



THIS ACTION IS FUNDED BY THE EUROPEAN UNION

ANNEX V

of the Commission Implementing Decision on the financing of the multiannual action plan in favour of the NDICI Neighbourhood East Region for 2022

Action Document for Partnership on the Rule of Law and Good Governance Monitoring

MULTIANNUAL ACTION PLAN

This document constitutes the multiannual work programme in the sense of Article 110(2) of the Financial Regulation, and action plan/measure in the sense of Article 23(2) of NDICI-Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

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| 1. Title OPSYS Basic Act | Partnership on the Rule of Law and Good Governance Monitoring Multiannual Indicative Regional Programming Document (MIP) 2021-2027 ¹ OPSYS business reference:ACT-61031 ABAC Commitment level 1 numbers: JAD.1001210 and JAD.10016994 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe). |
| 2. Team Europe Initiative | No |
| 3. Zone benefiting from the action | The action shall be carried out in the Eastern Neighbourhood countries (Armenia, Azerbaijan, Belarus ² , Georgia, Republic of Moldova ³ , and Ukraine). |
| 4. Programming document | Instrument (NDICI) 2021-2027 Multiannual Indicative Regional Programming Document (MIP) 2021-2027 ⁴ |
| 5. Link with relevant MIP(s) objectives/expected results | <u>Priority area 2: Accountable institutions, the rule of law and security;</u> Specific objective 1. Support judicial reforms, the rule of law, prevention and fight against corruption, and economic, organised and serious crime, including trafficking in human beings, drug trafficking, firearms trafficking and cybercrime. <u>Priority area 5: Resilient, gender equal, fair and inclusive societies;</u> Specific objective 1: Strengthen civil society capacity and enabling environment, youth participation, cultural cooperation and free media environment. |

¹ C(2021)9370

² In line with the Council Conclusions of 12 October 2020 and in light of Belarus's involvement in the Russian military aggression against Ukraine, recognised in the European Council Conclusions of February 2022, the EU has stopped engaging with Belarusian authorities. However, it continues to engage with and even step up support to the Belarusian civil society including within the framework of this regional programme.

³ hereinafter referred to as Moldova

⁴ C(2021)9370

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| | Specific objective 2: Strengthen democracy, gender equality, human rights and anti-discrimination. | | | |
| PRIORITY AREAS AND SECTOR INFORMATION | | | | |
| 6. Priority Area(s), sectors | DAC Sector code: 151 – Government and civil society, general. Priority area 2: Accountable institutions, the rule of law and security. Priority area 5: Resilient, gender equal, fair and inclusive societies. | | | |
| 7. Sustainable Development Goals (SDGs) | Main SDG: SDG 16. Promote peaceful & inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. SDG 5. Achieve gender equality and empower all women and girls. SDG 10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status. | | | |
| 8 a) DAC code(s) | 15130: Legal and judicial development – 20% 15113: Anti-corruption organisations and institutions – 20% 15160: Human Rights – 20% 15170: Women’s Rights Organisations and movements, and government institutions – 20% 15180: Ending violence against women – 20% | | | |
| 8 b) Main Delivery Channel @ | 47000: Other multilateral organisation | | | |
| 9. Targets | <input type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input checked="" type="checkbox"/> Human Rights, Democracy and Governance | | | |
| 10. Markers (from DAC form) | General policy objective @ | Not targeted | Significant objective | Principal objective |
| | Participation development/good governance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Aid to environment @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Gender equality and women’s and girl’s empowerment | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Reproductive, maternal, new-born and child health | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Disaster Risk Reduction @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Inclusion of persons with Disabilities | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Nutrition @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | RIO Convention markers @ | Not targeted | Significant objective | Principal objective |
| | Biological diversity @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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|--------------------------------------|-------------------------------------|-------------------------------------|------------------------------|----------------------------|
| | Combat desertification @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change mitigation @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change adaptation @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Internal markers and Tags | Policy objectives | Not targeted | Significant objective | Principal objective |
| | Digitalisation @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Tags | YES | NO | / |
| | digital connectivity | <input type="checkbox"/> | <input type="checkbox"/> | |
| | digital governance | <input type="checkbox"/> | <input type="checkbox"/> | |
| | digital entrepreneurship | <input type="checkbox"/> | <input type="checkbox"/> | |
| | digital skills/literacy | <input type="checkbox"/> | <input type="checkbox"/> | |
| | digital services | <input type="checkbox"/> | <input type="checkbox"/> | |
| Connectivity @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Tags | YES | NO | / | |
| digital connectivity | <input type="checkbox"/> | <input type="checkbox"/> | | |
| energy | <input type="checkbox"/> | <input type="checkbox"/> | | |
| transport | <input type="checkbox"/> | <input type="checkbox"/> | | |
| health | <input type="checkbox"/> | <input type="checkbox"/> | | |
| education and research | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Migration @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Reduction of Inequalities @ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| COVID-19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

