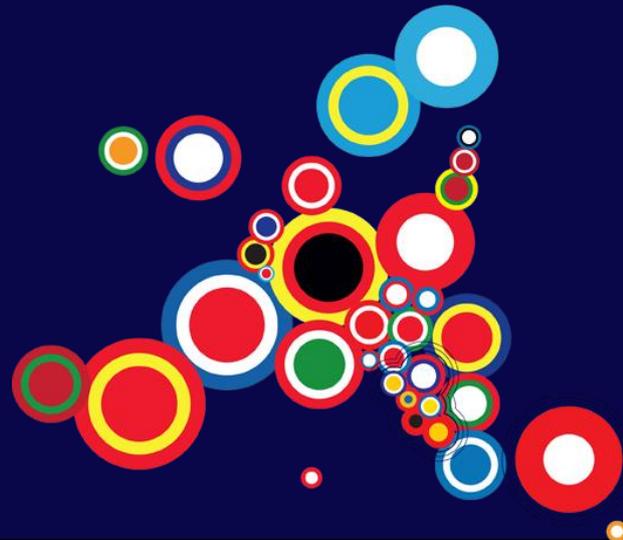




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

MULTI-COUNTRY

EU/CoE Horizontal Facility
for Western Balkans and
Turkey
- Phase II



Action Summary

The overall objective of the action is to contribute to increase compliance of IPA II beneficiaries with European standards and the EU *acquis* in the areas of rule of law, democracy and human rights, and media freedom by supporting reform processes in the areas rule of law, democracy, human rights and media freedom through the Council of Europe utilizing its unique position of offering a highly interconnected system between standard setting, monitoring and technical assistance in these key areas.

This is to be achieved through a second phase of the *EU/CoE Horizontal Facility for the Western Balkans and Turkey* which will provide for another 3 year funding arrangement permitting the utilisation of technical and legal expertise of the Council of Europe required for the IPA II beneficiaries to advance towards compliance with the European standards and the *EU acquis*.

Action Identification			
Action Programme Title	IPA II Multi-country Action Programme 2018		
Action Title	EU/Council of Europe Horizontal Facility for Western Balkans and Turkey – Phase II		
Action ID	IPA 2018/040-113.05/MC/EU-CoE Horizontal Facility		
Sector Information			
IPA II Sector(s)	9. Regional and territorial cooperation		
DAC Sector	15150 Government and civil society		
Budget			
Total cost	EUR 38.5 million		
EU contribution	EUR 35 million		
Budget line(s)	22.020401-Multi-country programmes, regional integration and territorial cooperation		
Management and Implementation			
Management Mode	Direct management		
<i>Direct management:</i>	Directorate-General for Neighbourhood and Enlargement Negotiations, Unit D 5		
European Commission			
Implementation responsibilities			
Location			
Zone benefitting from the action	Western Balkans (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia Kosovo*, Montenegro, Serbia) and Turkey		
Specific implementation area(s)	N/A		
Timeline			
Final date for contracting including the conclusion of delegation agreements	At the latest by 31 December 2019		
Final date for operational implementation	At the latest by 31 December 2022		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

In 2012 an evaluation was conducted to review the European Commission's cooperation with the Council of Europe (CoE) for the period 2000-2010. One of the key recommendations proposed a more sustainable, long term funding arrangement for programmatic support. This could ensure that necessary reforms would be addressed in more strategic, result-oriented and coordinated manner. On 4 April 2014, the European Commission and the CoE signed a Statement of Intent to strengthen strategic and programmatic cooperation in the enlargement region (and in other regions) with a view to ensuring a long-term flexible and predictable engagement in particular in the following areas:

- ❖ Efficient and independent judiciary, including justice reform including prisons and police, and comprising a dimension of anti-radicalisation;
- ❖ Fighting corruption, economic crime and organised crime;¹
- ❖ Promoting freedom of expression and information, and freedom of the media;
- ❖ Promoting anti-discrimination and protection of the rights of vulnerable groups (including the rights of LGBTI and protection of minorities, in particular Roma)².

Following the signing of this Statement of Intent in 2014, the European Commission and CoE established the *EU/CoE Horizontal Facility for the Western Balkans and Turkey* (the Horizontal Facility), a cooperation framework between the two institutions for an initial period of three years (2016 – 2019). The Horizontal Facility (HF) provides support to selected IPA II beneficiaries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey) to address shortcomings in three key thematic areas, namely 1) ensuring justice, 2) fighting economic crime and 3) promoting anti-discrimination and protection of the rights of vulnerable groups, on the basis of monitoring recommendations and advisory opinions of CoE monitoring and advisory bodies and prioritised in accordance with the needs of the enlargement negotiations of the EU (where applicable). The fourth thematic area of the aforementioned Statement of Intent, promoting freedom of expression and information, and freedom of the media, has to date been addressed through a separate EU/CoE Joint Programme, *Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe (JUFREX)*.

For the initial three-year period (2016-2019) of the Horizontal Facility, the European Commission signed a grant agreement of EUR 20 million, to which the CoE contributed EUR 5 million. For JUFREX, the European Commission provided a financial allocation of EUR 2.5 million, to which the CoE contributed EUR 600.000. Both programmes have following their second year of implementation already yielded initial results and the overall approach of the Horizontal Facility has been positively evaluated in the report of the Results-Oriented Monitoring (ROM) of September 2017, even if it was found that the agreed objectives were too ambitious to be realised within the existing implementation period. The ROM report recognised the need to continue the Action beyond the completion of its first phase, which ends in May 2019.

