

SPECIFIC TERMS OF REFERENCE

FWC Beneficiaries 2009 – Lot n° 7

Evaluation and recommendations on EIDHR support to Human Rights Defenders

REQUEST FOR OFFER N° 2009/226296

1. BACKGROUND

On 20 December 2006, the European Parliament and the Council adopted Regulation (EC) 1889/2006 establishing a financing instrument for the promotion of democracy and human rights worldwide, the European Instrument for Democracy and Human Rights (EIDHR)¹, which entered into force on 1 January 2007.

The key strength of this new Instrument is its ability to operate without the need for host government consent. The EIDHR is thus able to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations which need to preserve independence from public authorities. It can also be active in countries that may be described as “difficult partnerships”, where fundamental freedoms are most at risk and where geographic programmes may meet obstacles.

The **EIDHR Strategy Paper 2007-2010**² identifies as its objective 3 the support of "actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict".

The **EU Guidelines on Human Rights Defenders**³ adopted by the Council in June 2004, and reviewed in 2006 and 2008, underpin the assistance given under Objective 3 of the EIDHR to human rights defenders. Article 1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms defines human rights defenders as not only natural persons but also as groups of natural persons without a legal personality and civil society organisations.

According to the Strategy Paper assistance to human rights defenders under the EIDHR will aim at **strengthening the status of human rights defenders and their fundamental rights**, in particular the right to a fair trial and due process of law according to international standards, and **supporting their activities** such as documenting violations, seeking remedies for victims of such violations, or combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.

¹ Regulation 1889/2006: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0001:0011:EN:PDF>

² EIDHR Strategy Paper 2007-2010: http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_strategy_paper_2007-2010_en.pdf

³ EU Guidelines on HRDs: <http://www.consilium.europa.eu/showPage.aspx?id=1706&lang=EN>

The EIDHR Strategy also foresees that actions financed in support of HRDs under Objective 3 may include Ad hoc measures under Article 9.1 of Regulation (EC) No 1889/2006, directly involving **human rights defenders in need of urgent protection**, as well as civil society organisations whose primary statutory objective is to provide support and protection to human rights defenders within the framework of a project funded under the EIDHR.

A Call for proposals for €10 million launched under the EIDHR in 2007 to finance actions in support of human rights defenders on a regional and/or global scale led to the selection of eleven projects⁴ that provide longer term support to HRDs. Some of them also establish rapid reaction mechanisms to grant assistance to HRDs in need of urgent protection in line with Art. 9.1 of the EIDHR Regulation. Nine of the eleven organizations managing the projects are specialized either in a specific category of human rights activism (journalists, trade unionists, lawyers, etc), or in a region, while two of them are specifically dedicated to the protection of human rights defenders on a global scale.

2. DESCRIPTION OF THE ASSIGNMENT

➤ Global objective

The overall objective of the assignment is to provide the European Commission with an **assessment of the quality of the actions** financed under the EIDHR in support of HRDs to present, as well as with **recommendations on how to improve this support** in order to better respond to future needs for protection of HRDs in third countries and to further reinforce their status and capacities. A new Call for Proposals for actions in support of human rights defenders under the EIDHR will be launched in 2010. The recommendations issued by the expert will be an important asset during the elaboration of the future Guidelines for grant applicants of this future Call.

The **scope** of the study will cover the 11 EIDHR projects in support of human rights defenders from October 2008 to February 2010.

The **users of the** outputs of the study will mainly be the selected human rights defenders organisations and the Commission services involved in the management of the EIDHR projects on HRDs.

➤ Specific objective(s)

The specific objective of this evaluation is twofold. On the one hand, the expert is required to provide an **evaluation** of the first phase of the implementation of the 11 projects in support of human rights activists currently being financed under the EIDHR. This evaluation shall include an assessment of the **relevance and pertinence** of the 11 actions with regards to the objectives of EU policy towards HRDs as stated in the EIDHR Strategy Paper 2007-2010 and in the EU Guidelines on HRDs as well as of their effectiveness when providing timely assistance to HRDs in need of urgent protection.

