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ANNEX 1

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

**Action Document for Strengthening democratic reforms in the Southern Mediterranean
(South Programme II)**

1. IDENTIFICATION

Title/Number	Strengthening democratic reforms in the Southern Mediterranean (South Programme II) CRIS number: ENI/2014/340-977		
Total cost	Total estimated cost: EUR 7 million Total amount of EU budget contribution: EUR 7 million Budget line: 21.03.01.01		
Aid method / Management mode and type of financing	Project Approach Indirect management with the Council of Europe		
DAC-code	15160	Sector	Human Rights and Democracy

2. RATIONALE AND CONTEXT

2.1. Summary of the action and its objectives

The regional programme "Strengthening democratic reforms in the Southern Mediterranean (South Programme II)" will assist 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 Council of Europe (CoE)/EU programme.

Co-operation will be focused on core areas based on an assessment of partner countries' demand and on existing co-operation. A variety of CoE tools will be employed to ensure successful co-operation, in particular: CoE Conventions open to non-member States; the long-standing expertise of several CoE instances such as the European Commission for Democracy through Law (Venice Commission), the Parliamentary Assembly of the Council of Europe and the Pompidou Group; as well as the methodologies developed within the CoE to regularly assess and respond to "shared" challenges, such as the Group of States against Corruption (GRECO) or the European Commission for the Efficiency of Justice (CEPEJ).

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. The countries of the region 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 the Southern Mediterranean countries, living conditions have improved considerably over the last 30 years. Life expectancy, for the entire region, increased from an average of 62.6 years in 1980 to an average of 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 both the primary school (in average, almost all children in the region are now in school), high school education (where enrolment increased from 56.5% in the years 80-85 to 87.5% on average from 2000 to 2012) and post-graduate (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 Southern Mediterranean countries are still lower in comparison to other regions.

Another important achievement of Southern Mediterranean countries is related to the reduction of the level of poverty. Among the developing and emerging countries, Southern Mediterranean countries have, on average, the lowest percentages of the population below the international poverty line poverty. 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 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. Regional development policy

Three years after the Arab upheavals, the situation in the region remains very complex with increased fragmentation. Despite the unquestioned democratic gains in some countries (elections, more vocal civil society), the heated debates about the form of new social contracts and the role of religion are strongly polarising Arab societies. The economic situation remains worrisome and social demands still focus on political dignity (freedom, human rights) and improvement in social and economic conditions. The ongoing conflict in Syria with its international repercussions overshadows the whole situation.

The EU's strategic response to the Arab Spring came on 8 March 2011, with the Joint Communication proposing “A partnership for democracy and shared prosperity with

the Southern Mediterranean”¹. This was followed by the Joint Communication on 25 May 2011 which initiated the launch of “A new response to a changing Neighbourhood”².

In implementing the above, the EU has intensified dialogue and co-operation with regional actors. The EU as co-president of the Union for the Mediterranean together with Jordan, gave a new impetus to the Union for the Mediterranean (UfM), a unique forum for dialogue among 43³ Euromed partners that shares and builds upon the goals of the Barcelona Declaration and complements bilateral relations between the EU and its southern neighbours.

After a long break, the UfM resumed holding of Ministerial meetings in Paris on Women (September 2013), in Brussels on Transport (November), Energy (December) and Industry (February 2014) and Environment (May 2014). Other are in preparation. This is a positive signal expressing a shared objective in establishing deeper regional co-operation both between EU and Southern countries and South – South co-operation.

There has been also renewed impetus for co-operation with the League of Arab States (LAS) which is a key forum for finding political and security solutions to conflicts affecting the region. The EU is also developing contacts with the Organisation of Islamic Co-operation (OIC) and supports the sub-regional co-operation, i.e. in Maghreb with the 5+5 Dialogue.

2.2.2. Sector context: policies and challenges

The two Joint Communications issued in 2011 in response to the Arab Spring led to EU commitments to support all its Southern neighbours who are able and willing to embark on such reforms through a “Partnership for Democracy and Shared Prosperity”. The Partnership should be built on three elements, the first one being democratic transformation and institution-building, with a particular focus on fundamental freedoms, constitutional reforms, reform of the judiciary and the fight against corruption. The Joint Communications recognised that commitments to human rights and fundamental freedoms as ratified in relevant international and regional instruments are not always matched by action. Full compliance with their provisions, should underpin the partnership.