Building on the recommendations of the ROM report and the progress achieved in the first phase of the Horizontal Facility (and JUFREX), the European Commission is planning to continue the co-

¹ Hereafter preventing and fighting economic crime (good governance, corruption, money-laundering, assets recovery, terrorist financing) and organised crime

² According to the Turkish legal system, the word “minorities” encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party. Roma persons are not considered minorities under Turkish legislation.

operation with the CoE for the region, through a second phase of the Horizontal Facility covering an additional three year period (2019-2022) and allocating EUR 35 million for its implementation (which again will be complemented by EUR 3,5 million of the CoE). Unlike the first phase of the Horizontal Facility, it is planned that the second phase of the Facility will implement actions under all four existing thematic areas of the Statement of Intent, i.e. including actions promoting freedom of expression and information, and freedom of the media, which are currently covered by JUFREX.

Furthermore, differently from Phase I, where Turkey's involvement has been limited to potentially receiving legal analyses/advice through the Expertise Cooperation Mechanism and to participating in Regional events. Phase II will provide bilateral **technical cooperation tailored** support also to Turkey.

The second phase of the Horizontal Facility is intended to absorb most EU co-operation with the CoE in the Western Balkans and Turkey within the HF priority areas, although this may be complemented with national and specific regional EU/CoE co-operation projects if needs cannot be covered by the Horizontal Facility.

As is also evident in the implementation of the Horizontal Facility, rule of law, the respect of human rights and democratic governance remain at the heart of the accession process. IPA II beneficiaries aspiring to join the European Union need to establish and promote the proper functioning of the core institutions necessary for securing the rule of law. Strengthening the rule of law remains a key challenge for most of the IPA II beneficiaries, in particular in terms of improving the functioning and independence of the judiciary and preventing and fighting economic crime³ and organised crime, including terrorist financing. Far-reaching judicial reforms need to be undertaken with the aim of improving efficiency and quality of justice and ensuring independent and efficient judicial systems capable of ensuring fair trials, where judges are appointed and promoted on merit and where they are impartial and accountable. In some of the IPA II beneficiaries, reforms of this kind are well underway, but it is recognised that these are long-term challenges, requiring substantial assistance over a long period of time.

Under the justice reform theme, during the second phase of the HF, a special focus will be given to activities supporting *inter alia* de-radicalisation in prisons. Prisons in the region need to be supported by specific technical assistance and training. The HF action will also seek to promote disengagement from violence, rehabilitation, and social reintegration. The action will aim to improve the procedures and conditions in prisons that take a longer term view – from new intake interview and assessment procedures, to improved facilities and professional training for correctional officers, and the development of updated penal policies. It will build upon the activities undertaken under HF phase one on human rights of violent extremist prisoners and the phenomenon of radicalisation in prison and ways of combating and preventing it. The regional approach will allow learning from each other's experience and sharing best practices.

Fundamental rights are largely enshrined in law but more efforts remain needed to ensure they are fully respected in practice. The IPA II beneficiaries need to put in place a more robust institutional framework for the protection of fundamental rights. Despite initial results of the first phase of the Horizontal Facility, there continues to be a need to build more inclusive and tolerant societies by better protecting the rights of persons belonging to minorities and by tackling discrimination and hostility towards vulnerable groups, including on grounds of sexual orientation. More needs also to be done to ensure the proper implementation of legal commitments and better address the difficulties facing ethnic minorities. Issues such as use of minority languages, access to education, and political representation often require greater attention. Further work is also required to promote the rights of

³ Good governance, corruption, money-laundering, assets recovery

women, including tackling domestic violence. It is planned that in the second phase of the Horizontal Facility more assistance in the latter area will be provided than in the current phase, in response to the shortcomings identified in the first monitoring reports of the CoE's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).

Freedom of expression and media also remains a particular concern. More efforts are needed to ensure the political and financial independence of public service broadcasters. In some of the IPA II beneficiaries, a climate of fear and censorship is reported. In addition to the current JUFREX focus on the judiciary, the promotion of freedom of expression and freedom of media in the second phase of the Horizontal Facility will also seek to strengthen media regulatory authorities, and more generally, the enabling environment for media freedom and integrity.

To raise the importance of necessary key reforms on rule of law and human rights issues to take place at an early stage of negotiations and in order to allow for such reforms to take root, the European Commission introduced in its 2011 Enlargement Strategy a new approach to the relevant Chapters 23 and 24. Under the new approach, all the IPA II beneficiaries starting with accession negotiations are undergoing a screening after which they develop Action Plans for Chapters 23 and 24 with clear benchmarks on how to overcome existing gaps. Compliance with key CoE's conventions and implementation of recommendations from the monitoring bodies' of the CoE are hereby key in areas such as corruption or national minorities. The recommendations of various CoE monitoring bodies are being integrated into the respective Action Plans for Chapters 23 and 24 by the governments of Montenegro and Serbia and their fulfilments will be used as milestones to indicate progress.

Addressing reforms in the area of **rule of law, fundamental rights and good governance** remains the most pressing issue for the Western Balkans. This is highlighted in the Commission's strategy for 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans', confirming the European future of the region as a geostrategic investment in a stable, strong and united Europe based on common values. The Strategy spells out the priorities and areas of joint reinforced cooperation, addressing the specific challenges the Western Balkans face, in particular the need for fundamental reforms in the area of rule of law, fundamental rights and good governance.

The CoE's main comparative advantage is the fact that the co-operation with its Member States is based on CoE's own standard setting in the key areas of cooperation and the follow-up monitoring of the compliance with these standards, with this methodology also for a large part being used for beneficiaries who are not CoE Member States. The CoE is well-equipped to use these recommendations to identify shortcomings in, for example, member states' legislation, institutions and practices, for tailor-made programmatic co-operation. As also confirmed by the ROM report, the CoE has particularly strong expertise in the thematic areas of the Horizontal Facility and in many cases long-established relationships with the beneficiary institutions. The CoE is a longstanding strategic partner to the European Commission, both at the policy level and as an implementing partner. Phase II of the Facility will emphasise two aspects: 1) the strong links between the outcomes of phase I and the accession process of each beneficiary and, 2) the regional perspective to achieve strategic outcomes stemming from the four thematic areas covered by the statement of intent.