BUDGET INFORMATION

| | |
|------------------------------|--|
| 12. Amounts concerned | <p>Budget line(s) (article, item): BGUE-B2022-14.020111-C1-NEAR</p> <p>Total estimated cost: EUR 16 000 000.00</p> <p>Total amount of EU budget contribution EUR 16 000 000.00</p> <p>The contribution is for an amount of EUR 2 000 000.00 from the general budget of the European Union for 2022 and for an amount of EUR 14 000 000.00 from the general budget of the European Union for 2023, subject to the availability of appropriations for the respective financial years following the adoption of the relevant annual budget, or as provided for in the system of provisional twelfths.</p> |
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MANAGEMENT AND IMPLEMENTATION

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| 13. Implementation modalities (type of financing and management mode) | Indirect management with the entity (ies) to be selected in accordance with the criteria set out in section 4.4.4. |
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1.2. Summary of the Action

The overall objective of this action is to contribute to strengthened good governance and rule of law in the Eastern Neighbourhood. The applications for EU membership by Ukraine, Georgia and Moldova and the ensuing European Commission Opinions have given a renewed emphasis to promoting and protecting democracy in these countries. Russia's invasion of Ukraine and its consequences on the region's stability and security have also given renewed urgency to supporting these values and principles across the Eastern Neighbourhood.

This programme will take a comprehensive approach to monitoring state of play and progress in the good governance and rule of law area with a special focus on the role of civil society. It will also provide tailored technical capacity-building to Eastern neighbourhood countries to design and implement reforms.

The action will also build on the achievements of the two previous EU-Council of Europe (CoE) Partnership for Good Governance Programmes (PGG), while focusing on the shortcomings and good practices identified under the current PGG. It will also address the immediate needs of Eastern Neighbourhood countries in the implementation of their domestic reforms, in line with European standards.

The programme has two main components:

The first component of the programme seeks to build on existing data such as the Justice Dashboard EaP to further promote evidence-based policy-making and to keep track of the progress of key reforms through providing reliable data and developing necessary skills among decision-makers and civil society. In line with the ambitions of some of the partner countries, the focus will also be on measuring their alignment with EU standards and where relevant their level of approximation to the EU acquis. Systematic and reliable data will also allow for an improved analysis of the results of justice reform efforts and the impact of the support that has been provided within the framework of the Eastern Neighbourhood. Gender mainstreaming in good governance and rule of law reforms will be facilitated by enhanced gathering and analysis of gender-sensitive and sex-disaggregated indicators and statistics.

The second component aims to build on the achievements of previous cooperation to further strengthen the rule of law, human rights and anti-corruption mechanisms in the Eastern Neighbourhood. It will provide tailored support to partner countries to further align strategic, legal and institutional frameworks with international and European standards. It will continue to enhance the independence and competencies of relevant stakeholders and support the creation of stronger regional networks and cooperation through an increase of shared knowledge, information, and good practices. Ad hoc needs-based legal advice will be provided to partner countries to assist them with aligning their priority reforms with international standards and best practices.

This programme will also support reforms in the area of human rights, including by strengthening the capacity of national stakeholders and civil society organisations, as well as by providing better redress mechanisms to victims of human rights abuses. It will promote gender equality and women's empowerment and support the prevention of gender-based violence.

2. RATIONALE

2.1. Context

The rule of law is an important dimension and guiding principle for EU external action. The credibility of our external policies relies on the state of the rule of law in the EU itself. Pressure is mounting on the rule of law globally, and the EU is working actively to protect, inspire and support democracies around the world. Developments close to our borders, most recently in Russia and in Belarus, have recalled the need to promote our values in the neighbourhood with determination⁵.

Good governance, democracy, the rule of law and human rights are also fundamental values that lie at the heart of the EU's relationship with the governments of partner countries and of the Eastern Partnership (EaP) itself. They are preconditions for a functioning market economy and for sustainable growth⁶.

The Joint Communication “Eastern Partnership policy beyond 2020 - Reinforcing Resilience - an Eastern Partnership that delivers for all”⁷ specifically stresses that the EU will keep working together with the governments of partner countries to strengthen the rule of law and anti-corruption mechanisms, as well as the independence, impartiality, efficiency and accountability of justice systems. The 2021 Joint Staff Working Document entitled “Recovery, resilience, and reform: post 2020 Eastern Partnership Priorities”⁸ includes accountable institutions, the rule of law and security as critical priorities for the region.

Moreover, the Eastern Partnership Summit in December 2021 reaffirmed the importance of the rule of law, democracy, human rights and fundamental freedoms as cornerstones of the Eastern Partnership. It emphasised the need to continue focusing on establishing efficient, transparent and accountable public administration at all levels of government, tackling fraud, corruption and economic crime, combatting organised crime and strengthening security. It also underlined the importance of a well-functioning media environment and freedom of speech, recognising the need for enhanced support to independent media.

