the above-mentioned main policy and strategy documents with a focus on the recommendations of the Task Force Mediterranean[39] calling for the new generation of Euromed Police to become a more effective platform for dialogue and co-operation[40].

Primarily, the idea of not focusing only on the regional level but exploring possibilities for a multi-country approach based on mutual and common interests in line with national needs and policies is addressed to ensure "that regional projects take account of country-levels needs, strategies and action plans, and sub-regional specificities[41]". The innovative approach also includes the possibility to explore the participation of non-ENI Southern Neighbourhood countries to be associated to regional or multi-country activities on needs basis, especially those which are source, transit and destination countries of organized crimes.

Secondly, the evaluation reports are calling for "moving from the current top-down approach towards a more bottom-up approach in which beneficiaries are more involved in the design and the implementation of activities[42]". Flipping from a top-down to a bottom-up approach is then clearly reflected in the activities with more effective operational police co-operation and systematization of best practices, taking into account practical absorption capacities of institutions. Given the drastic changes deriving from recent events, new needs emerged that require adaptability to circumstances and changes introducing "flexibility in the planning and topics of activities, number of participants, localisation and methodology[43]". Furthermore, to ensure greater efficiency and a broad and lasting impact[44], the proposed action will a) possibly conduct sub-regional/multi-country activities, b) create forums for dialogue on specific subjects in line with the practical countries' needs, and c) build-up of more targeted expertise.

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[38] John Rawls in 'Justice as fairness' (2003), states that social justice is set out to sketch a theory of justice that would assure protection of equal access to liberties, rights and opportunities through establishment of fair rules in consultation with public because public support is critical to the acceptance of the rules and thus, for effectiveness of the entire system.

[39] "Communication on the work of the Task Force Mediterranean", COM92013) 869, 4.12.2013.

[40] Full recommendation: "the new generation of programmes for EUROMED Migration and EUROMED Police to be launched from 2014 should take due account of evaluations to become a more effective platform of dialogue and co-operation".

[41] As recommended in the Completion and Ex-post Evaluation of Euromed Justice II, Para 1.5.

[42] Completion and Ex-post Evaluation of Euromed Police II, first recommendation, p. 5 and Para 5.2.1 (2).

[43] As recommended in Completion and Ex-post Evaluation of Euromed Police II Para 5.1 and of Euromed Justice II, Para 1.5.

[44] Completion and Ex-post Evaluation of Euromed Police II, Para 5.2.1, p. 23.

Thirdly, the Euromed programmes phases I, II and III have led to an on-going dialogue and exchanges through which beneficiaries have absorbed over the years a fair amount of technical capacities and expertise. In order to sustain coherence and impact, the up-coming phase will support south-south co-operation and tailored-made expertise without interfering in the state's prerogatives. It will provide adapted responses to reality in the region while "reducing current focus on organised crime and terrorism" and give priority to "political commitment dialogue at high level, good police practices, support to judicial independence and the separation of powers and other related[45]".

Fourthly, the latest evaluations[46] call for future interventions to "pay more attention to closely connecting regional EU promoted activities with bilateral supported ones". This will be implemented reinforcing communication and information sharing with EU Delegations and Member States. The proposed action pays particular attention to that by inserting specific provisions and guidelines with monitoring mechanisms for follow-up and assessment. Both evaluation reports call for "quality indicators and planned ones, updated" including the need for ensuring "criteria and responsibility for selecting participants and experts for project's implementation[47]".

Finally, ownership, feedback, consultation and communication with all participating parties will be encouraged and implemented through a thorough inception phase with extensive consultation of partner countries and relevant stakeholders.

2.4.   Complementary actions

The proposed project must be closely coordinated and in complementarity with EU-funded bilateral initiatives and other relevant donors' actions in the police and justice sectors.

Relevant on-going regional projects are: "Strengthening democratic reforms in the Southern Mediterranean (South Programme II)", implemented by the Council of Europe (CoE), which will support Southern Mediterranean countries in reinforcing Human Rights, Rule of Law and Democracy, based on the experience and lessons learnt of the first phase of this joint CoE/EU programme; the Instrument for Stability Sahel project in Mauritania, Mali and Niger[48]; and, to a certain extent, the French regional JUSSEC (Justice et sécurité en région sahélo-saharienne) project for the Sahel region[49]. Regarding terrorism, a UN Office on Drugs and Crime (UNODC)/Counter-Terrorism Committee Executive Directorate (CTED) EU-funded programme addresses criminal justice officers likely to deal with terrorism. Strict complementarity and co-ordination will be sought with the relevant regional initiatives implemented by the Council of Europe.

