

Annexes

Annex 1 : Action Fiche for Lebanon/ENPI/Human Rights and Democracy

1. IDENTIFICATION

Title/Number	Reinforcing Human rights and Democracy in Lebanon (AFKAR III)		
Total cost	€10,000,000		
Aid method / Method of implementation	Project approach - Decentralised management and Joint management with an International organisation		
DAC-code	15162/15150	Sector	(Human Rights /Civil Society)

2. RATIONALE

2.1. Sector context

Lebanon's overall human rights record remains mixed, despite improvements since the withdrawal of Syria in 2005. Civil and political rights are generally respected, however major difficulties relate to the weak Rule of Law, inefficient administration, corruption and nepotism, including amongst the judiciary. Albeit limited, some progress has been made in recent years to consolidate the situation of human rights. The Government of Lebanon has expressed determination and commitment to further strengthen citizen's rights, to protect the rights of the most vulnerable and to extend good governance practices. However, serious concerns still remain over the organisational weaknesses of the related institutions as well as the particular situation of Palestinian refugees in Lebanon.

2.2. Lessons learnt

EC has been active in human rights related domains during the last years in Lebanon. Several actions have been funded and are still ongoing, such as:

Reinforcing the role of civil society. AFKAR III will build on achievements of AFKAR I and II (2003 and 2005) and will redirect its focus on creating synergies among Lebanese civil society organisations (CSOs) working in the same field and between CSOs and the government. This new focus aims to limit the political/religious pressures hindering partnerships, mitigate financial fragility of most NGOs, and significantly enhance policy dialogue.

Support to the electoral reform. The objective, results and activities proposed below are based on the content of the electoral law (30/09/08) and the need for further reforms as suggested by the technical assistance deployed under the €4 million "Electoral Assistance Programme" funded by the Instrument for Stability (IfS). A precise description of the support will be based on the recommendations of the eventual European Union Observation Mission to be deployed for the 2009 elections and on the final evaluation of the ongoing electoral assistance funded by the EC IfS. The programme should stay flexible in view of changes in law before the 2013 elections.

Women Domestic Migrant Workers (WDMW). Support will be provided to the ongoing efforts for the regularisation and protection of WDMW channelled by the International Labour Organisation that has built extensive experience on the issue of women migrant workers in Lebanon. The Ministry of Labour has specifically requested ILO support in developing an action plan addressing labour migration management and regulation tools and strategies regarding migrant workers. The action is part of ILO's work on domestic workers carried out in neighbourhood countries (Jordan), Asia, the Gulf States and Latin America. The good practices of implementing a unified contract, suggesting integration of domestic workers in the national legal framework and seeking for bilateral agreements between sending and receiving countries are considered lessons learnt and good practices that this component intends to replicate in Lebanon.

Penitentiary reform. In March 2006, the Ministry of Interior (MoI) requested officially the Ministry of Justice (MoJ) to take over prison administration. There is now general agreement on moving forward with a 5-year programme (2009-2012). The United Nations Office on Drugs and Crime (UNODC) has the official mandate by the Ministry of Justice to lead the support of the activities facilitating the transfer of the management of prisons and is therefore the best placed to collaborate as implementing partner. UNODC has undertaken a first successful pilot project (2008) in the prison of Roumieh financed by Switzerland and Netherlands (eventually to be completed with a contribution from Denmark this year). The proposed component will build on this experience to support the transfer of management from the MoI to the MoJ.

2.3. Complementary actions

The programme attains a high degree of complementarity with both EC activities funded by thematic budget lines (EIDHR, AFKAR II and other thematic lines) and with bilateral projects (2005 €14 million "Support to Reforms and Local Governance") seeking to consolidate local consultative platforms and ongoing experiences reinforcing the judicial system in Lebanon as well as the electoral assistance financed by the IfS. Efforts will be made to strengthen the coordination between the different Commission services (EuropeAid, Relex, ECHO) playing an active role in Lebanon so as to provide the most appropriate support to human rights actions in general and to those affecting Palestinian refugees in particular.

2.4. Donor coordination

The local coordination with member States takes place in the framework of the annual work plans and is conducted through regular and thematic meetings. Member States are regularly informed about the preparation of the Action fiches. Coordination has been particularly ensured with Denmark, that is currently formulating a HR programme in Lebanon.

Regarding activities with civil society, donor coordination is actively pursued in Lebanon in the context of Small Grant Meetings -organised on a quarterly basis with Member States and other international Donors- in information on their respective programmes/projects in various sectors is exchanged, in an attempt to create synergy and avoid duplication.

3. DESCRIPTION

3.1. Objectives

The project aims at providing the necessary capacity building and support to the public sector and the civil society. The objective of the project is to reinforce the protection of human rights and democracy by supporting the civil society and the public administration in their efforts to improve the human rights record in Lebanon.