Recent developments in the region have brought serious challenges to the rule of law and human rights. Russia's unprovoked and unjustified military aggression against Ukraine is undermining European and global security and stability and constitutes an attack on the values and principles enshrined in EU treaties. The challenges arising from the Coronavirus pandemic and its socioeconomic consequences – as well as various crises in the region, including the second war in and around Nagorno-Karabakh and the brutal crackdown in Belarus by Government authorities, demonstrate the importance of the EU's engagement in the region.

The associated states of Ukraine, Georgia and Moldova have made clear their intention of strengthening their democratic principles and aligning themselves further with European values. The applications for EU membership by the Associated Trio have given a renewed impetus to making further progress on good governance, democracy, the rule of law and human rights. Following the Commission's Opinions on EU membership⁹, deeper and more comprehensive reforms in these areas will need to be carried out in their path towards becoming members of the EU. The EaP offers the opportunity to continue addressing these

⁵ Communication COM (2021) 700 final of 20.07.2021 “2021 Rule of Law Report. The rule of law situation in the European Union”

⁶ Q&A: [The Eastern Partnership post 2020 priorities \(europa.eu\)](https://europa.eu)

⁷ Joint Communication JOIN(2020) 7 final of 18.03.2020 “Eastern Partnership policy beyond 2020 “Reinforcing Resilience - an Eastern Partnership that delivers for all”

⁸ Joint Staff Working Document SWD (2021) 186 final of 2.7.2021 “Recovery, resilience, and reform: post 2020 Eastern Partnership Priorities”

⁹ Communication COM (2022) 405 final of 17.06.2022 “Commission Opinion on Georgia's application for membership of the European Union”; Communication COM (2022) 406 final of 17.06.2022 “Commission Opinion on the Republic of Moldova's application for membership of the European Union” ; Communication COM (2022) 407 final of 17.06.2022 “Commission Opinion on Ukraine's application for membership of the European Union”

issues with Armenia and Azerbaijan which have also agreed to carry out reforms in line with the agreed priorities and commitments made within this framework.

To ensure the effective implementation of national reforms, it is important to continue providing tailor-made assistance to the countries concerned. This will ensure the sustainability of the results achieved so far, allow to address new needs and further boost regional cooperation. In order to systematically monitor the impact of reforms, notably for the countries that have applied for EU membership, reliable data collection and better measuring tools will be necessary for in-country decision-makers, as well as to the European Commission's monitoring efforts.

This action aims to further build on the achievements of the EU programme to support the Rule of Law and Justice in the Eastern Partnership (2019-2022) implemented through the EU-Council of Europe Partnership for Good Governance (PGG) Phase II. Despite progress, there are common underlying rule of law challenges that still require urgent attention. Corruption continues to be a serious problem and shortcomings remain. The implementation of key judicial reforms remains a challenge and more efforts are needed to develop efficient and effective judicial systems that are transparent, independent, and accountable. Despite improvements, further steps are needed to promote and protect human rights, to address discrimination against vulnerable groups and lesbian, bisexual, transgender, intersex and queer (LGBTIQ) persons, and to promote gender equality and women's empowerment.

Necessary synergies will be ensured with other EU-funded regional and bilateral actions, such as the World Bank developed Regional Justice Surveys, UNICRI implemented Support to Eastern Partnership Countries to Enhance Asset Recovery, and EU for Integrity Programme (implemented by the Open Government Partnership and OECD/Anti-Corruption Network). Complementarity will also be ensured with the actions of thematic programmes for civil society and democracy and human rights under the new Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE). The programme will also complement institution building tools available in the EU Neighbourhood, such as Twinning, Technical Assistance and Information Exchange (TAIEX), technical cooperation facility (TCF) and budget support operations. Coordination with Delegations will take place to ensure that this action complements the support provided under the bilateral programmes.

2.2. Problem Analysis

Short problem analysis

The rule of law is a foundation of good governance and requires an enabling ecosystem based on respect for judicial independence, effective anti-corruption policies, free and pluralistic media, a transparent and high-quality public administration, and a free and active civil society.

Although some progress has been achieved regarding the implementation of key judicial reforms in some partner countries, more efforts are needed to be devoted to developing functioning judicial systems based on the principles of independence, accountability, impartiality, quality and efficiency of the judiciary, in line with European standards and Venice Commission recommendations on the rule of law and the judiciary.” Specifically, across the region, there is a significant gap between legislation and actual practice. Independence and integrity need to be guaranteed, particularly through the appointment of judges and prosecutors in line with European standards.

While all countries in the region have adopted anti-corruption laws, political and business elites continue to try to exert influence over important watchdog institutions, such as the judiciary and legislature, which allows their power to go unchecked and limits the effectiveness of law enforcement. Levels of corruption are comparatively high in most EaP countries. In the Transparency International's 2021 Corruption

Perception Index (CPI), only Georgia has received a score (55) above midpoint on a scale from 0 (highly corrupt) to 100 (very clean). Despite its low score, only Moldova has improved its performance by going from 33 in 2018 to 36 points in 2021. However, while systemic corruption remains an issue, there are encouraging signs that most of the countries are taking some steps to tackle corruption.