The Council of Europe (CoE) also reacted to changes in countries of its Southern Neighbourhood. The Committee of Ministers of the CoE approved in May 2011 the CoE policy towards its neighbouring regions⁴, which follows three main objectives to support CoE’s neighbouring countries: to facilitate their political transition to democracy; to help promote good governance on the basis of relevant CoE standards

¹ COM(2011)200 of 8 March 2011.

² COM(2011)303 of 25 May 2011.

³ Austria, Albania, Algeria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, The Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Israel, Jordan, Latvia, Lebanon, Lithuania, Luxemburg, Malta, Mauritania, Monaco, Montenegro, Morocco, The Netherlands, Palestine (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), Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Syria, Sweden, Tunisia, Turkey, The United Kingdom and Libya as an observer. The participation of Syria is currently suspended.

⁴ Doc. SG/Inf(2011)7rev2. “Council of Europe Neighbourhood Policy” of 19 April 2011.

and mechanisms; and to reinforce and broaden the regional work of the CoE in combating trans-frontier and global threats. Beyond a political dialogue dimension, the policy towards neighbouring regions comprises a co-operation dimension, which has since 2011 been translated in the adoption of framework co-operation documents with Morocco, Tunisia and Jordan.

The first Neighbourhood co-operation priorities documents covers the period 2012-2014 and are framework co-operation tools through which the CoE affirms its strong commitment to developing co-operation with neighbouring regions as a means of consolidating democratic transformations and promoting stability, good governance, respect for human rights and the rule of law.

Also in response to the changes underway the Parliamentary Assembly of the Council of Europe (PACE) decided to establish a new status for institutional co-operation with parliaments of non-member states in neighbouring regions wishing to benefit from the Assembly's experience in democracy building and to participate in the political debate on common challenges which transcend European boundaries. The Partner for Democracy (PfD) status created in 2009 has so far been granted to the Parliament of Morocco and the Palestinian National Council. This framework establishes a new partnership promoting parliamentary democracy, respect for human rights and fundamental freedoms and the principles of the rule of law in these countries.

Furthermore, several countries of the region are full members of the Venice Commission which is a Partial Agreement of the CoE open to non-member States. In the same spirit, a number of networks and of other Partial Agreements of the CoE are open to neighbouring countries offering unique platforms for co-operation based on CoE values and approaches.

It is in this context that the EU and the CoE resolved to establish a partnership, thus joining efforts to accompany the democratic reforms initiated in the Southern Mediterranean region. The Joint EU/CoE Programme "Strengthening democratic reform in the Southern Neighbourhood" (South Programme) was signed by Commissioner Füle and the Secretary General of the CoE, Thorbjorn Jagland, in December 2011. The main South Programme's objective, covering the period 2012-2014, was to support the political and democratic reform processes in Southern Neighbourhood countries based on a demand-driven and targeted approach. In the framework of this Programme, co-operation activities were directed primarily to Morocco, Tunisia and Jordan, but the programme was open to other partners under the European Neighbourhood and Partnership Instrument (ENPI) - Algeria, Egypt, Israel, Lebanon, Libya and the Palestinian National Authority- through regional activities or targeted bilateral activities, in response to specific demands from national authorities, in line with the Programme's objectives.

Three years after the Arab Spring, the demand from countries of the region for deepening the political dialogue with the CoE and for further action from this Organisation regarding assistance have been steadily increasing. This growing interest is reflected in particular by the following:

- A number of countries in the region have expressed, officially or unofficially, interest in becoming Contracting Parties to a number of CoE conventions in the

future⁵. Morocco in particular has officially requested to be invited to accede to a significant number of those instruments. Also Tunisia, despite the unstable situation of the last years, has wished to get acquainted with the content of certain key conventions. Likewise, Algeria and Jordan have requested relevant information on certain Conventions, thus initiating the way to future accession to CoE conventions. There is no doubt that accession to CoE conventions is key in the process of progressively creating a common legal space between Europe and the Southern Mediterranean. However, the conduction of this process is not without risks. In particular, beyond ratification of international treaties, the effective implementation of the conventions and related legislation remains crucial. Hence, managing the beneficiaries' requests in a sound manner, and encompassing accession processes with the adequate support to establish appropriate legal frameworks and to ensure a meaningful outcome remains a challenge.