On the other hand, the expert shall make **recommendations** on how to improve EIDHR support to HRDs to reinforce the capacities of HRDs organisations to do their work, to ensure the protection of HRDs, including in the case of urgent need, to develop networking

⁴ List of the 11 selected organizations: http://ec.europa.eu/europeaid/what/human-rights/human-rights-defenders_en.htm

between civil society organisations committed to the support and protection of HRDs, and to increase the international recognition of HRDs.

The added value of the actions financed under the EIDHR in support of HRDs should be analyzed in order to ensure their **complementarity** and the risk of overlapping with other actions financed under this instrument but also under other thematic lines of the European Commission, such as Support to Non-State Actors.

➤ **Requested services, including their implementation modalities when relevant**

The tasks to be performed will be the following:

1. Evaluate the pertinence and relevance of each of the 11 projects financed under Objective 3 of the EIDHR in support of human rights defenders as well as others (around 5) currently being financed under other Objectives of the Instrument with regards to the EU Guidelines on HRDs and the EIDHR Strategy.
2. Assess the effectiveness of the implementation of the first phase of the projects and their likely impact on HRDs at risk.
3. Evaluate the quality of partnerships between the beneficiaries and local human rights groups, including through the re-granting system, during the design and implementation of the projects.
4. Assess the quality and quantity of individual cases of HRDs at risk that have been effectively supported by the beneficiaries in the framework of their respective projects and make recommendations on how support to HRDs in danger can be better provided in the future, including through the urgent response capacity the analysis of successful cases and best practices.
5. Provide recommendations on how local human rights activists and groups in third countries may be better supported, capacitated and involved in the elaboration and implementation of future actions under EIDHR funding.

➤ **Required outputs**

A.- A short document (maximum 20 pages, not including annexes) to be used internally by the Commission services on the results of the above-mentioned evaluation. This report may include sensitive information about individual defenders and should include inputs and recommendations on how the EIDHR may address relevant issues of interest to HRDs and their needs in third world countries in the foreseen Call for proposals in 2010, within the scope of the Instrument's Strategy and its Financial Regulation. This report will include an executive summary of two pages with main findings and recommendations.

B.- A second short report (maximum 10 pages) summarizing the main findings and recommendations to be used externally. It could include annexes, such as 1 page per project/organisation with specific information and recommendations.

C.- A first draft of the report shall be presented to the EC in the last week of January 2010 in order to be used during a coordination meeting taking place with civil society organisations in February. (See section 3 below).

The evaluation shall present objective, credible, reliable and valid **findings**, based on facts found during the assignment, on all the issues raised above. The findings will lead to a set of **conclusions** and lessons learnt, on the basis of which final recommendations **for the civil society organisations should be put forward. These recommendations** should be expressed clearly enough to be translated into operational terms by the European Commission.

3. PROFILE REQUIRED

➤ **Profile and/or expertise required**

Requirements to be covered by the expert:

- Nationality of one of the 27 EU member States
- Advanced University degree, preferably in law, political science, international relations or other disciplines related to human rights.
- Expertise in evaluation or monitoring of external relations projects/programmes and drafting corresponding reports
- Expertise and extensive professional experience in the fields of human rights
- Experience in development cooperation in general, with professional experience in civil society capacity-building issues in at least one third world country.
- Knowledge of thematic instruments of the European Commission, particularly the EIDHR will be an asset
- Native speaking in English or French and working level in the other language.
- Good command of Microsoft Word.

It is essential that the consultant is not and has not been related professionally, nor that he/she is or has been a member of any of the 11 beneficiary organizations, in order to ensure full independence in his/her evaluation.

➤ **Number of requested experts per category and number of man-days per expert**

One, Category 1 expert, is needed for this assignment.

The total man days for this assignment amount to **50 man days**. The expert is required to attend a coordination meeting with the 11 civil society organisations supported by the EIDHR in February 2010 where Member States and the European Parliament will also be present.

➤ **Working language(s)**

The working language will be English and French. The reports will be drafted in English.