Human rights records also diverge across the region but countries must ensure that they are fully respected in practice. Specifically, they should align their respective legal frameworks with European and international standards, and implement the relevant judgements of the European Court of Human Rights, as well as recommendations made by Council of Europe and UN monitoring bodies. In the field of combatting discrimination, hate speech and hate crime, more efforts are needed to ensure that all vulnerable groups, including persons belonging to minorities and LGBTIQ persons, are protected. Further efforts are also needed to protect and promote the rights of the child and the rights of persons with disabilities. The treatment of persons deprived of their liberty, as well as prison conditions also require attention.

Despite overall net gains in Media Sustainability Indicators (MSI) scores across the Eastern Neighbourhood throughout the previous 20 years, the region's political leanings continue to stymie regional journalism's capacity and sustainability. Political interference of media networks, retaliation against independent journalists, and general lack of media literacy contribute to the struggle for free and independent journalism.

Eastern Neighbourhood countries have made significant progress in adopting legislation and policies to advance gender equality and prevent and combat domestic violence. As of January 2022, Georgia and Moldova have fully ratified the CoE Convention on preventing and combatting violence against women and domestic violence, the Istanbul Convention. In Ukraine there is political momentum towards ratification. Armenia signed the convention in 2018 and is considering amending its Law on Domestic Violence that was adopted in December 2017. Azerbaijan has not yet signed the Istanbul Convention. Despite legislative progress, obstacles to women's access to justice persist across the region and research on women's access to justice point to a gap between the legal framework and the functioning of the system of protection of victims in practice.

Further monitoring and a more systematic way of measuring progress in the aforementioned areas bringing together existing analyses is thus needed across the region for understanding the context, identifying the main challenges and opportunities, determining reform priorities and monitoring change (or not). Eastern Neighbourhood countries could make use of this information to build a reliable track record of reforms and better monitor their own reform agendas. The role of civil society in monitoring reform progress through objective, public criteria is also fundamental. It could also inform EU and EU Member State decision-making on good governance and the rule of law in the Eastern Neighbourhood countries; notably for those that have applied for EU membership.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action.

The main beneficiaries of the project will be governmental bodies at all levels, notably ministries of justice, interior, ministries responsible for public administration; parliaments; public structures with specific responsibilities in the relevant areas, such as anti-corruption and anti-money laundering bodies; the judiciary, judicial professions and judiciary supervisory bodies.

Civil society organisations will also be targeted by this action which will strengthen their capacity to fulfil their crucial oversight and monitoring role.

The ultimate beneficiaries of the action are the citizens in Eastern Neighbourhood countries which will gain from a strengthened rule of law and good governance in their respective countries.

2.3. Lessons Learned

The European Commission has been supporting rule of law, democracy and human rights in Eastern Neighbourhood countries for a number of years. As these countries continue to face challenges in the effective implementation of the national reforms towards compliance with European standards, it is necessary to continue providing tailor-made assistance in order to ensure sustainability of the results achieved so far, address new needs and further boost the regional cooperation.

Experience with past programmes in these areas demonstrate that political will and a long-term commitment by beneficiaries at the highest level is key for making progress and carrying out reforms. Progress also requires a willingness by partner countries to invest resources and strong technical capacity by national administrations, civil society and relevant stakeholders to implement existing commitments, laws and policies.

The former phases of the PGG produced some positive results as highlighted by the ROM reports showing that the programme's interventions were relevant, efficient and results oriented and led to positive outcomes in Eastern Neighbourhood countries. The main achievements include the improvement of legal and institutional frameworks on anti-corruption and money laundering and further alignment of strategic and institutional frameworks to prevent and combat fraud, corruption, including high-level corruption, in line with GRECO and MONEYVAL recommendations. There was also progress on enhancing regional co-operation to prevent and combat corruption, money laundering and terrorist financing. The Quick Response Mechanism (QRM) proved to be an efficient instrument by providing legal assistance by the Venice Commission to Eastern Neighbourhood countries and therefore bringing constitutional and legislative frameworks closer to European standards. Nevertheless, further coordination with other related programmes and initiatives will be required to avoid overlapping, ensure complementarity and lessons learned, and maximise results.

Even though the focus should remain on providing tailor-made bilateral support, regional interventions have shown their added value and should continue complementing country specific actions. Under the new programme, the regional dimension will continue to allow to address more sensitive issues, as well as exchange of know-how across thematic areas and strengthen networks when relevant. More efforts will be needed to ensure that partner countries remain equally committed to both regional and bilateral interventions.

Furthermore, full and timely involvement of the relevant stakeholders will need to be ensured in the implementation of this new programme. Development of a more robust and systemic monitoring system focused on results and outcomes in a wider context in order to have comprehensive overview will also be pursued. The strong focus on gender equality will continue and there will be an enhanced involvement of civil society.