- Regarding concrete co-operation projects, the region has multiplied its requests towards the CoE. This is largely based on the fact that the CoE's action and potentiality is now better known in the region, Morocco and Tunisia in particular. Morocco and Tunisia wish to see a continuation of the CoE's work in the areas already initiated through the first South Programme and some other beneficiary countries follow closely these developments and have shown interest in a possible intervention of the CoE adapted to their more urgent needs.
- Furthermore, Morocco and Tunisia have requested for CoE's involvement on human rights issues. This is an extremely positive development, which reflects the degree of confidence put by the Authorities in the work of the CoE and which is an open door to accessing crucial sensitive issues in the region.
- It can also be noted that countries of the region have also manifested interest in CoE bodies and instances. For example, the Jordanian Parliament submitted in 2013 a request for PfD status with the PACE.

In response to this multiplicity of requests, the CoE Committee of Ministers is currently working on the details that will define the shape of an institutionalised political dialogue with Morocco, Tunisia and Jordan. The revised framework for co-operation presented by the CoE Secretary General in February 2014 aims at an enhanced co-operation with the countries with which dialogue and activities have

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In the period of implementation of the South Programme, **Morocco** requested to be invited to accede to several CoE Conventions and Protocols. As of February 2014, the accession procedure has been completed with regard to the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (CETS No. 120), the Anti-Doping Convention (CETS No. 135), the European Convention on the Protection of the Archaeological Heritage (CETS No. 66), the European Convention on Information on Foreign Law (CETS No. 62) and its Additional Protocol (CETS No. 97). Furthermore, Morocco signed the CoE Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211) and the Convention on Mutual Administrative Assistance in Tax Matters (CETS No. 127, amended in 2010). Over the same period, **Tunisia** acceded to the Convention on Mutual Administrative Assistance in Tax Matters (CETS No. 127) and its Amending Protocol (CETS No. 208) and expressed interest in other Conventions in key areas of the South Programme in particular. **Algeria, Israel, Jordan** also expressed interest in key human rights CoE texts.

already been launched (Morocco, Tunisia and Jordan), for instance by reinforcing institutional links between their authorities and CoE bodies, but also to promote dialogue and co-operation with other countries of the region. Other Southern Mediterranean partners are expected to benefit more from the CoE's expertise in a variety of fields, based on demand and ENP action plans, and in this way become closer partners in the future as well.

Finally, on the 1 April 2014 a "Statement of Intent for the Co-operation between the Council of Europe and the European Commission" was signed by Secretary General of the CoE, Thorbjorn Jagland, and Commissioner Füle. The statement stresses that: "The European Commission support should strengthen the Council of Europe's capacity to make the best use of its expertise to accompany the partner countries in the implementation of the provisions of the Council of Europe's conventions, other legal instruments and monitoring body's results. At the same time, the Council of Europe should mobilise its activities in coordination with, in complementarity to and in support of EU specific interventions in partner countries, working closely with the EU Delegations."

2.3. Lessons learnt

From November 2013 to February 2014 a mid-term evaluation was carried out of the first phase of the South Programme. Among the main findings were:

- The programme as a whole was deemed highly relevant in the sense that it addressed genuine needs and that its design contributed to ensuring that those needs were met in an appropriate manner.
- All four components have achieved concrete results and some are deemed to have had an impact. Most successful are the judiciary component (involving CEPEJ experts) and the contributions of the Venice Commission and co-operation of the PACE.
- Council of Europe advises are highly valued and CoE experts are considered to be neutral and transparent as well as CoE institutions are viewed as independent (which allows them to work openly with a very broad spectrum of stakeholders). Moreover it is appreciated that the CoE has a quantity of useful information available in Arabic.
- The South Programme benefits from high quality and pro-active management in CoE Headquarters in Strasbourg and coordination is effectively supported by two country offices, which are also pro-active in their contribution to programme implementation.