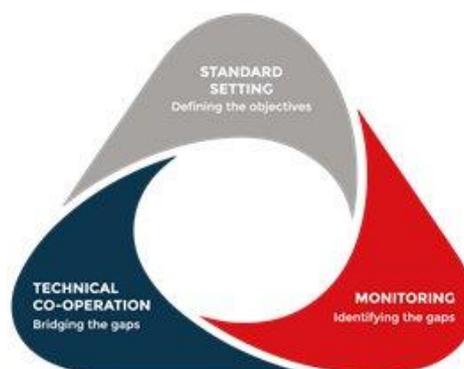


Figure 1: Council of Europe strategic triangle

OUTLINE OF IPA II ASSISTANCE

The second phase of the Horizontal Facility will remain complementary to other national or regional EU-funding envelopes and support in similar areas through technical assistance and administrative measures including TAIEX and Twinning. The action will be undertaken on the basis of the results of and in close cooperation with CoE monitoring and expert bodies, engaging current or former monitoring body experts to the extent possible, while vigilantly respecting the independence of the monitoring bodies.

The four thematic areas of the Horizontal Facility Phase II, will be:

- ensuring justice through justice reforms, including prisons and police, and comprising a dimension of anti-radicalisation;
- fighting corruption, economic crime and organised crime;
- promoting freedom of expression and information, and freedom of the media;
- promoting anti-discrimination and protect the rights of vulnerable groups (including the rights of LGBTI and protection of minorities, in particular Roma).

EU funding allocated to the Horizontal Facility will be guided by the needs of the IPA II beneficiaries and the willingness of authorities to receive support. This means, that not all the IPA II beneficiaries will be concerned by each intervention nor will an evenly distribution be sought. Interventions at IPA II beneficiary level will be complemented by regional action in areas where this can be an added value. In principle, the second phase of the Horizontal Facility is intended to absorb most EU co-operation with the CoE in the Western Balkans and Turkey within the HF priority areas, although this may be complemented with national and specific regional EU/CoE co-operation projects if needs cannot be covered by the Horizontal Facility.

It is envisaged that the implementation under the second phase of the EU/CoE Horizontal Facility will remain two-fold: Technical cooperation tailored to assist IPA II beneficiaries in achieving an increased compliance with European standards, under the accession process (Component 1); and legal/expert advice linked to priority-related reforms through the Expertise Coordination Mechanism – ECM to respond to requests for legislative analysis and policy advice from Horizontal facilities IPA II beneficiaries (Component 2). The decision on the specifically based interventions at IPA II beneficiary level will be reached jointly between the European Commission, the CoE and the IPA II beneficiaries.

RELEVANCE WITH THE IPA II MULTI-COUNTRY STRATEGY PAPER AND OTHER KEY REFERENCES

The revised IPA II Multi-country Indicative Strategy Paper 2014-2020⁴ and the Indicative Strategy Papers⁵ refer to continuing challenges in the Western Balkans and Turkey in the area of democracy and the rule of law include the functioning and independence of institutions guaranteeing democracy,

⁴ C(2018) 3442, 31.05.2018

⁵ C(2014) 5770, 18.08.2014-Albania; C(2014) 9495-Bosnia and Herzegovina, 15.12.2014; C(2014) 5861, 19.08.2014-“the former Yugoslav Republic of Macedonia”; C(2014) 5771, 18.08.2014-Montenegro; C(2014) 5772, 20.08.2014-Kosovo; C(2014) 5872, 19.08.2014-Serbia; and C(2014) 5998, 26.08.2014-Turkey

fighting organised crime and corruption, ensuring independent, impartial, efficient and accountable judicial systems, as well as with safeguarding fundamental rights such as freedom of expression and rights of persons belonging to minorities as well as vulnerable groups, notably Roma. The strategy papers hereby echo the Enlargement Strategy for 2014-15. In addition, the Strategy for the Western Balkans adopted in February 2018⁶ confirms the need for the Western Balkans to concentrate all their efforts and give utmost priority to tackling the shortcomings that exist, in particular on the rule of law, fundamental rights and the fight against corruption and organised crime in order to progress in EU accession path.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

To support reform processes in the areas of rule of law, democracy and human rights the European Commission and the CoE have been closely cooperating in Western Balkans and Turkey both through Joint Programmes and the current Horizontal Facility for many years. Out of the overall programmatic cooperation between the European Commission and the CoE in the 47 CoE member states over 50% of activities have been carried out in the seven IPA II beneficiaries (and Croatia prior to EU accession).

The 2012 Evaluation Report of the European Commission's cooperation with the CoE (2000-2010) generally assessed the relevance as positive. The consistent finding was that those Joint Programmes worked best where close linkage existed to the CoE core standard setting and monitoring. At the same time certain weaknesses were identified relating to the implementation of the Joint Programmes throughout the project cycle. Directorate-General for Neighbourhood and Enlargement Negotiations' experience working with the CoE through Joint Programmes is fully represented in the Evaluation's findings. Based on the findings of the Evaluation, the CoE has embarked on a large scale institutional reform seeking to address the identified weaknesses in a comprehensive manner. Overall, the evaluation report recommended to consider 'some predictable longer term funding agreements to enhance impact especially in areas where reform requires longer term efforts as well as facilitating projects being situated more in the context of wider sector reform'. Similarly the 2017 ROM Report on the Horizontal Facility refer to the principles expressed in the Statement of Intent, i.e. longer term (multi-annual) predictable funding and responsive programming, and allowing the CoE to deploy its expertise in response to emerging needs.

