

Action Fiche for Lebanon/ENPI/Human Rights and Democracy

1. IDENTIFICATION

Title/Number	Reinforcing Human rights and Democracy in Lebanon (AFKAR III) - ENPI/2009/20489.		
Total cost	EU Contribution EUR 20 million (EUR 10 million financed from the SPRING Programme 2011/2012 ¹ , complementing the initial EUR 10 million for which a Decision was taken in 2009 ²).		
Aid method / Method of implementation	Project approach – Partial decentralised management, Centralised management and Joint Management.		
DAC-code	15162/15150	Sector	(Human Rights /Civil Society)

2. RATIONALE

In response to the Arab Spring, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy presented two Joint Communications "A partnership for democracy and shared prosperity with the southern Mediterranean"³ and "A new response to a changing Neighbourhood"⁴. These called for a qualitative step forward in the relations between the EU and its southern neighbours that should be rooted unambiguously in a joint commitment to common values. More flexible and tailored answers that differentiate among each partner country should be offered in order for the partnership to develop with each neighbour on the basis of its needs, capacities and reform objectives. Supporting sustainable inclusive growth and economic development with a particular emphasis on small and medium-sized enterprises is one of the key objectives laid out in these joint communications.

A key component of the EU's response to challenges in the southern Neighbourhood is the SPRING programme 2011-2012 (Support for Partnership, Reforms and Inclusive Growth), which was established as an innovative “umbrella” programme to channel additional funds to partner countries to support democratic transformation, institution-building and further growth, operationalising the incentive-driven approach provided for in the two Communications referred to above.

The proposed action is in line with these objectives in that it is a scaling up of the ongoing AFKAR III programme that aims at reinforcing 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

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,

¹ C(2011)6828.

² C(2009)7826.

³ COM(2011)200 of 8 March 2011.

⁴ COM(2011)303 of 25 May 2011.

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.

2.2. Lessons learnt

The EU 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 EUR 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 EU's Instrument for Stability (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 EU activities funded by thematic budget lines (EIDHR, AFKAR II and other thematic lines) and with bilateral projects (2005 EUR 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.

2.4. Donor co-ordination

The local co-ordination 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. Co-ordination has been particularly ensured with Denmark, that is currently formulating a HR programme in Lebanon.

Regarding activities with civil society, donor co-ordination 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: AFKAR III

Expected result is:

The CSOs are strengthened to serve as effective vectors of democratic and socio-economic reforms; initiatives aiming at supporting socio-economic development and reform are implemented.

Main activities under this result include:

- Developing and implementing a mixture of training, coaching, reflections and simulations to improve institutional set up of the CSOs.

- Launching two (2) grant schemes to support partnership projects among CSOs including:
 - Initiatives fostering networking among CSOs for a common goal contributing as such to strengthening citizen's rights, protecting the rights of the most vulnerable and extending good governance practices.
 - Initiatives contributing to poverty reduction through increasing people's ability to participate in, and benefit from, wealth and job creation.
- Promoting dialogue and collaboration among CSOs and with the government through:
 - Extending the scope of services to be provided by the Technical Assistance to wider group of relevant actors.
 - Provide additional support to the beneficiary in monitoring implementation of grant contracts awarded to CSOs through Calls for Proposals (CfPs) launched under the project.

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.

Subcomponent 3: Human Rights Facility

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 and/or controversial reforms) 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, co-ordinate 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 WMDW).
 - Capacitating the Syndicate of Recruitment Agencies on Corporate Social Responsibility.
 - Establishing a solid co-ordination, 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 migrant domestic workers (MDW) in Lebanon through media training, dissemination of documentary film, FAQ sheets, posters, radio and TV programs, etc.

Component 3 (support to penitentiary reform)

Expected Result: Capacity of civil society and human rights activists is enhanced and reinforced to contribute to their work in the promotion of human rights and fundamental freedoms in Lebanon, notably freedom of expression, freedom of media, accountability of human rights violations and access to justice for all.