The main recommendation, which will provide the point of departure for the detailed programming of this second phase of the programme include:

- The achievements of the South Programme should be the point of departure for pursuing co-operation in the framework of the new Programme;
- The new programme ought to be focussed on a limited number of themes or priority areas corresponding to institutional added value and strategic priorities;
- At the same time however, the Programme should allow for flexibility, in order to be able to adapt projects to changing needs of the countries in the region;

- Political dialogue with national authorities should be further enhanced;
- The absorption capacity of national stakeholders should be taken into account in the identification and implementation of co-operation activities;
- Crosscutting issues should include: human rights based approaches; gender; youth, and civil society consultation and involvement.

In addition to the mid-term evaluation the CoE will also draw lessons from other relevant experiences such as successful projects carried out under Eastern Partnership Facility. The regional dimension of this programme has allowed to identifying tools and modalities that can be usefully implemented in the Southern Mediterranean region. An example is the use of the Facility to develop effective networking within the region to combat corruption and money laundering.

2.4. Complementary actions

As a response to the Arab Spring, and to honour the commitments of the two communications quoted above, the EU added funding to the original European Neighbourhood and Partnership Instrument (ENPI) envelope, through a number of means for the period 2011-2013:

- The SPRING (Support to Partnership, Reform and Inclusive Growth) programme was launched to operationalize the newly created incentive-based approach, making additional funds (EUR 540 million for 2011-2013) available to countries making progress in democracy-related areas and respect for human rights. Continuous support to civil society has been reinforced aiming at building the capacities of civil society organisations allowing them to play a bigger role in the policy dialogue in the southern Neighbourhood and in the support of human rights and fundamental freedoms.
- The country allocations of the European Instrument for Democracy and Human Rights (EIDHR) and the thematic programme Non-State Actors and Local Authorities in Development (NSA-LA), which operate through local calls for proposals and agreements with international organisations, have also received top-ups for countries with specific needs. Moreover, the EIDHR is funding regional and global programmes supporting for example National Human Rights Institutions in the prevention of torture and ill treatments or the setting up of a regional Masters programme in the field of Democracy and Human rights in the framework of its European Inter-University Center (EIUC) and global Campus.

Initiatives supported through the proposed programme will complement ongoing activities mentioned above and others, also aiming at strengthening democracy in the neighbourhood, and actions supported at EU level or bilaterally by EU Member States, as well as, by other donors. The CoE will ensure complementarity of activities foreseen, and coherence with other EU initiatives in the region. This will avoid overlaps and double-financing with other bilateral and multilateral initiatives.

Strict complementarity and coordination will be sought with relevant Justice and Home Affairs-related programs, such as for instance the next generation of Euromed Justice.

Moreover, a number of tools are being applied by the EU and EC on an on-going basis to provide an analysis of the *state of affairs* and the challenges within the sector. This includes among others the Democracy Profiles (to be piloted in Morocco

and Tunisia in 2014 as part of the implementation of the 2009 EU Council conclusions on Democracy Support in the EU's external action and the 2012 Strategic Framework and Action Plan on Human Rights and Democratisation), the Human Rights Country Strategies, the Civil Society Roadmaps and the Gender profiles. The EUD will make sure that the activities of this programme fits within the framework and priorities of the Country Strategies and, to the extent possible, active CoE involvement in the processes linked to the application of the various tools.

2.5. Donor coordination

In line with the European Consensus on Development, the Paris Declaration, the Accra Agenda for Action and the Busan Partnership for Effective Development Co-operation consultations have been carried out with the European Union, international organisations and bilateral donors.

The CoE office in Morocco and Tunisia will strengthen coordinating efforts with the EU Delegations as well as other donors, and providing support for the implementation of co-operation activities.

3. DETAILED DESCRIPTION

3.1. Objectives

General objective: to assist Southern Mediterranean countries in reinforcing Human Rights, Rule of Law, Role of women in society and Democracy in the framework of partners' countries commitments under the European Neighbourhood Policy.