The current implementation fully reflects the findings of the 2012 evaluation, by offering a more predictable funding arrangement while fully drawing on the comparative advantages of the CoE. As confirmed in the 2017 ROM Report, the implementation of the current Horizontal Facility demonstrates that one overall Action through which tailor-made support is provided to IPA II beneficiaries in addressing shortcomings identified by CoE monitoring bodies in the thematic areas of the Statement of Intent is both cost and time efficient. Nevertheless, further fine-tuning would be required in the planning the second phase of the Horizontal Facility, including considering the possibility to reduce the number of interventions per beneficiary whilst remaining sufficiently flexible to address beneficiaries specific needs. Furthermore, the regional dimension will be reinforced to allow the exchange of know-how across thematic areas and strengthen networks when relevant. Furthermore, full and timely involvement of the EUDs will need to be ensured in the implementation of HF phase II. Development of a more robust monitoring system focused on results, as well as user friendly reporting will also be targeted. There will be the inclusion of more regional, common, actions where this provides an added value. There will also be a stronger focus on gender, and further enhanced involvement of Civil Society. CSOs will be associated in the specific HF actions in order to provide input to legislative, policy and regulatory framework and monitoring of obligations.

⁶ C(2018) 65, 06.02.2018

To support the preparation of the second phase of the Horizontal Facility, the reports on the current implementation of the Horizontal Facility and JUFREX will be used, as well as new findings of CoE monitoring and advisory bodies, CoE programming documents per IPA II beneficiary (where available) and EU progress reports, providing a snapshot of the current situation. The lessons learned from the implementation of current Horizontal Facility, some of which have been outlined in the 2017 ROM Report, will also be taken into account. Synergies with ongoing programmes supporting civil society and media (e.g. through the CSF, EIDHR) must be ensured in order to avoid overlapping and maximise the results,

Until now the implementation of the JUFREX project⁷ is proceeding well and complementarity and coordination has been ensured with major media support programmes financed by the EU in the region (e.g. UNESCO lead “Building Trust in Media in South East Europe and Turkey” and the “Western Balkans regional platform for advocating media freedom and journalists' safety”). This should continue in the new phase with possibly an even stronger focus on improving the exchanges and communication between judges, media lawyers, academics, policymakers, journalists and civil society representatives active in the field of media law and freedom of expression.

All the relevant actors involved agreed on having the JUFREX activities included under the second phase of the HF in order to rationalise implementation and costs and avoid overlapping. In addition to the current JUFREX focus on the judiciary, the second phase of the Horizontal Facility will also seek to strengthen media regulatory authorities, and more generally, the enabling environment for media freedom and integrity.

The recommendations of the monitoring and expert bodies of the CoE will serve as the base for all programmatic interventions and will be monitored through Tri-Annual Plans of Action jointly agreed by the European Commission, the CoE and the IPA II beneficiaries in the beginning of the programme. The CoE shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators.

⁷ ROM assessment of the JUFREX project is ongoing and result will be available in May/ June 2018.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE (Impact)	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	
Increased compliance of IPA II beneficiaries with Council of Europe standards and the <i>EU acquis</i> in the areas of justice, preventing and combatting economic and organised crime, anti-discrimination and media freedom	Level of IPA II beneficiaries' compliance with CoE recommendations and EU acquis by 2022 and 2024 (two years after HF II).	Progress Reports by the European Commission, CoE reports and reports of other international organisations Reports by national accountability institutions (courts, ombudspersons, etc.) Think tank reports NGO reports. Internal/ external evaluation reports (EU/CoE)	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
To support tailored reform processes in the 4 thematic areas below: - ensuring justice through justice reforms, including prisons and police, and comprising a dimension of anti-radicalisation; - fighting corruption, economic crime and organised	IPA II beneficiaries increased compliance with European standards/or level of implementation of key CoE recommendations by 2022.	Progress Reports by the European Commission, Reports from relevant monitoring bodies including GRECO, MONEYVAL, FCNM, ECRI, ECRML, CPT, ECSR, GREVIO and expert	Continued ownership and commitment by IPA II beneficiaries to move towards compliance with European standards in the area of rule of law, democracy and human rights. Full political commitment to the implementation of HF in relevant IPA II

<p>crime;</p> <ul style="list-style-type: none"> - promoting freedom of expression and information, and freedom of the media; - promoting anti-discrimination and protect the rights of vulnerable groups (including the rights of LGBTI and protection of minorities, in particular Roma). 		<p>body opinions such as Venice Commission or CEPEJ. ECtHR case law</p> <p>Reports by other CoE bodies, such as CoE Secretary General, Committee of Ministers and PACE, Commissioner for Human Rights.</p> <p>Reports by other international organisations</p> <p>Reports by national accountability institutions</p> <p>Think tank reports</p> <p>NGO reports</p>	<p>beneficiaries.</p>
RESULT 1	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Strengthened institutional capacities and practice of relevant stakeholder institutions in IPA II beneficiaries to implement CoE recommendations and EU standards in the field of justice, rule of law, antidiscrimination and media freedom.</p>	<p>Number of institutions in IPA II beneficiaries having improved and / or introduced policies / procedures, and having the capacity to apply them in their day to day work in line with CoE recommendations;</p> <p>Structural measures adopted and implemented in the framework of the execution of the ECtHR judgements.</p>	<p>Progress Reports by the European Commission</p> <p>IPA II beneficiary-specific reports of the CoE monitoring and advisory bodies; ECtHR case law</p> <p>CoE annual report on the Horizontal Facility</p> <p>HF Evaluation report (internal/external, EU/CoE)</p>	<p>Same as above</p>
RESULT 2	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS

<p>Improved policy / legislative framework in the areas of rule of law, democracy and human rights of relevant stakeholders in the IPA II beneficiaries from the available CoE with the European standards / EU <i>acquis</i></p>	<p>Number of requests for the CoE policy / legislative expertise submitted by IPA II Beneficiaries.</p> <p>Quality of policy / legislative documents endorsed and adopted by the relevant beneficiary institutions / government (in conformity with CoE recommendations).</p> <p>Structural measures adopted and implemented in the framework of the execution of the ECtHR judgements.</p> <p>Consultations processes carried in the context of legislative work</p>	<p>Specific reports at IPA II beneficiary level of the CoE monitoring and advisory bodies; ECtHR case law</p> <p>CoE annual report on the Horizontal Facility</p> <p>HF Evaluation report (internal/external, EU/CoE)</p>	<p>Same as above.</p>

DESCRIPTION OF ACTIVITIES

Component 1 - Technical assistance

The Technical assistance represents the most important part of the Horizontal Facility. Tailor-made interventions for the respective beneficiary institutions aimed at assisting them to build their capacity, improve regional networks of decision makers working under the four themes, and address the recommendations of the CoE monitoring bodies represent the core of the work of the Facility. To this end, the next phase of the Horizontal Facility will further reinforce this component by restructuring Tri-Annual Plans of Action (TAPAs) reflecting the needs of the beneficiaries. More regional actions concretely targeting the four specific areas will also be envisaged.

As is the case for the current implementation of the Horizontal Facility, all interventions (where appropriate) will be closely linked to the EU's high level dialogues, working groups and actions plans for Chapter 23 and 24 with regards to candidate countries and potential candidates, in order to ensure that the CoE's core expertise is well used to support the IPA II beneficiaries in their reform processes. The interventions will also be in line with national sector strategies where these are in place. Interventions in the Western Balkans will also seek to support the implementation of the Commission's strategy for 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' in the area of rule of law, fundamental rights and good governance.

The results of the Technical assistance will feed into the Progress Reports by the European Commission, targeted accession negotiations (fulfilment of overall results and impact indicators in Action Plans for Chapters 23 and 24), CoE programming documents per IPA II beneficiary and the CoE monitoring mechanisms, where appropriate.

EU/CoE Horizontal Facility for the Western Balkans and Turkey Phase 2 2019 – 2022 Programming Diagram

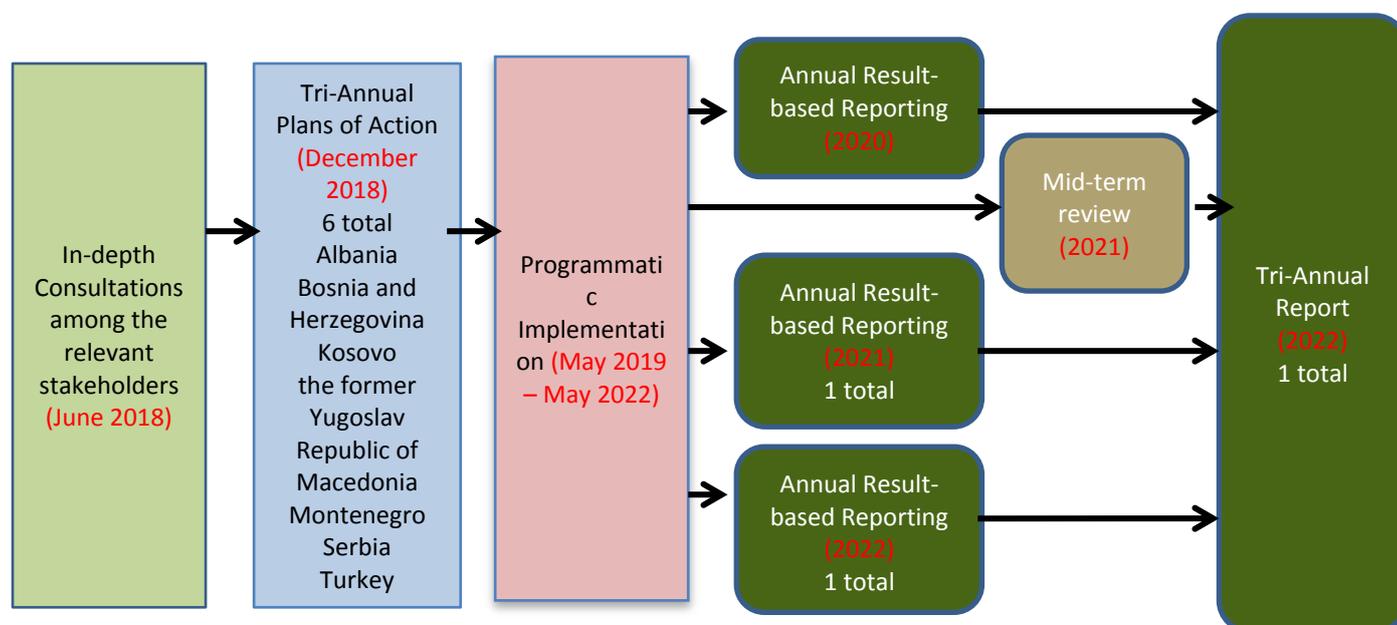


Figure 2: EU/CoE Horizontal Facility programmatic cooperation chart

The Technical assistance will comprise the following types of actions or a combination thereof:

- Needs assessments;
- Awareness-raising activities and capacity-building at regional and central level for authorities, professionals, civil society in form of i.a. training sessions;
- Review of legislation, policies and regulatory frameworks, strategies and action plans, and formulation of recommendations in view of their compliance with CoE standards and good international practice;
- Expert advice in drafting various types of documents, for example, on procedures and policies;
- Expert advice on establishing new processes, institutionalising improvements and ensuring sustainability;
- Development of policy advice, guidelines and manuals;
- Organisation of high-level conferences, seminars, training sessions, workshops, etc.;
- Financial support to third parties (for example judiciary academies);
- Other interventions, as deemed appropriate.

The CoE may also, upon government request and in agreement with the European Commission, offer support in setting up structures for the systemic follow up to recommendations of a specific monitoring body.