To support the preparation of this new phase, the reports on the current implementation of the PGG will be used, as well as new findings of Council of Europe monitoring and advisory bodies, Council of Europe programming documents per beneficiary (where available) and EU reports, providing a snapshot of the current situation. The lessons learned from the implementation of current PGG, outlined in the annual reports and in an upcoming final report will also be taken into account.

Proposing ways to better measure good governance performance and rule of law reforms across the region and considering the progress when deciding on assistance are key in the way forward that also need to be addressed. In spite of the existence of perception surveys, qualitative assessments and analytical work carried out by NGOs, international organisations and think tanks, there is a lack of accumulated, comparable data,

making cross-country analyses very difficult. Existing governance indicators are certainly useful, but have limitations as it is difficult to make clear-cut decisions based on this data alone.

3. DESCRIPTION OF THE ACTION

3.1. Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to contribute to strengthened good governance and rule of law in Eastern Neighbourhood countries.

The Specific Objectives and Outcomes of this action are to:

1. Enhance evidence-based policy-making through improved monitoring of good governance and rule of law reforms.
2. Strengthen the rule of law, human rights, gender equality and anti-corruption mechanisms and foster the implementation of key judicial reforms.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

1. *Enhance evidence-based policy-making through improved monitoring of good governance and rule of law reforms*
 - 1.1 Contributing to Specific Objective 1: Reliable data and skills provided to decision-makers and civil society for evidence-based policy making in partner countries on good governance.
 - 1.2 Contributing to Specific Objective 1: Improved analysis of essential parameters of effective justice systems in line with European and international standards.
2. *Strengthen the rule of law, human rights and anti-corruption mechanisms and further the implementation of key judicial reforms*
 - 2.1 Contributing to Specific Objective 2: Tailored technical assistance provided to EaP partner countries to achieve an increased alignment of their national legislation and practice with European standards.
 - 2.2 Contributing to Specific Objective 2: Enhanced regional cooperation allowing for shared knowledge, exchange of information and good practices and deepening of networks.
 - 2.3 Contributing to Specific Objective 2: Quick Response Mechanism available for partner countries' to provide needs-based legal advice to priority reforms, in line with EU and international standards.
 - 2.4 Contributing to Specific Objective 2: Enhanced capacity of national stakeholders and civil society organisations to protect human rights, gender equality and fundamental freedoms.

3.2. Indicative Activities

Activities related to Outcomes 1-2

- Building on the Justice Dashboard EaP project and the World Bank Justice Surveys for the EaP, development of indicators to measure progress and state of play in selected areas of good governance and rule of law based on European standards and EU acquis.

- Publications (reports, brochures, leaflets, etc.) will provide regional, comparative data and information on the results, achievements and impact of the programme activities.
- Sectoral assessments will be provided in priority areas (e.g. compliance of national legislations and regulations with European standards, etc.) focusing on measures in support of transparency, integrity and ethics, as well as of effectiveness and accountability.
- Capacity-building through the organisation of meetings, seminars, workshops and trainings will contribute to improving knowledge of civil servants and staff from the countries on European values and European standards in the areas of rule of law, anti-corruption, gender equality and justice.
- Institution building will be ensured through tailored support to processes of institutional change and reinforcement of operations and independence of state bodies to adhere to European standards and practices.
- Policy guidance and advisory tools geared towards strengthening and bringing appropriate policies, strategies and legislative frameworks closer to pertinent standards.
- Provide for a Quick Response Mechanism for ad-hoc support by relevant expert bodies on a needs basis.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

Outcomes of the Strategic Environmental Assessment (SEA) screening (relevant for budget support and strategic-level interventions)

The SEA screening concluded that no further action was required.

Outcomes of the Environmental Impact Assessment (EIA) screening (relevant for projects and/or specific interventions within a project).

The EIA screening classified the action as [Category C (no need for further assessment)].

Outcome of the Climate Risk Assessment (CRA) screening (relevant for projects and/or specific interventions within a project).

The CRA screening concluded that this action is no or low risk (no need for further assessment).

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that improving gender equality is a significant objective.

Gender equality is a core value for the European Union. Through the EU's Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025 (GAP III)¹⁰, the EU has made strong commitments to accelerate progress on empowering women and girls and push for more and faster progress toward gender equality in the partner countries, including increasing the level of women participation, representation and leadership in politics and governance, via support for democracy and governance programmes and public administration reforms.

A primary manifestation of gender inequality in the justice sector, and more broadly in access to justice, is the longstanding and historically rooted discrimination against and exclusion of women from the justice system. Integrating a gender perspective in the justice sector improves security and the rule of law by facilitating equal access to justice. It counters impunity for crimes, in particular crimes of gender based violence, and improves

¹⁰ EU Gender Action Plan III: An ambitious agenda for gender equality and women's empowerment in EU external action, 2020, https://ec.europa.eu/international-partnerships/system/files/join-2020-17-final_en.pdf

protection against such crimes. It contributes to laws which protect the rights of everyone, and justice institutions that are representative, effective and fair. Such gender reforms in the justice sector contribute to transforming discrimination and inequality of resources, opportunities and power within society, which themselves feed insecurity and violence and hinder development. Equal access to independent, impartial and non-discriminatory justice is a human right and also key to the realisation of all other human rights.