Specific objectives:

1. To support constitutional processes in Southern Mediterranean countries, the development of new legislation and the setting-up and functioning of human rights institutions and democratic governance structures as agreed in ENP action plans and as committed to following the signature and ratification of CoE Conventions.
2. To promote the creation and the consolidation of a common legal space between Europe and the Southern Mediterranean by raising awareness on CoE key Conventions as well as to strengthen human rights, good governance, the role of women and democratic values in the Southern Mediterranean region.
3. To promote the exchange of best practices between Europe and countries of the Southern Mediterranean region and within the region with a view to supporting and consolidating on-going democratic reform processes, in particular through the creation of formal and informal networks.

3.2. Expected results and main activities

Following a flexible and demand-driven approach, the Programme is expected to provide support and advice to Southern Mediterranean countries in reinforcing human rights, rule of law and democracy. The Programme will be built on the experience and achievements of the EU/CoE Joint Programme "Strengthening democratic reform in the Southern Neighbourhood" (South Programme 2012-2014) and should also aim to consolidate its achievements.

Co-operation will be focused on core priority areas based on an assessment of demand and on existing co-operation.

The CoE and the European Commission will jointly identify a limited number of core areas within the following themes: i) in the field of human rights: strengthening human rights institutions, prevention of torture, freedom of expression and media freedom, protection of children's rights; ii) in the field of rule of law: justice reform, fight against corruption and economic crimes, cybercrime; iii) in the field of democracy: constitutional and organic law reform, promoting democratic citizenship and human rights education, promoting democratic capacity of young people.

The CoE will pursue co-operation with the partner countries through “multi-entry points” to accompany the process of democratic transition. As an example, the expertise of specialised bodies, such as the Venice Commission, on draft legislation will be accompanied by awareness-raising activities for Parliamentarians, carried out by the PACE.

A variety of CoE tools will be employed to ensure successful co-operation, in particular:

- CoE Conventions open to non-member States and more generally CoE standards in priority areas;
- The long-standing expertise of several CoE instances such as the Venice Commission, PACE or the Pompidou Group;
- The methodologies developed within the CoE to regularly assess and respond to “shared” challenges (such as GRECO, CEPEJ);
- Specific tools such as the Partner for Democracy Status granted by PACE to certain Parliaments of the region;

Among the activities to be carried out are:

- Support to assessing the existing legal and institutional framework in selected areas and to identify needs and follow-up action; drawing-up of new legislative texts, the revision of existing legislation, the strengthening and/or setting-up of human rights institutions and governance structures, networks of CoE’s experts in key priority areas, CoE standards and reference documents;
- Transferring knowledge and skills on specific subjects with a view to enhancing national capacities;
- Facilitating the sharing of experiences and the exchange of best practice between Europe and countries benefiting from CoE co-operation projects as well as within the region itself, and to create relevant informal and formal networks;
- Participation of beneficiary partner countries in relevant CoE intergovernmental structures and networks, as appropriate.

Whenever appropriate, national experts from the region will be closely involved in particular in the preparation of assessments and expertise, including through peer-reviews. Beyond enhancing ownership, this will also ensure that the projects proposed are adapted to the needs of the partner country.

Finally, whenever relevant, a series of horizontal exchanges with other relevant Euromed programmes will be carried out so as to maximize results and increase

coherence of the European message related to cross-cutting co-operation such as joint activities and exchanges with Euromed Justice.

Geographical scope

Morocco, Tunisia and Jordan will be the main beneficiaries of the activities carried out at a country-specific level. However, other countries of the region will benefit from the regional action, and where appropriate from bilateral assistance in line with the programme's objectives.

The regional dimension of the Programme will aim at providing an efficient response to key challenges, in particular where the sharing of best practices and the creation of networks can bring an added value. The geographical scope of the components and activities will therefore vary, taking into consideration, in particular, the added-value of addressing certain matters from a regional/sub-regional perspective, due to the extent of the problem in the region (e.g. Maghreb, Mashrek or larger dimension proposed in the light of the subject-matter) or because a regional (broad or more limited) approach seems the most appropriate to initiate discussions on a sensitive topic.