4. LOCATION AND DURATION

➤ **Starting period**

The Starting date of the assignment will be 4 January 2010

➤ **Foreseen finishing period or duration**

The finishing date of the assignment will be 17 March 2010.

➤ Planning

The two parties will meet in Brussels the first day of the assignment to discuss the ToR and the submitted methodology and make an exact plan and time frame for the assignment. The consultant will be familiarized by then with the documents listed in the annex to the present ToR. Seven days after this first meeting the consultant will present the Commission with an inception report where a reviewed methodology, including a working plan, will be proposed.

The parties will meet again at least 10 days before its end to allow the Commission to receive an oral report of the progress and likely results of the assignment.

A draft final report shall be submitted to the EC no later than 1 March 2010. The Commission will have 10 days to submit comments on this draft.

The final report including all outputs mentioned in the ToR shall be delivered to the EC no later than 19 March 2009.

Indicative planning table (final schedule will be agreed with the expert during the inception phase):

Expected Succession of Activities	Location and Indicative Timing
Briefing meeting with the Commission	Brussels – 4th January 2010
Preparation of the inception report and study of the first documents	home-based work
Submission of the inception report and visit to the organisation based in Brussels	11 th -12th of January - Brussels
Field missions to the organisations based in EU	Amsterdam, Paris, Toulouse, Stuttgart, Copenhagen, London, Dublin, Tbilisi
Submission of a first draft report	Home-based – end of January
Participation to the civil society meeting organised by the EC and selection with the EC of the two places to be visited	Brussels – beginning of February
Field missions	Calavi + one or two countries
Drafting the report	Home based
Submission of the draft final report	No later than 2d March 2010
Approval or comments of the final report by the EC	No later than 10 th March 2010
Submission of the final report	No later than 17 th March 2010

➤ Location(s) of assignment

The assignment will be mainly carried out in Brussels and at the home base of the expert. A visit to other countries within and outside the EU is compulsory in order for the expert to meet local partners and/or beneficiaries of some of the projects.

5. REPORTING

For specific report requested, see above under "Requested outputs". Final outputs must be submitted in electronic versions in both Word and PDF formats.

In annex to the report, the expert has to include: ToR, methodology, list of persons interviewed and places visited, literature and documentation consulted and other relevant technical annexes.

➤ **Language**

The reporting language will be English.

➤ **Timing for submission and comments and, when relevant, for approval**

A draft calendar for submission of the different products requested under this assignment shall be proposed in the methodology to be submitted in the offer by the applicants. The exact timing will be agreed between the consultants and the Commission on the start of this assignment.

6. ADMINISTRATIVE INFORMATION

The offer should include:

- CV of the expert;
- A methodology (max 4 pages A4) prepared by the expert to carry out the assignment.
- A financial offer

The budget must also include costs for:

- Travels and per diems to Brussels as well as for the cities where the beneficiaries' headquarters are located: Paris, Dublin, Toulouse, Amsterdam, Calavi (Benin), Stuttgart, Copenhagen, Tbilisi and London.
- Travels and per diems to one or two cities outside the EU: to be agreed by the Commission and the expert after the visits to the different organizations' headquarters in Europe has taken place.

This will be a global price contract.

Due to the particular sensitivity of some of the information needed to complete the assignment, the expert will be requested to sign a confidentiality agreement with the Commission regarding the use and the transfer of data used for this evaluation.

The applicants shall submit in their offer a proposed methodology including a tentative calendar for this assignment.

The Commission must receive the final invoice from the contractor by the end of April 2010 at the latest.

ANNEX: List of basic documents to be read before the briefing

- Regulation 1889/2006:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0001:0011:EN:PDF>

- EIDHR Strategy Paper 2007-2010:

http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_strategy_paper_2007-2010_en.pdf

- EU Guidelines on HRDs: <http://www.consilium.europa.eu/showPage.aspx?id=1706&lang=EN>

- Call for Proposals - EIDHR - Support for Human Rights Defenders (2007):

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderby=upd&orderbyad=Desc&searchtype=RS&aofr=126412>

- EIDHR Website:

http://ec.europa.eu/europeaid/what/human-rights/index_en.htm