Corruption is a major impediment to development and economic growth. Yet, most corruption policies do not make a clear connection to gender equality, despite the well-documented disproportionate impact corruption has on women and girls. Corruption further marginalizes already vulnerable women living in poverty, putting basic public services and goods out of their reach, and leaving them lagging behind in the economic, social, and political development of their country. Women and men's equal involvement in anti-corruption can contribute to improving accountability and integrity systems and build governance frameworks that are more responsive to their needs. Women and men's equal participation in public life, including but not limited to anti-corruption and the design of gender responsive and gender sensitive anti-corruption policies and laws is an important step in ensuring gender equality when addressing corruption.

This Action will strengthen access to justice for women, especially women victims of violence in line with European gender equality standards and contributing towards the Eastern Partnership countries ratification of the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence. Making access to justice more inclusive and addressing gender in anti-corruption policies and legislation will be key priorities to be supported through this action.

Human Rights and Democracy

The actions will be implemented following a rights-based approach, encompassing all human rights, which will be particularly relevant for people in vulnerable and disadvantaged situations and those living in rural areas. The five working principles below will be applied at all stages of implementation: legality, universality and indivisibility of human rights; participation and access to decision-making processes; non-discrimination and equal access; accountability and access to the rule of law; transparency and access to information. The Steering Committees chaired by the European Commission will ensure that this approach is taken across all projects implemented throughout the different policy areas identified. Efforts will be made to promote accessibility, equality, environmental sustainability and climate change adaptation, as well as to identify opportunities for change in these areas.

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D1. This implies that it is a significant objective of this action.

Persons with disabilities are entitled to enjoy the standards contained in all international and regional human rights instruments that are relevant to justice systems, access to justice and, more generally, the administration of justice on an equal basis with others. Therefore, this programme will ensure that its actions to promote the rule of law in Eastern Partnership countries take into account persons with disabilities.

Conflict sensitivity, peace and resilience

Russia's unprovoked and unjustified military aggression against Ukraine grossly violates international law and the principles of the UN Charter and undermines European and global security and stability. As a result of the involvement of Belarus recognised in the European Council Conclusions of February 2022, the EU is further suspending planned and ongoing programmes and activities with the participation of Belarusian public authorities and state-owned enterprises. The EU will continue to step up its support to Belarusian civil society.

Ongoing active military aggression seriously affects the situation of human rights in Ukraine and the possible implementation of this programme. The EU and its Member States are committed to provide support for the reconstruction of a democratic Ukraine once the Russian onslaught has ceased.

Unresolved protracted conflicts continue to hamper development in the region and have already caused numerous casualties, damages and displacement of the local population. In this regard, the action takes into account the conflict sensitivity, in particular by raising awareness about the needs of people affected by conflicts and providing adequate support. In line with the humanitarian-development and peace nexus, the Action should promote stronger involvement of the justice system in the concerned countries in providing sustainable solutions to conflict affected people, internally displaced people and refugees, with a particular focus on the most vulnerable individuals.

3.4. Risks and Assumptions

| Category | Risks | Likelihood (High/Medium/Low) | Impact (High/Medium/Low) | Mitigating measures |
|----------------------|---|------------------------------|--------------------------|---|
| External environment | Political instability in the region , including changes in government, military and other conflicts presenting an obstacle to project implementation and planned reform efforts. | High | High | Risks resulting from political and economic instability in any of the six Eastern partner countries will be addressed through multi-lateral, political dialogue. Civil society will be involved in order to mitigate a possible lack of political will. The programme will adjust its activities accordingly to continue with activities where and when possible. Contingency plans and other flexibility measures will also be developed. |
| External environment | Economic instability in the region hindering the provision of sufficient, local resources to implement the activities and follow-up actions. | High | High | |
| Internal environment | Limited political will in the region to engage in sensitive areas. | Medium | Medium | Use political dialogue and high-level meetings to call on partners to engage on this issue and fulfil commitments. |
| Internal environment | Difficulties of the beneficiaries in providing quality data in due time, including due to lack of inter-institutional collaboration. | High | Medium | A rigorous and shared definition of the expected data will be provided. Difficulties in gathering data for a specific beneficiary shall be made known to the European Commission and implementing partners immediately, with a view to finding solutions for collecting data in due |

| | | | | |
|-----------------------------------|------------------------|---------------|-------------|---|
| | | | | time. Collected data will also be verified in accordance with the CEPEJ methodology of quality check, with the active engagement of the beneficiaries. |
| External and internal environment | COVID-19 Crisis | Medium | High | In the last few years, programmes have been adapted to take into account the impact of COVID-19. Should the situation worsen, mitigation measures will need to be implemented once again. Examples include virtual meetings and trainings, questionnaire-based assessments etc. |

External Assumptions

Political commitment and ability by Eastern Neighbourhood governments to carry out necessary reforms on the rule of law, good governance and human rights.