Detailed approach under the Horizontal Facility

All programmatic intervention will be steered towards the implementation of existing recommendations of, i.a., the monitoring or expert bodies of the CoE (see box below): GRECO, MONEYVAL, GRETA, CPT, FCNM, ECRI, ECRML, GREVIO, relevant judgements of the ECtHR and the country-specific Opinions of the Venice Commission, as well as experts' bodies such as the European Commission for the Efficiency of Justice (CEPEJ), or the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE). The recommendations of the Commissioner for Human Rights may guide programmatic interventions as the early warning mechanism of the CoE. Hereby, it will be taken into consideration that the IPA II beneficiaries are at the different level of implementation of the CoE recommendations in different areas (MONEYVAL, GRECO, CPT), which implies that different type of interventions will be required to effectively address the recommended needs.

COE MONITORING MECHANISMS AND OTHER BODIES

- Group of States against Corruption (GRECO)
- Committee of Experts on the Evaluation of Anti Money Laundering Measures and the Financing of Terrorism (MONEYVAL)
- European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT)
- Group of Experts on Action against Trafficking in Human Beings (GRETA)
- Group of experts on action against violence against women and domestic violence (GREVIO)
- European Commission against Racism and Intolerance (ECRI)
- Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM)
- Committee of Experts of the European Charter for Regional or Minority Languages and the Committee of the Parties (ECRML)
- European Committee of Social Rights (ECSR)
- Venice Commission
- Case law of the European Court of Human Rights (ECtHR)
- European Commission for the Efficiency of Justice (CEPEJ)
- Consultative Council of European Judges (CCJE)
- Consultative Council of European Prosecutors (CCPE)
- Office of the Commissioner for Human Rights
- Council of Europe Committee on Counter-Terrorism (CDCT)
- and others, as deemed appropriate.

Programmatic interventions will also be guided by the work of numerous other CoE's political bodies and established mechanisms, such as the Committee of Ministers and the Parliamentary Assembly or the Congress of Local and Regional Authorities (as per Overview 2, see below).

Figure 3: Summary of CoE monitoring mechanisms utilized as a base for technical assistance under the EU/CoE Horizontal Facility

Regarding the focus on de-radicalisation in prisons, the HF support will also be used to provide experience exchange and learning opportunities on the EU's Radicalisation Awareness Network (EU RAN) and in particular the working groups dealing with prisons and rehabilitation. The action will continue to create links between police officers, prosecutors, prison staff, families, social workers, etc.

De-radicalization in prisons is a very topical issue to which the Council of Europe has reacted promptly, in the area of technical assistance but also through its intergovernmental bodies (such as CDCT CDPC, PC-CP) which have been active in the field. Historically speaking the Council of Europe has played a pioneering role and has a unique experience in promoting human treatment of offenders, decent prison conditions and socially effective and rehabilitative penal sanctions and measures. The Council of Europe is the guardian of the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (1964), the Convention on the Transfer of Sentenced Persons (1983) and the Additional Protocol to the European Convention on the Transfer of Sentenced Persons (1997). The Council of Europe has been leading on prison reform within the Western Balkans stemming from its Human Rights mandate. It has worked in close cooperation with UNODC, UNICRI and in particular the OSCE. The involvement of experts from other relevant international organisations but also from sectorial associations such as the European Organisation of Prison and Correctional Services (EUROPRIS) and the Confederation of European Probation and European Prison Education Association could be foreseen.

Recent CoE documents in this area:

- Guidelines for prison and probation services regarding radicalisation and violent extremism (Adopted by the Committee of Ministers on 2 March 2016, at the 1249th meeting of the Ministers' Deputies),
- Handbook for Prison and Probation Services regarding Radicalisation and Violent Extremism adopted, 22 March 2017.

The EU RAN Manual for dealing with Foreign Fighters Returnees also refers to these two documents.

Component 2 -Expertise Co-ordination Mechanism

In addition to the Actions outlined in the tri-annual Plans of Action, ad hoc CoE's legal and technical expertise/assistance will respond to requests for legislative analysis and policy advice from Horizontal Facility Beneficiaries. The EU can encourage the governments of HF Beneficiaries to initiate a request for expert advice/opinion critically important for the European perspective within the accession and negotiation process. The type of assistance will mainly involve ad hoc expert advice in areas such as providing assessments of legislation and offering advice on its implementation, undertaking needs assessments or surveys or reviewing government capacity in specific areas as well as helping up to set up or streamline institutions.

The Venice Commission may also consider ad hoc requests for expertise on constitutional matters outside the main areas of the HF when the request represents a need for the beneficiary to comply with Council of Europe commitments and is linked to the enlargement process-oriented reforms.

Summary of all CoE mechanisms to be taken into account for the preparation of specific interventions at individual IPA II beneficiary level under the EU/CoE Horizontal Facility:

Priority areas as identified in the Statement of Intent	Correlated CoE mechanisms
Ensuring justice	Case law of the ECtHR, Parliamentary Assembly of the CoE (PACE), Committee of Ministers (CM), Commissioner for Human Rights, Venice Commission CEPEJ, CCJE, CCPE, CPT, CDCT
Fight against Corruption, Economic Crime and Organised Crime	Case law of the ECtHR, PACE, CM, Congress, GRECO MONEYVAL, Steering Committee for Education Policy and Practice (CDPPE), Cybercrime Convention Committee (TC-Y)
Freedom of Expression/Media	Case law of the ECtHR, PACE, CM, Commissioner for Human Rights, Steering Committee on Media and Information Society (CDMSI) Committee of experts on human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT), Committee of experts on Quality Journalism in the digital age (MSI-JOQ), Venice Commission, the European Audio-visual Observatory
Fight discrimination, notably against the Roma and the LGBTI community and protection of minorities and the rights of vulnerable groups. Actions to ensure equality between women and men and to tackle domestic violence.	Case law of the ECtHR, PACE, CM, Congress, Commissioner for Human Rights, ECRI, FCNM, ECRML, Venice Commission, European Committee of Social Rights (ESCR), GRETA, European Social Cohesion Platform, Ad hoc Committee of Experts on Roma issues (CAHROM), Committee of the Parties to the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (T-ES), GREVIO

Figure 4: Summary of all CoE mechanisms to be taken into account for the preparation of specific interventions at individual IPA II beneficiary under the EU/CoE Horizontal Facility

RISKS

To mitigate the risk the CoE will design a risk register for each action planned under Technical assistance and for the Expertise Co-ordination Mechanism stemming from the CoE's Risk management Guidelines and the CoEs PMM Handbook. The risk register will be linked to the monitoring and reporting processes and focused on thematic, regional and IPA II beneficiary level.