Activities may include but not limited to:

- support to consolidate the right to freedom of expression in Lebanon, including artistic and cultural expression; the right to information and to communicate, including freedom of the media ; support to civil society to be an effective watchdog for freedom of expression including monitoring, documenting and denouncing of censorship and self-censorship ; support to build the capacity for an independent, quality based media sector.
- support to promote accountability for human rights violations and abuses of power as well as to develop effective remedies for victims.
- support to strengthen equality before the law and access to justice, including the right to a fair trial and due process and due process (e.g. regular occurrences of disregard of due process, arbitrary arrests and detention, lack of impartial tribunal and appropriate jurisdiction, restrictions on the exercise of legal defence, legal harassment on baseless charges).

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 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

For Subcomponent 1 (AFKAR III) of Component 1 (Active citizenship), the implementation method will be **partial decentralised management**, through the signature of a Financing Agreement with the Government of Lebanon in accordance with Articles 53c and 56 of the Financial Regulation. The Office of the Minister of State for Administrative Reform (OMSAR) will be the contracting authority for all contracts under this subcomponent.

The Commission controls *ex ante* all the procurement procedures except in cases where programme estimates are applied, under which the Commission applies *ex ante* control for procurement contracts > EUR 50,000 and may apply *ex post* for procurement contracts ≤ EUR 50,000. The Commission controls *ex ante* the contracting procedures for all grant contracts.

Payments are executed by the Commission except in cases where programmes estimates are applied, under which payments are executed by the beneficiary country for operating costs and contracts up to the ceilings indicated in the table below.

The responsible 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
< EUR 300,000	<EUR 150,000	< EUR 200,000	≤ EUR 100,000

Component 2 (Protection of migrant workers) and 3 (Support to penitentiary reform) will be implemented through Joint management with international organisations (International Labour Organisation ILO and United Nations Office on Drugs and Crime UNODC respectively). Two contribution agreements will be concluded by the Commission on behalf of the Beneficiary, in accordance with the Financial and Administrative Framework Agreement signed by the European Commission and the United Nations, on April 29th 2003.

Subcomponent 2 (support to the electoral reform) and Subcomponent 3 (human rights facility) of Component 1, as well as auditing, evaluation and monitoring contracts, will be implemented by centralised management.

The change of management mode constitutes a substantial change except where the Commission "re-centralises" or reduces the level of tasks previously delegated to the beneficiary country, international organisation or delegatee body under, respectively, decentralised, joint or indirect centralised management.

4.2. Procurement and grant award procedures / programme estimates

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.

2) Specific rules for grants

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU 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) No 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 from 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) Joint management

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.

4) 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 (i.e. the Practical Guide to procedures for programme estimates).

4.3. Budget and calendar

The total EU contribution to the programme is EUR 20 million, with EUR 10 million under the SPRING programme and EUR 10 million under the National Indicative Programme for Lebanon 2007-2010. The indicative breakdown is as follows.

Budget item	Budget (EUR)
1. Active Citizenship	15,200,000
1.1 AFKAR III (mainly services, supplies and grants)	10,000,000
1.2 Electoral Assistance (mainly services, supplies and grants)	2,000,000
1.3 Human Rights Facility (mainly services, supplies and grants)	3,000,000
1.4 Visibility (mainly services, supply and grants)	200,000
1.5 Operating costs (mainly services, supply and grants)	0
2. Women Domestic Migrant Workers	1,500,000
3. Prison Reform	2,000,000
4. Audit, monitoring, evaluation	200,000
5. Contingencies *	1,100,000
Total	20,000,000

The operational duration of the programme will be **72 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 European Commission. The component decentralised to OMSAR will undergo bi-annual audits. The Commission will prepare the terms of reference and select the service providers for audit, monitoring and evaluation missions. The Commission 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 signed by the European Commission and the United Nations (agreement signed 29 April 2003). If necessary an ad hoc audit could be contracted by the Commission.

4.6. Communication and visibility

The visibility of each action will comply with EU guidelines under the guidance of the EU Delegation. The EU Delegation will pay particular attention to ensure that the Joint Visibility Guidelines for EU-UN Actions in the Field (April 2008) are carefully followed. The communication activities foreseen in this plan will be implemented through specific technical assistance contracts