The programme has 3 different components:

Component 1. Active citizenship (Increase active citizenship and democratic participation in decision making)

Component 2. Improve the protection of women domestic migrant workers.

Component 3. Support the penitentiary reform.

3.2. Expected results and main activities

Component 1 (Active Citizenship)

Subcomponent 1: Support the Civil Society Organisations (AFKAR III)

Expected result is:

The CSOs are strengthened to serve as effective vectors of democratic and socio-economic reforms, offering a channel for women and other under-represented groups to exert influence in the society

Main activities under this result include:

- Developing and implementing a comprehensive training plan for CSOs to meet their needs
- Provide a forum for dialogue and collaboration among CSOs and with the government
- Launching a grant scheme to support partnership projects among CSOs

Subcomponent 2: Support to the Electoral Reform

Expected results are:

- The out-of-country and absentee vote systems are ready for the 2013 elections.
- The electoral framework has undergone further reforms to increase its compliance with international standards

Main activities under this expected result include:

- Designing an out-of-country voting and absentee voting system feasible in Lebanon and supporting its effective implementation

- Supporting the adoption and implementation of reforms such as the development of a full fledged Independent Electoral Commission or the lowering of the voting age.
- Facility for Confidence Building Support Measures

In addition to the above mentioned subcomponents, a small part of the budget will be reserved for activities of such sensitivity that they could not take place under the Lebanese government management (Support to the reconciliation process, confidence building measures) or to be used in case of an urgent need or window of opportunity emerging in the field of democracy and human rights.

Component 2 (Protection of migrant workers)

Expected results are:

- (1) Enhanced capacities of the Ministry of Labour (MOL) and other key players to manage, coordinate and monitor the working terms and conditions of WDMW**

Main activities under this expected result include:

- Capacitating relevant governmental institutions through the National Steering Committee, towards better implementation of international human and labour rights standards that apply to migrant domestic workers in Lebanon (including the implementation of a unified standard contract for WMDW and extending coverage of Lebanese labour law to WDMW).
- Capacitating the Syndicate of Recruitment Agencies on Corporate Social Responsibility
- Establishing a solid coordination, data management and knowledge sharing system that allows all involved actors including embassies of sending countries to share information.

- (2) Increased awareness on the situation of WMDWs in Lebanon.**

Main activities under this expected result include:

- Publishing and disseminating a workers' information guide on human and labour rights of migrant domestic workers.
- Conducting capacity building sessions with NGOs, professionals (lawyers, social workers, teachers, etc.) as a part of an awareness raising strategy and for integrating migrant domestic workers as a part of their work.
- Raising awareness with media and wider public on the rights of MDW in Lebanon through media training, dissemination of documentary film, FAQ sheets, posters, radio and TV programs, etc.

Component 3 (support the penitentiary reform)

Expected results are:

(1) Improved prison management in line with international standards.

Main activities under this expected result include:

- Provide capacity building to the prison administration to manage the reform process.
- Establish a management data base within all the detention centres linked to the Ministry of Justice including for rehabilitation programs and preparation to the release

(2) Detention conditions improved including adapted rehabilitation programme

Main activities under this expected result include:

- Improve detention conditions including appropriate accommodation for females and, to the extent possible, juveniles in detention, support the implementation of the code of conduct and other results of the earlier phases of the UNODC project reducing the gap with international standards.

(3) Legislative reform includes alternatives to imprisonment.

Main activities under this expected result include:

- Support the elaboration and adoption of new legislation aiming provisions and procedures on alternative to imprisonment.

3.3. Risks and assumptions

The assumptions for the success of the project and its implementation include:

- Political stability.
- Proven Government's commitment in implementing the different initiatives (electoral reform, prison reform, protection of migrant workers);
- Adequate participation of involved line Ministries;
- Adequate involvement of civil society representatives;

The main risk that could affect these assumptions is a major political shift in Lebanon after June 09 elections.

3.4. Crosscutting Issues

The project fosters the EC cross-cutting issues and, in particular, good governance, human rights and gender equality. In Component 1 Gender equality mainstreaming will be addressed in terms of increasing women's social and economic equality and participation in political life. Component 2 specifically targets to improve the

situation of Women Migrant Domestic Workers while component 3 will allow for an improvement in prison conditions for women.

3.5. Stakeholders

The institutional capacity of the beneficiaries has been assessed and key areas in need of support have been identified. All stakeholders have been fully involved and consulted at different levels, both in the identification and in the formulation phase.

The final beneficiaries of this project are the Lebanese citizens and the women migrant domestic workers who should benefit from strengthened democracy and a system more protective of human rights.