Moreover, it is crucial to build partnerships with existing international, regional and national trainings centres and academies seeking close co-operation with relevant European Union entities and institutions such as the Office of the EU Counter-Terrorism Coordinator, the European External Action Service (EEAS), EUROJUST, EUROPOL, the European Police College (CEPOL) and the European Judicial Training Network (EJTN). In addition, the proposed action might possibly seek co-operation with the African Centre for Studies and Research on Terrorism (CAERT), the Africa Commission on Human Rights and Peoples' Rights, the International Institute for Justice and the Rule of Law, the Geneva Centre for Democratic Control of the Armed Forces (DCAF); the Institute for International Criminal Investigations (IICI) and the Permanent Bureau of the Hague

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[45]   Recommendations Police 5.2.1 (5), Para 5.2.2 (4) p. 23 and Justice Para 1.5.
[46]   Completion and Ex-post Evaluation of Euromed Justice II, Strategy and Programming Para 4.10, p. 43.
[47]   The Euromed Police II Evaluation report particularly calls for "setting up of a robust ongoing evaluation mechanism" See Euromed Police Evaluation recommendations p. 5 and Euromed Justice II ones, Para 1.5 and Para 3.2.3 and 4.2.
[48]   http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132802.pdf
[49]   http://www.justice.gouv.ne/?=node/76

Conference on Private International Law. Cooperation with the League of Arab States may also be explored.

At the bilateral level the relations between the EU and ENI SPC (individually considered) are based on the Association Agreements and the ENP Action Plans, which all contain various provisions related to justice and police issues, with particularities according to the country. The proposed action will pay particular attention to countries such as **Algeria** and **Morocco**, where identification for justice sector reform programmes is in the making, and **Tunisia** where a programme of Support to the justice sector under SPRING funds is on-going, as well as a Technical Assistance and Exchange of Information (TAIEX)-funded peer review for the security sector. Tunisia adopted its new Constitution[50] in which its chapter V is dedicated to the judicial power and ensures its independence. Upon Tunisia request, a peer review of the security sector has just been finalized and the EU is currently implementing several projects supporting Tunisian authorities in justice sector reform. An additional need for technical assistance is also being identified on criminal law procedure reform. In **Jordan**, on-going main EU-funded projects are the following: justice sector policy support programme completed with a support to the justice reform, support to reform in the security sector in applying the rule of law, support family protection department and juvenile police department[51]. Additionally, the EU supports projects focusing on **Palestinian** and **Syrian** refugees. In **Egypt**, a Justice Reform programme started in 2010 and the Human Rights programme identified for the period 2007-2013 includes a justice component. In **Lebanon**, the main programmes related to justice and police sectors include a support to modernisation of Lebanese judiciary, a project on developing national capability for security and stabilisation; a support to reform of the judiciary as well as a security and rule of law programme, which aims at improving security forces' performances techniques in law enforcement. The country also benefits from actions focusing on Palestinian and Syrian refugees, and border management. In **Morocco**, King Mohamed VI declared justice reform a national priority in 2007 and in the context of the National Indicative Programme, the EU has proposed technical and financial assistance for justice sector reform. In **Libya**, a first project on strengthening democracy, good governance and civilian culture in the security and justice sectors is being implemented while the EU is involved in a significant number of migration-related initiatives as well as with the civil society, seeking to promote inter communal dialogue and reconciliation. The Council adopted a Decision to establish the Common Security and Defence (CSDP) Mission on 22 May, 2013, aiming at developing Libya's capacity for securing borders[52]. In **Palestine[53]**, a significant range of EU assistance is delivered in security sector reform, community policing, civil defence, legal aid, prisons and justice reforms through support of Judicial Institute and Bar Associations[54]. In particular, the action proposed will have to coordinate with the CSDP Mission EUPOL COPPS in Palestine, which exerts major efforts towards training on both justice and security sectors.