3.5. Intervention Logic

The underlying intervention logic is to contribute to strengthened good governance and the rule of law in the Eastern Neighbourhood countries. Progress in this area is mixed across the region and further efforts are needed in each country. This programme will take a comprehensive approach to monitoring progress in the rule of law area with a special focus on the role of civil society. It will also provide tailored technical capacity-building to the countries to design and implement reforms.

The programme has two main components:

The first component of the programme seeks to further enhance evidence-based policy-making and to keep track of the progress of key reforms through providing reliable data and skills among decision-makers and civil society. In line with the ambitions of some of the partner countries, the focus will also be on measuring their alignment with EU standards and where relevant their level of approximation to the EU acquis. Systematic and reliable data will also allow for an improved analysis of the results of justice reform efforts and the impact of the support that has been provided within the framework of the EaP. Gender mainstreaming in good governance and rule of law reforms will be facilitated by enhanced gathering and analysing gender-sensitive and sex-disaggregated indicators and statistics.

The second component aims to build on the achievements of previous cooperation to further strengthen the rule of law, human rights and anti-corruption mechanisms in the Eastern Neighbourhood. It will provide tailored support to the partner countries with further alignment of strategic, legal and institutional frameworks with European standards. It will continue to enhance the independence and competencies of relevant stakeholders and support the creation of stronger regional networks and cooperation through an increase of shared knowledge, information, and good practices. Ad hoc needs based legal advice will be provided to the partner countries to assist with aligning their priority reforms with international standards and best practice.

Building on existing bilateral and regional assistance, it will also support reforms in the area of human rights including by strengthening the capacity of national stakeholders and civil society organisations to protect the rights of persons belonging to vulnerable groups, including LGBTIQ persons, as well as by providing better redress mechanisms to victims. It will promote gender equality and women's empowerment and support the prevention of gender-based violence.

3.6. Indicative Logical Framework Matrix

| Results | Results chain: Main expected results [maximum 10 @1] | Indicators [it least one indicator per expected result @1] | Baselines (values and years) | Targets (values and years) | Sources of data | Assumptions |
|------------------|---|---|--|---|---|---|
| Impact | Contribute to strengthened good governance and the rule of law in the Eastern Neighbourhood countries. | Percentile ranking in the Rule of Law, Worldwide Governance indicator. Percentile ranking of Government effectiveness in World Wide Governance indicator. | AM: 51.92 AZ: 25.96 BY: 16.35* GE: 61.06 MD:37.5 UA:27.4 (2020) AM: 46.8 AZ: 44.7 BY: 23.1* GE: 75.5 MD: 36.1 UA: 38.9 (2020) | Improvement of the percentile rank by at least 5 for each country (2025) Improvement of score for at least 0.3 points (2027) | Worldwide Governance Indicator, World Bank ⁱ . | <i>Not applicable</i> |
| Outcome 1 | Enhanced evidence-based policy-making through improved monitoring of good governance and rule of law reforms. | Degree of implementation of relevant CEPEJ indicators and tools into the beneficiaries data collection mechanisms. OECD/SIGMA indicator on policy planning and coordination. | To be defined in the first Justice Dashboard EaP (2022). GE: 2 AM: 3.25 UA: 3.5 (2020). | To be defined at inception phase. Improved in all countries. | Justice Dashboard EaP CoE GRECO country reports OECD/SIGMA baseline measurement reports (not available for AZ, BY). | Political commitment and cooperation of national authorities from the beneficiary countries |

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|-------------------------|---|---|---|---|--|--|
| <p>Outcome 2</p> | <p>Strengthened rule of law, human rights, gender equality and anti-corruption mechanisms and further the implementation of key judicial reforms.</p> | <p>Country ranking in the World Justice Project Rule of Law Index.</p> <p>Score in the Corruption index perception (CPI).</p> <p>Fundamental rights score in the Global State of Democracy indices.</p> <p>Country score for civil and political rights, according to the Freedom House assessment of Global Freedom.</p> | <p>BY*: 97 GE: 49 MD: 73 UA: 74 (2021)</p> <p>CPI score AZ: 30/100 AR: 49/100 BY*: 41/100 GE: 55/100 MD: 36/100 UA: 32/100 (2021)</p> <p>Fundamental rights score: AZ: 0.65 AR: 0.36 BY*: 0.41 GE: 0.64 MD: 0.61 UA: 0.57 (2020)</p> <p>Total score: AR: 55 AZ: 9 BY*: 8 GE: 58 MD: 62 UA: 61 (2021).</p> | <p>Improvement in all countries of at least 0.5 points in the World Justice Rule of Law Index</p> <p>All countries increase their scores by at least 5 points in the CPI index.</p> | <p>The World Justice Project Rule of Law Index Corruption index perception (CPI) Ranking The Global State of Democracy initiative (IDEA) Freedom House assessment of Global Freedom Council of Europe reports.</p> | <p>Political commitment by ENP-East governments to reform initiatives in the project areas</p> <p>Cooperation by national authorities from the beneficiary countries</p> |
|-------------------------|---|---|---|---|--|--|