The immediate beneficiaries will be the civil society and the Government of Lebanon, the line Ministries and the public structures that will be supported by the Project. Among these: Ministry of Interior, Ministry of Labour, Ministry of Justice, the Security Forces.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

The implementation method will be partial **decentralized management** for Component 1-Active citizenship, managed by the Office of the Minister of State for Administrative Reform (OMSAR). A financing agreement will be signed with OMSAR for these components. OMSAR will be the contracting authority for all contracts to be awarded under this Financing Agreement, except for framework contracts, and contracts for the Confidence Building Support Measures, audit, evaluation and monitoring, which will be managed centrally by the Delegation.

The Commission controls ex ante the contracting procedures for procurement contracts > 50.000 EUR and ex post for procurement contracts • 50.000 EUR. The Commission controls ex ante the contracting procedures for all grant contracts.

Through the programme estimates, payments are decentralised for operating costs and contracts up to the ceilings indicated in the table below:

The Authorising Officer ensures that, by using the model of financing agreement for decentralised management, the segregation of duties between the authorising officer and the accounting officer or of the equivalent functions within the delegated entity will be effective, so that the decentralisation of the payments can be carried out for contracts up to the ceilings specified below.

Works	Supplies	Services	Grants
< 300.000 EUR	< 150.000 EUR (Budget)	< 200.000 EUR	• 100.000 EUR

Joint management through the signature of a contribution agreement with an international organisation will be the implementation method for Components 2 and 3: One contribution agreement will be concluded with ILO – International

Labour Organisation (protection of women domestic migrant workers), one contribution agreement will be concluded with UNODC – United Nations Office on Drugs and Crime (penitentiary reform) Both contribution agreements will be concluded, in accordance with the Financial and Administrative Framework Agreement concluded between the European Commission and the United Nations, on April 29th 2003.

4.2. Procurement and grant award procedures

(1) Contracts

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by the ENPI regulation. Further extensions of this participation to other natural or legal persons by the concerned authorising officer shall be subject to the conditions provided for in article 21(7) ENPI.

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

(2) Specific rules of grants

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EC external actions. They are established in accordance with the principles set out in Title VI 'Grants' of the Financial Regulation applicable to the general budget.

When derogations to these principles are applied, they shall be justified, in particular in the following cases:

- Financing in full (derogation to the principle of co-financing): the maximum possible rate of co-financing for grants is 80 %. Full financing may only be applied in the cases provided for in Article 253 of the Commission Regulation (EC, Euratom) N° 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget of the European Communities.
- Derogation to the principle of non-retroactivity: a grant may be awarded for an action which has already begun only if the applicant can demonstrate the need to start the action before the grant is awarded, in accordance with Article 112 of the Financial Regulation applicable to the general budget.

(3) Specific rules on programme estimates:

All programme estimates must respect the procedures and standard documents laid down by the Commission, in force at the time of the adoption of the programme estimates in question.

4.3. Budget and calendar

The indicative budget breakdown is as follows:

Component	Total M €
1. Active Citizenship (OMSAR)	€5,600,000
1.1 Electoral Assistance (Services/supplies)	€2,000,000
1.2 AFKAR III (Services/grants)	€2,500,000
1.3 Operational costs (services)	€500,000
1.4 Visibility (services)	€100,000
1.6 Confidence Building Support Measures (centralised management)	€500,000
2. Women Domestic Migrant Workers (Joint management with ILO)	€1,500,000
3. Prison Reform (Joint management with UNODC)	€2,000,000
4. Audit, monitoring, evaluation (services)	€200,000
5. Contingencies	€700,000
TOTAL	€10,000,000

The operational duration of the programme will be 48 months as from signature of Financing Agreement and the contribution agreements.

4.4. Performance monitoring

The performance will be monitored and evaluated through predefined milestones, periodic visits and regular reporting. Specific performance indicators are included in the logical frameworks of each component.

4.5. Evaluation and audit

An independent evaluation will be carried out by the EC. The component decentralised to OMSAR will undergo annual audits. The EC will prepare the terms of reference and select the service providers for audit, monitoring and evaluation missions. The EC will communicate all audit and evaluation reports to the Beneficiary. The beneficiary will put at the disposal of the audit, monitoring and evaluation missions all requested supporting documents.

All auditing matters related to the contribution agreements with the international organisation are governed by the Verification Clause annexed to and forming an integral part of the Financial and Administrative Agreement concluded between the European Community and the United Nations (agreement signed 29 April 2003). If necessary an ad hoc audit could be contracted by the EC.

4.6. Communication and visibility

The visibility of each action will comply with EC guidelines under the guidance of the EC Delegation. As far as the foreseen contributions to ILO and UNODC are concerned, EU visibility will follow the visibility provisions of the Financial and Administrative Framework Agreement (FAFA), signed on 29 April 2003 between the United Nations and the EC, and respecting the Joint Action Plan on visibility concluded by the parties on 22 September 2006.