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50   On 26 January 2014.
51   In addition, a second Twinning to Support to the Jordan's Gendarmerie Regional Special Training Centre and one new Twinning on Strengthening the capacity of the public administration to combat cybercrime are planned to be implemented in 2016 in Jordan. Moreover, a first EU support to Justice and Good Governance in Jordan was developed and implemented in 2008.
52   Details can be found at: http://www.eeas.europa.eu/csdp/missions_operations/eubam-libya/eubam_factsheet_en.pdf
53   This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.
54   List of EU support programmes in Palestine: Infrastructure Support to the Security Sector in Palestine - PCD equipment, Capacity Building for the Palestinian Civil Defence (PCD); Strengthening Civil-Democratic Governance in the Security Sector in the oPt; TA Capacity Building for the Palestinian Civil Police (PCP); Infrastructure Support to the Security Sector in Palestine - Jenin Prison; Infrastructure Support to the Security Sector in Palestine - Community Police Stations; Support to the Legal Aid Programme; Support HJC in its capacities for Asset Management; Phase II - Construction of public infrastructure in the Justice Sector – Courthouses; Post Graduate Degree in Legal Studies; Juvenile Justice Programme; Diploma Programme of the Palestinian Judicial Institute; Diploma Programme of the Palestinian Bar Association; Phase I - Construction of public infrastructure in the Justice Sector; Furnishing and Equipment of HJC Libraries and Research Centre.

In **Israel**, the implementation of the European instruments for democracy and human rights and the Neighbourhood civil society is of high relevance for promoting civil society.

2.5.   Donor co-ordination

Justice and police are key sectors that have been addressed within the international debate with initiatives funded also by other donors and carried out by specialized international and sometimes regional organisations and NGOs, such as, but not limited to, UNODC, CTED; the UN Children's Funds (UNICEF); the UN Development Programme (UNDP), the UN Commissioner for Human Rights (OHCHR), Organisation for Security and Co-operation in Europe (OSCE), the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and to a certain extent, the UN High Commissioner for Refugees (UNHCR), when it comes to refugees situation.

Activities of the proposed action remain flexible enough to adapt and align with the National Action Plans and Countries' Strategies delineating topics and priorities of respective governments including in justice and police sectors. In some specific cases such as in Libya, the UN Mission in Libya (UNSMIL) deployed is deeply involved in rule of law and security sector through providing ongoing advice and assistance to the Ministry of Interior on police matters, including strengthening the capacity of the police departments and on the transitional justice law. The proposed action will also coordinate closely and complement with numerous activities in both sectors of several EU Member States in the region.

The magnitude of the issues addressed is such that these complementary actions are per se very positive and co-ordination should be sought in order to avoid duplication of activities and benefit from the experiences already gained. Donors' co-ordination remains a crucial challenge to ensure leadership and ownership of partner countries and to maximise results.

3.   DETAILED DESCRIPTION

3.1.   Objectives

General objective

The general objective is to contribute to the development of a Euro-Mediterranean area of effective and democratic justice and security systems by strengthening the rule of law and continuously progressing towards the alignment to international standards.

Specific objective

The specific objective is to support, building upon recent changes and on a flexible and demand-driven approach, relevant reforms of the justice and security systems in ENI SPC and to foster effective co-ordination and co-operation between them and with EU Member States in the areas of police and justice.

3.2.   Expected results and main activities

While there will be separate components on the justice and police sectors, their common challenges and interdependence will be addressed through co-ordination and joint activities whenever relevant.

JUSTICE:

Justice component 1: Effective independence of justice and access to justice services

R1.1: ENI SPC justice systems are supported to adapt to the respective new constitutional framework, in line with international standards on rule of law, democracy and human rights.

R1.2: The independence of judiciary is progressively consolidated in the ENI SPC from an institutional and operational point of view.

R1.3: Dialogue on and support to transitional justice and redress mechanisms is initiated/consolidated and progressively aligned to the respect of fundamental freedoms and human rights.

R1.4: Effective and fair access to justice, with a focus on vulnerable groups and persons in need of international and specific protection, is enhanced.

Justice component 2: Regional judicial co-operation on private and criminal law.

R2.1: Increased co-operation in the area of family law, through the progressive alignment to relevant international private law, is supported.

R2.2: Judicial co-operation in criminal matters is strengthened.

R2.3: Capacities in investigating and prosecuting complex judicial cases with a special focus on transnational crime are enhanced[55], including strengthened inter-agency co-operation and information sharing between criminal justice and police actors at national and regional level.

POLICE

Component 1: Democratic oversight and accountability and effective and efficient service delivery of police

R1.1: ENI SPC police services are supported to adapt to the respective new constitutional framework, in line with international standards on rule of law, democracy and human rights.

R1.2: Transparency, inclusiveness, accountability, effectiveness and efficiency of police services are reinforced, in order to provide human security and public order in a more professional and accountable manner, respecting democratic principles, rule of law, human rights and equality between men and women.

R1.3: Police services are better integrated in their communities and apply a service delivery approach to citizens, through the use of methods such as community policing[56].

Component 2: Dialogue and co-operation to respond to global and regional transnational threats

R2.1: High level co-ordination and co-operation is fostered to maintain regional political commitment.