Activity 1: To support constitutional processes; the development of new legislation and the setting up and functioning of democratic governance structures and human rights institutions in line with agreed ENP priorities.

Since 2011, the developments in the southern Mediterranean countries, as a result of transition processes (for example in Tunisia and Libya) or major Constitutional reforms (as in the case of Morocco and Jordan), made CoE expertise in supporting constitutional processes particularly relevant. Besides Morocco and Tunisia, the two main beneficiaries of the South Programme, demand stems from other countries of the region (such as Libya with regard to the Constitutional reform). In the framework of the South Programme, the CoE through specialised bodies such as the Venice Commission and CEPEJ has provided support to the drafting of new legislation and the setting up of instances deriving from the new Constitutions. Capacity-building activities were also carried out, with a view to support institutions in fully taking their new role as foreseen in the new Constitutions (e.g. Parliament and Ombudsman in Morocco).

Based on the expertise of CoE specialised bodies and institutions, the Programme will continue providing support to national authorities in their efforts to reform fundamental texts and legislation and to set-up or reinforce democratic institutions.

Through its Venice Commission, the CoE will provide advice and expertise on issues such as electoral legislation, Constitutional and justice reforms. Support by CoE specialised bodies will also be provided with regard to expertise and advice in the setting-up of new institutions and the reinforcing of capacities of new and existing institutions. These actions may include, among other things, advice and technical assistance to electoral bodies and national prevention mechanisms to prevent torture and inhuman or degrading treatment and capacity-building activities for Parliamentary institutions.

Based on the achievements of the phase 1 of the South Programme, the performance of Courts in Morocco and Tunisia will be further enhanced, on the basis of CEPEJ methodologies.

The Programme will have the necessary flexibility to react to requests from beneficiary countries, in line with objectives and strategy of the programme.

Main expected results and outputs:

- Expertise and advice are provide on new (or revised) Constitutions and legislation complying with international standards in the fields of human rights and rule of law, inspired by key Council of Europe conventions;
- Expertise and advice have been provided on effective implementation of new (or revised) legislation is in line with international standards, including, when requested by the partners, setting-up of new democratic structures;
- Expertise is provided for strengthening and improving of the role of democratic institutions including of Parliaments. Expertise is provided on improved performance of pilot Courts in Morocco and Tunisia and lessons learnt have been replicated in relevant reform programmes targeting the judiciary.

Activity 2: To promote the creation and the consolidation of a common legal space between Europe and the Southern Mediterranean and to strengthen human rights, good governance, the role of women and democratic values in the Southern Mediterranean region

CoE Conventions are considered as a key reference to promote Human Rights, Rule of Law and Democracy. As mentioned above, countries of the region expressed an increasing interest in becoming Contracting Parties to certain CoE Conventions. In the framework of the South Programme and on the basis of the interest in specific CoE instruments expressed by national authorities, seminars on CoE legal instruments have been organised in the course of 2013- 2014. Furthermore, a systematic presentation of relevant CoE Conventions was also an integral part of the activities carried out in each of the South Programme's components.

Even if the final decision on the accession to CoE Conventions lies with the CoE Committee of Ministers, CoE action to promote a good understanding as well as an effective implementation of its Conventions should be pursued.

The Programme will raise awareness among national institutions, members of Parliaments, and other relevant partners, including civil society, on key CoE Conventions and standards in the field of human rights, rule of law and democracy, selected on the basis of the interests expressed by the institutions concerned and partner governments. The expertise of relevant CoE operational entities will be put at the disposal of national authorities – and to the extent possible, to civil society - with a view to support them in adapting and effectively implementing national legislation in line with international standards. A regional approach will also be adopted, whenever appropriate.

The activities carried out under this component will also promote human rights, good governance and democratic values in the region, by enhancing dialogue with civil society organisations and facilitating their active involvement in democratic processes, as well in awareness raising and monitoring of the adherence to the CoE conventions.