The different risks may include political challenges in various forms, and these may slow down or stop the implementation of some foreseen activities. This is a risk in the Western Balkans and Turkey, as it can bring about changes in the authorities' approaches to reforms and their willingness to adapt their standards in the fields of human rights and democracy in line with European Union and Council of Europe norms and standards. The current refugee and migration flows through HF IPA II beneficiaries constitutes a potential risk regarding security, possible change in the political focus of relevant HF IPA II beneficiaries and possibly also in terms of future financial allocations by donors based on urgent and pressing needs relating to this situation.

The membership of five South-East European countries and Turkey in the Council of Europe and the growing contacts that the Council of Europe has with Kosovo will allow it to build the respective co-operation on a wider political basis and with closer political and technical contacts, thus minimising risks. The risks mitigation system outlines the mitigating actions to be undertaken. The Council of Europe has significant experience in dealing with political and operational challenges in this geographical area, and also has an adequate supply of expertise and staff availability. This, together with a reasonable degree of flexibility in the implementation of the Horizontal Facility, will help ensure that risk mitigation results in acceptable levels of project risk.

Particularly, in order to counter the risks linked to political challenges, actions will include contacts at the highest level to exchange about the political situation in the region and in the countries concerned (i.e. regular meetings between high-level persons in the European Union and the Secretary General of the Council of Europe, Scoreboard meetings, exchanges of views of the Council of Europe Secretary General and the meetings of the Committee of Ministers Deputies and the Group of Rapporteurs for Democracy (GR-DEM) with European Union Special Representatives and Envoys, exchanges of views of high-level persons of the region with the PACE), a close follow-up of the national situation and a constant dialogue with the authorities, parliamentarians and civil society, so as to adapt programme implementation to political developments, which will be reflected in the TAPAs. All the Actions foreseen for implementation will be discussed with the authorities before inclusion in the TAPAs. The inception period will allow the fine-tuning of some of the Actions included. In cases where sufficient commitment is not shown from the side of the authorities concerned in course of implementation, the Council of Europe will organise further consultations in order to identify the obstacles and where necessary redirect/redesign the action with a view to achieving the expected results. Such consultations can be carried out through different means involving the Permanent Representation of the relevant beneficiary to the Council of Europe and Field Offices.

Furthermore, and in addition to the Steering Committee meetings of the Horizontal Facility, the areas of intervention included in Horizontal Facility are also part of the Action Plans/Co-operation Framework documents concluded between the Council of Europe and some of the countries concerned. The committees established under these Action Plans/Co-operation Framework documents to follow and discuss implementation of the Action Plan/Co-operation Framework documents, provide yet another platform to identify problems related to the on-going actions, and to encourage and facilitate implementation by the beneficiaries.

The absorption capacity of national institutions should be enhanced through the needs based approach successfully used so far.

High turnover of civil servants as well as the institutional uncertainty could undermine the impact of the action, however, facilitating a civil servants network at regional level, could mitigate this risk.

Moreover, a wider and well-structured involvement of CSOs in the implementation will bring added value to the facility and serve help assess the real chances of development for the reforms boosted under the HF.

CSO involvement will be ensured in accordance with the Civil Society Guidelines and in line with the European Commission guidelines for the support to civil society in the Western Balkans and Turkey in the field of co-operation and technical assistance. Local CSOs will be consulted both through published reports and meetings during fact-finding missions. Where deemed appropriate to achieving better results to implement the recommendations of monitoring bodies, a structural co-operation with NGOs will be sought. In addition, CSOs will be one of the target groups for the implementation of activities and invited to contribute to conferences, workshops, trainings and roundtable discussions.

CONDITIONS FOR IMPLEMENTATION

No specific conditions need to be in place.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Management and implementation responsibilities are shared between the Directorate-General for Neighbourhood and Enlargement Negotiations/Western Balkans Regional Programmes and Cooperation and the CoE. The action will be managed by the European Commission in partnership with the CoE and implemented by the CoE including its field presence. All necessary CoE staff will be based in Strasbourg and in the CoE offices in Albania, Bosnia and Herzegovina, Kosovo, Serbia as

well as in CoE Programme offices in Montenegro, the former Yugoslav Republic of Macedonia and Turkey. As the beneficiaries of all support generated under the action, the governments of the IPA II beneficiaries will be consulted and involved throughout the process of implementing the action.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

This action will be implemented with the CoE in direct management based on Article 190 (1)(c) of the Rules of Application of Regulation (EU, Euratom) No 966/2012 for the CoE having *de facto* monopoly to undertake the action. With the distinctive triangle of standard-setting, monitoring and technical assistance the CoE can offer its expertise in a unique way by directly assisting with the implementation of the recommendation using the expertise of the monitoring and expert bodies without jeopardizing the independence of the bodies.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The European Commission may carry out a mid-term, a final or an ex-post evaluation for this action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluation will be carried out as prescribed by the Directorate-General for Neighbourhood and Enlargement Negotiations guidelines on linking planning/programming, monitoring and evaluation. In addition, the action might be subject to external monitoring in line with the European Commission rules and procedures.