R2.2: Police operational co-operation is strengthened, in particular by systematizing good practices.

The list of activities is purely indicative and is flexible to respond to changing needs. Prior to implementation of activities, an assessment of the needs of Partner Countries[57] will be conducted based on previous outcomes. The institutional capacity of Partners to absorb the proposed activities and dynamically participate in the program will be assessed and specific criteria for participants will be developed for each activity. Regional activities will be mainly dedicated to policy discussions and exchange at high level. All other activities will be implemented under the form of delivery of concrete expertise and exchange of

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[55] This is planned to be implemented by both components jointly with criminal justice and police actors.
[56] Also defined as "Police de proximité" in civil law systems.
[57] With the aim to align with existing and national partner countries strategies and priorities as recommended in the "Completion and Ex Post Evaluation of the Project "Euromed Justice p. 14 and in the "Completion and Ex Post Evaluation of the Project Euromed Police p. 16.

experiences, including south-south experience. Whenever relevant, multi-country activities based on common needs and interests will be foreseen.

Main activities under the justice component

Identified areas of activities are as followed:

- o High **level regional and/or sub-regional conferences** to discuss regional harmonization, co-operation on the thematic fields proposed and justice sector reforms[58].

- o **Technical trainings/workshops** on the thematic fields addressed by the proposed action: based on needs' assessment, tailor-made national and (possibly) multi-country trainings/workshops will also be designed and delivered. Relevant regional and/or national training institutes/universities might be involved both as associates to and as beneficiaries of this type of activity.

- o Support the design and implementation of adequate mechanisms for awareness, participation and commitment of citizens, civil society and media, as well as mechanisms of accountability and social control.

- o Explore possible participation of ENI SPC to the Special Commission Meetings in the framework of the Hague Conventions[59].

- o Whenever relevant, **provision of targeted tailor-made technical assistance**: the action will provide tailor-made technical assistance mechanisms, on a more-for-more basis, in the different fields covered by the action. Complementarity with other EU-funded technical assistance instruments, such as TAIEX, will be ensured.

- o Whenever relevant, joint activities and exchanges with other relevant regional programmes, such as Euromed Migration and relevant initiatives of the Council of Europe, will be carried out.

Main activities under the police component

- o **High-level regional and/or sub-regional conferences** to discuss regional or sub-regional co-operation on the thematic fields proposed and police sector reforms.

- o **Technical trainings/workshops** on the thematic fields addressed by the proposed action: based on needs' assessment, tailor-made national and (possibly) multi-country trainings/workshops will also be designed and delivered. Relevant regional and/or national training institutes/universities might be involved both as associates to and as beneficiaries of this type of activity.

- o Explore possibilities for **enhancing police co-operation** through Africa Political and Economic Strategic Centre (AFRIPOL), the League of Arab States and other relevant regional organisations.

- o Collection, systematization and diffusion of **best practices** on specific thematic fields proposed.

- o Whenever relevant, **assistance to the undertaking of joint investigations and operations** using the lessons learnt and systematisation of best practices.

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[58] As recommended in the "Completion and Ex-post Evaluation of the Project Euromed Justice II", Final report, June 2013 stating that ""spearhead the organisation of regional ministerial meeting on justice, which would capitalize on existing momentum, encourage commitment to reform processes, increase visibility of EU and regional justice reform efforts and ensure harmonization of regional policy and approaches'.

[59] The Hague Conference on Private International Law is an inter-governmental organisation with 75 members (74 countries and the EU) representing all continents. It aims to work for the progressive unification of the rules of private international private law. Numerous Hague Conventions also establish efficient and effective means of co-operation among States to overcome cross-border challenges.

- o Whenever relevant, **provision of targeted tailor-made technical assistance**: the action will provide tailor-made technical assistance mechanisms, on a more-for-more basis, in the different fields covered by the action. Complementarity with other EU-funded technical assistance instruments, such as TAIEX, will be ensured.

- o Whenever relevant, joint activities and exchanges with other relevant regional programmes, such as Euromed Migration, will be carried out.