Main expected results and outputs:

- National authorities and Parliaments and Civil Society organisations have a good understanding of CoE conventions in key areas;
- Accession to CoE conventions is requested by countries of the region;
- Legal expertise is provided to national authorities with a view to facilitate accession to selected CoE conventions; national legislation in key areas is adapted in line with CoE and international standards;
- Key civil society organisations have an enhanced capacity to participate and influence in policy dialogue linked to CoE conventions and constitutional reforms.

Activity 3: To promote the exchange of best practices between Europe and countries of the Southern Mediterranean region and within the region with a view to supporting and consolidating on-going democratic reform processes, in particular through the creation of formal and informal networks

The Programme will favour the exchange of best practices between Europe and the Southern Mediterranean but also among Southern Mediterranean countries in order to support and consolidate the ongoing democratic reform processes and to strengthen regional co-operation on key human rights and rule of law issues.

Main expected results and outputs:

- A regular exchange of best practices on issues related to CoE's key conventions and areas of expertise re. human rights, rule of law, the role of women and democracy between Southern Mediterranean countries is established at regional basis;
- Regional co-operation on issues related to CoE's key conventions and areas of expertise re. human rights, rule of law, the role of women and democracy is enhanced.

3.3. Risks and assumptions

Political instability in various forms, such as military or other conflicts and changes of government, may slow down or stop the implementation of activities under the proposed programme. This is the main risk in southern Mediterranean countries, as it can bring about changes in the authorities' approaches to reforms, their willingness to extend regional co-operation and adapt their standards in the fields of human rights and democracy, in line with EU and Council of Europe norms and standards.

Mitigation actions will include, in particular, contacts at the highest level to exchange about the political situation in the region and in the countries concerned, a close follow-up of the national situation and a constant dialogue with the authorities, parliamentarians as well as civil society, so as to adapt programme implementation to political developments.

Other risks are related to an insufficient level of involvement of the partners, the delays in implementing certain activities and the submission of similar requests for assistance to several donors. In order to minimise these risks, mitigation actions will include, among other things, a continued dialogue with the authorities and with the beneficiaries in line ministries and other institutions, ensuring the flexibility and adaptability of the Programme's work-plan, the constant coordination with EUDs in Morocco, Tunisia and Jordan, as well as with other donors, the regular information

on co-operation activities to the representatives of the member States sitting in the CoE Committee of Ministers and the redefinition of the Programme's objectives, if need be.

3.4. Cross-cutting issues

The programme will help facilitate the involvement of civil society in reform processes where CoE provides advice by ensuring that experience and knowledge of CoE are shared with key civil society organisation in a given field. Therefore, to the extent feasible, the advice provide by CoE on constitutional issues and European conventions ought to be subject to public awareness involving both Civil Society, Political Parties, Parliaments and other relevant stakeholders.

The Programme will elaborated guidelines and training courses for programme staff that ensures, that gender equality, youth, a human right based approach and civil society involvement are appropriately taken into consideration both in the planning and in the implementation of the activities of the programme.

The programme will prioritise gender equality, equal opportunities and the participation of women and Youth in its activities. Women will be encouraged to participate in the networks and act on the potentially different needs and aspirations of young men and women.

Finally, the implementation of this programme will ensure that a rights based approach encompassing all human rights is being applied when designing and programming new activities.

3.5. Stakeholders

The overall beneficiaries of the programme and main stakeholders will be: governmental bodies at all levels, notably ministries of justice, ministries of interior, ministries responsible for public administration; parliaments; public structures with specific responsibilities in the relevant areas, such as anti-corruption and anti-money laundering bodies central electoral commissions, ombudsmen; the judiciary, judicial professions and judiciary supervisory bodies; media professions and civil society organisations.

The implementation of the Programme's activities should facilitate the involvement of civil society where appropriate. This involvement will take different forms, from knowledge sharing, hearings to exchanges in more informal settings. Guidelines regarding the conception and implementation of the activities will be developed with this purpose.

A Steering Committee has been established consisting of representatives from key institutions in partner countries, the CoE and the EU (DEVCO and EEAS) as well Civil Society representatives from the southern Mediterranean. The steering group overviews the implementation and validates overall work-plans. It meets at least once per year or when necessary.