Monitoring of the quality of implementation will be ensured through a variety of means at different levels:

- Annual review of progress by the Steering Committee co-chaired by the European Commission and the CoE,
- Annual narrative and financial reporting on progress to the Contracting Authority and progress updates every 6 months to the EU Delegations. Regular contacts between the CoE field offices and the EU Delegations are expected. Contract execution will be monitored through regular reports (inception, updates, annual report, final report), with clearly identified milestones linked to each component of the action. Regular meetings/video conferences between the Directorate-General for Neighbourhood and Enlargement Negotiations (HQ and EU Delegations) and the contractors will further ensure that results are achieved in due time;
- *Ad hoc* and on-the-spot visits will ensure monitoring of progress;
- A Result Oriented Assessment will be undertaken 18 months after the start of implementation;

INDICATOR MEASUREMENT

Indicator	Baseline (Value +2018)	Target 2020	Final Target 2022	Source of information
Level of implementation of key recommendations and through this increased compliance with CoE standards	Current baseline on 2017-2018 to be produced by CoE prior to contract signature			EU Progress Reports Reports from relevant monitoring bodies including GRECO, MONEYVAL, FCNM, ECRI, ECRML, CPT, ESCR, GREVIO (in future) and opinions of Venice Commission. Reports by other CoE bodies.
Number of legislative, policy actions and actions in practice by the IPA II beneficiaries	to be produced by CoE prior to contract signature	to be defined	to be defined	EU Progress Reports Reports from relevant monitoring bodies including GRECO, MONEYVAL, FCNM, ECRI, ECRML, CPT, ESCR, GREVIO (in future) and opinions of Venice Commission. Reports by other CoE bodies, such as CoE Secretary General, Committee of Ministers and PACE, Commissioner for Human Rights

Number of new policy initiatives by the government's	to be produced by CoE prior to contract signature	To be defined	To be defined	CoE progress reports and as above.
Number of structural measures adopted and implemented in the framework of the implementation of ECtHR judgements	to be produced by CoE prior to contract signature	To be defined	To be defined	CoE progress reports and as above.
Number of institutions in IPA II beneficiaries having improved institutional capacities to apply policies and practices in line with CoE standards and EU acquis				
Number of implemented request-based CoE expertise analyses under the Horizontal Facility	0	Based on needs, presumably 2 per beneficiary (around 14 in total)	Based on needs, presumably 5 per beneficiary (around 30 in total)	CoE progress reports and as above.

5. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

Women and men are differently affected by injustice, lacking provision of access to all human rights. Women are, for example, at greater risk of harassment, sexual exploitation and lacking access to education, whereas men face greater likelihood of discrimination when seeking to access justice on parental rights. A gender based approach will be incorporated into legislative advice, training manuals and all capacity building activities and compliance will be monitored and reported upon. Following the finalisation and publication of the European Commission study on gender equality in public administration in the Western Balkans expected in early 2018, specific actions shall be considered to strengthen the understanding of gender-related issues and relevant capacity building of officials to enhance gender mainstreaming into the IPA II beneficiaries' policies and programmes. Such actions will be considered during the preparation of the HF contract.

EQUAL OPPORTUNITIES

Considerations of equal opportunities and non-discrimination principles will be respected. Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The principles and practice of equal opportunity will be guaranteed to ensure equitable gender participation in the action. The principle of equal opportunity applies also in relation to the beneficiaries and training participants coming from the different public administrations.

MINORITIES AND VULNERABLE GROUPS

Components of the action may focus in offering support to advance on the integration of minority communities, in particular Roma and LBGTI persons.⁸ Apart from targeted assistance towards the promotion and protections of the rights of minority communities, all the action will sensibly take into account the particular situation and needs of minority groups.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Consultations with civil society as well as close co-operation with civil society organizations is critical to ensuring sustainable results on the ground in the areas of rule of law, human rights and democracy. As the 'eyes and the ears' of society, NGOs can offer expertise and experience on the real needs on the ground, in particular at the local level where support most directly targets citizens and residents. Structural cooperation with NGOs will be sought across the activities of the Horizontal Facility, as appropriate.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

Not specifically targeted, beyond expected positive spill over effects of supporting rule of law and anti-corruption.

⁸ According to the Turkish legal system, the word “minorities” encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party. Roma persons are not considered minorities under Turkish legislation.

6. SUSTAINABILITY

All efforts under the Action are steered towards supporting the IPA II beneficiaries in aligning their legislation and policies with European standards and the *EU aquis* in the key areas of involvement. The implementation of the action should result in an enhanced institutional set up and greater capacity of government and other actors to implement the legislative and policy framework, as well as stronger laws and policies. This will include, for example, the implementation of CoE monitoring and expert bodies' recommendations to amend laws or to draft new ones, pass bylaws, to develop strategies, or action plans. If carried out well with full political buy-in by the IPA II beneficiaries sustainability will be ensured. As the results of the action will be directly linked to the enlargement process, sustainability of the action can be expected, as was also demonstrated in the first phase of the Horizontal Facility (as commented on by the ROM report).

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the action. The implementation of the communication activities shall be the responsibility of the contractor and shall be funded from the amounts allocated to the action.

All necessary measures will be taken to publicise the fact that the action has received funding from the EU in line with the EU communication and visibility requirements in force including the EC-CoE agreement on visual identity of Joint programmes. All stakeholders and implementing partners shall ensure the visibility of EU Financial assistance provided through IPA II throughout all phases of the programme cycle.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process, as well as the benefits of the action for the general public. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued.

It is the responsibility of the CoE to keep the European Commission fully informed of the planning and implementation of the specific visibility and communication activities on a regular basis. EU Delegations will need to be involved at all times.

Activities and reports of success stories will need to be collected and widely disseminated among IPA II beneficiaries, EU Member States, NGOs and other relevant actors.