3.3. Risks and assumptions

Risk	Level	Mitigation measures
Inefficient nomination of participants to programme activities by national governments	High	Range of specific criteria will be developed for each activity by the implementing Team in order to provide a detailed and substantiated profile for participants that would directly relate to the activity proposed. That will engage close consultation and communications between the Team with the relevant entities.
Political changes in key positions in targeted institutions.	High	Broad based stakeholder engagement will be undertaken, including non-state actors. Particular attention will be paid to building the capacity of technical staff.
High turnover of officials in general in most of the countries and in particular with those who participated in programme and trainings	Medium	The risk cannot be mitigated easily but informal agreements may be discussed in order to ensure that trained official will remain in position for a suitable amount of time at minimum. Other options could be a) developing and providing basic initial training programmes tools; b) developing a strong train-the-trainer approach and c) involve training staff and provide trainings on how to manage, develop and design trainings. This implies that in Police activities for example, not only Police officer will participate in activities but also administrative officers, representatives of law enforcement academies and related.
Lack of ownership and participation of Southern Partner Countries	Medium	The project will pay particular attention to consulting closely with beneficiaries on the topics, with the key support of EUD in the countries.

A critical basic assumption is that the national authorities in the Partner Countries are committed to actively collaborate with the proposed action. Political instability and insecurity in ENI SPC is a high risk when it concerns certain countries. Multi-country level activities and flexibility of the programme provide sufficient tools and mechanisms to deliver planned activities and achieve results expected.

3.4. Cross-cutting issues

The main relevant cross cutting issues are good governance, democratic accountability and human rights promotion. Governance is an aspect that was neglected over the past decades in main part of the region and needs to be addressed at all levels in support of building effective government institutions while enabling regional approach for effective co-operation and harmonization. Human rights principles and standards will be incorporated in all activities and training material and emphasis is given on accountability and transparency processes.

Women, children and vulnerable groups in general are supported in the proposed action. It is reflected in particular through activities related to transitional justice, access to justice, relation between police and citizens.

The role of women and the participation of women and their organisations will be a particular focus in the implementation of activities. The proposed action provides opportunities for fostering women's participation and positions in notably police and justice institutions. A sound focus will be given on encouraging women and their associations to participate in trainings and conferences as well as to be empowered in justice commissions like in Tunisia or other similar. The programme will promote the knowledge on international/regional standards regarding women's rights through the different activities and will possibly support legal studies on women rights that will contribute to increase the knowledge and to avoid misinterpretations.

3.5. Stakeholders

Major stakeholders are the institutions whose core functions are related to police and justice and which are subject to the application of democratic principles, the rule of law, fair access to justice and civilian oversight on security sector as a whole: law enforcement and judicial officers. It also includes administrative staff in police and justice institutions.

Collaborative links will be forged with promising groups including private sector, professional associations as bar, clerk/registers, bailiffs, civil society organisations and community-based organisations which can provide support for promoting social justice values. All of them would benefit from the activities of the program.

Other relevant stakeholders include, but are not limited to, media representatives, National Centres' for Human Rights, Ombudsman offices, National Parliaments.

If relevant, partner countries other than ENI countries (Mauritania, Mali, Niger, Chad, Sudan, Iraq, Turkey, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Albania, and former Yugoslav Republic of Macedonia) shall be associated to the activities foreseen by this action, in accordance with Article 16(1) of Regulation (EU) No 232/2014.

4. IMPLEMENTATION ISSUES

4.1. Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with a partner country, referred to in Budget 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 48 months, 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. *Procurement (direct management)*

	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure
Justice component	services	1	Third semester 2014
Police component	services	1	Third semester 2014

The indicative number of contracts (2) is based on past experience with Euromed Police and Justice.

4.4. Scope of geographical eligibility for procurement and grants

Subject to the following, 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 authorizing 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

Module	Amount in EUR thousands	Third party contribution (indicative, where known)
4.3.1. – Procurement (direct management) Justice component Police component	 4 800 4 800	N.A. N.A
4.7. – Evaluation and audit	300	N.A.
Contingencies	100	N.A.
Totals	10 000	N.A.

4.6. Performance monitoring

A permanent internal, technical and financial monitoring system, to be used to draw up progress reports, will be set up under each contract to implement the programme. Independent consultants recruited directly by the EU will carry out annual external

monitoring missions. Smarts indicators will be defined at the inception phase for each contract.

A single Steering Committee will be established with the participation of the relevant Commission services, the project implementing partners as well as representatives from ENI SPC (government institutions and civil society). The Steering Committee will provide general guidance to the project and oversee implementation. It will also pay due attention to possible synergies and joint activities between both components and at regional and national level.

4.7.   Evaluation and audit

Independent consultants recruited directly by the EU will carry out external mid-term and final evaluation. An ex-post evaluation of impact may be carried out.

Auditing matters relating to implementation will be detailed in the contracts to be signed between the EU and the selected contractors.

If necessary, the EU may conduct *ad hoc* audits or expenditure verification assignments.

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 and supported with the budget indicated in section 4.5 above.

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.