If relevant, partner countries other than ENI countries (Mauritania, Mali, Niger, Chad, Sudan, Saudi Arabia, Qatar, Kuwait, United Arab Emirates, Bahrain, Yemen, Oman, Comoros, Djibouti, Somalia, Iraq, Turkey, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Albania, 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.

At the time of writing this action document, EU co-operation with Syrian governmental authorities is still suspended. In case this decision is reversed, the Commission will assess the opportunity to involve Syrian authorities in the implementation. The political instability and/or security situation in Syria will be assessed prior to that in order to confirm the feasibility/opportunity to: a) engage the stakeholders and b) implement the activities.

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 36 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. *Indirect management with the Council of Europe*

This action with the objective of assisting Southern Mediterranean countries in reinforcing Human Rights, Rule of Law and Democracy will be implemented in indirect management with the Council of Europe in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation is justified because a Framework Agreement between the European Commission and the Council of Europe was signed in 2004 and because of the Council of Europe's expertise in standard-setting and monitoring tools, as detailed above under section 2

The entrusted entity would be in charge of managing and supervising the implementation of the project activities in the priority areas stated above in order to reach predefined objectives and results. In this context, the Council of Europe would award procurement contracts (consultancy services) and grant contracts.

The entrusted entity would be responsible for the proper implementation of the planned activities, their follow-up and monitoring. It must ensure close co-ordination and liaison with EU Delegations and European Commission services and in particular with DG DEVCO with a view to ensuring synergies between the different actions in the field of Human Rights, Rule of Law and Democracy in the Southern Mediterranean countries. In particular, the programme's activities, progress and results will be shared widely within the European Commission and outside. Follow-up meetings will be organised on regular basis to ensure CoE keeps the European Commission well informed and up to date on the state of play of the programme.

The entrusted entity is currently undergoing the ex-ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the responsible authorising officer deems that, based on a preliminary evaluation and on the long-standing and problem-free co-operation with

this entity, it can be entrusted with budget-implementation tasks under indirect management.

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
4.3.1. – Indirect Management with the Council of Europe	7,000

4.6. Performance monitoring

The actions will be monitored according to standard procedures and ensured through the usual results-oriented monitoring (ROM) method used for grants and projects. Programme Periodic assessment of progress on delivery of specified programme results towards achievement of programme objectives will be carried out by the EU Delegations in the region and Headquarters through monitoring missions. The European Commission and the CoE will pay particular attention to the recommendations expressed by the external experts.

The CoE Office of the Directorate General of Programmes (notably through its Programming Neighbourhood Division) will be responsible for ensuring the coordination of the Programme's implementation.

4.7. Evaluation and audit

A mid-term and final evaluation of programme implementation will be carried out.

Expenditure incurred will have to be certified, as part of the obligations of the contracted parties in the context of implementation of the programme. Mid-term and final evaluations of the results achieved will be entrusted to independent consultants, and external audits will be carried out if necessary. These evaluations and audits will be funded from sources other than the programme budget, since no commitment will be possible once the validity of this Decision has expired (the N+1 rule will apply).

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.

The Communication and Visibility Plan of the Action will contribute to:

- raise awareness of the Programme in partner countries, both among national authorities and the general public,
- raise awareness of benefits from EU/CoE co-operation vis-à-vis beneficiaries and among the general public;
- promoting a better knowledge of CoE tools and conventions among national authorities and relevant stakeholders;
- ensure visibility to EU funding and CoE action in partner countries;
- establish and consolidate regular contacts, chiefly with local media;
- provide regular updates and information on upcoming activities;
- contribute to raise the interest of other countries of the region which are potentially targeted by the programme, thus fostering regional co-operation;
- communicating the outcomes and results of the activities to the largest possible public.

Visibility tools and actions will include, among other things: a logo of the Programme; a specific website of the Programme and a part of the CoE Offices' websites devoted to the Programme; leaflets of the Programme in French/ English/ Arabic; a periodic newsletter, disseminated also with the support of the EU Neighbourhood Info Centre; for selected event, the preparation of press releases and the organisation of press conferences/press points as well as the preparation of reportages by ENPI; interviews; promotional items; publications related to the Programme's activities.