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|-----------------------------------|--|---|--------------------------|--|---|--|
| | | Number of countries having ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). | 2 (Georgia and Moldova). | To be defined in the inception phase. | | |
| Output 1 related Outcome 1 | Reliable data and skills provided to the decision-makers and civil society for evidence-based policy making in partner countries on good governance. | Status of Good Governance Progress Board data-driven methodology. Number of decision-makers and civil society representatives trained with increased knowledge and/or skills and able to use the methodology developed (gender disaggregated). | None 0 | Methodology in place. To be defined during inception phase. | EU intervention monitoring and reporting systems: annual and final reports from implementing organisations, ROM reviews, and evaluations. | |
| Output 2 related Outcome 1 | Improved analysis of essential parameters of effective justice systems in line with European and international standards. | Number of iterations of Justice Dashboard EaP data collection and report. Level of reply by partner countries to CEPEJ data collection on new indicators and evolution between years. | 0 0 | To be defined during inception phase. | Justice Dashboard EaP, EU intervention monitoring and reporting systems: annual and final reports from implementing organisations. | |

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|---|--|---|--|---|---|--|
| <p>Output 1 related to Outcome 2</p> | <p>Tailored technical assistance provided to EaP partner countries to achieve an increased alignment of their national legislation and practice with European standards.</p> | <p>Number of policies/ legislations to improve efficiency within the justice system.</p> <p>Justice Dashboard EaP quality indicator on trainings.</p> | <p>0</p> <p>To be defined in the first Justice Dashboard EaP (2022).</p> | <p>To be defined during the inception phase.</p> | <p>Policies/regulations/legislation before and after changes.</p> <p>EU intervention monitoring and reporting systems: annual and final reports from implementing organisations.</p> <p>Justice Dashboard EaP, CoE GRECO country reports.</p> | |
| <p>Output 2 related to Outcome 2</p> | <p>Enhanced regional cooperation allowing for shared knowledge, exchange of information and good practices, and deepening of networks.</p> | <p>Number of meetings set up at regional level to exchange know how across thematic areas and to strengthen networks.</p> | <p>0</p> | <p>To be defined during inception phase.</p> | <p>EU intervention monitoring and reporting systems: annual and final reports from implementing organisations, ROM reviews, and evaluations.</p> | |
| <p>Output 3 related to Outcome 2</p> | <p>Quick Response Mechanism available for partner countries' to provide needs-based legal advice to priority reforms, in line with EU and international standards.</p> | <p>Number of requests for opinions/ recommendations provided in the framework of the project.</p> <p>Extent to which the opinions/recommendations are taken on board in policy processes.</p> | <p>0</p> <p>0</p> | <p>At least 30 recommendations /opinions provided.</p> <p>Better informed decisions on the basis of expert advice provided.</p> | <p>EU intervention monitoring and reporting systems: annual and final reports from implementing organisations.</p> | |

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|--|--|---|----------------|--|--|--|
| <p>Output related Outcome 2</p> | <p>4 to Enhanced capacity of national stakeholders and civil society organisations to protect human rights, gender equality and fundamental freedoms.</p> | <p>Number of government policies on human rights and gender equality developed or revised with civil society organisation participation.</p> <p>Number of state and non-state actors (individuals) trained by the EU-funded intervention with increased knowledge and/or skills on human rights principles and contemporary human rights challenges in regional, national or international context, disaggregated by sex.</p> | <p>0 0</p> | <p>To be defined during the inception phase.</p> | <p>EU intervention monitoring and reporting systems: annual and final reports from implementing organisations, ROM reviews, and evaluations.</p> | |
|--|--|---|----------------|--|--|--|

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the partner countries.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of where a financing agreement is concluded.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this financing Decision and the relevant contracts and agreements.

4.3. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹¹.

4.3.1. Indirect Management with pillar-assessed entities

This action may be implemented in indirect management with a pillar assessed entity, which will be selected by the Commission's services using the following criteria:

- EU Member State and or international Organisation.
- Proven technical knowledge, operational capacity and specific expertise in the given areas of intervention, in particular in standard setting, monitoring and providing expert advice.
- Experience in managing technical assistance projects and providing tailor made support and capacity-building to carry out reforms and align g legislation and policies with international and European standards in the areas of rule of law democracy and human rights.
- Proven track record in providing assistance in the Eastern Neighbourhood region and capacity to develop good working relations with government authorities and civil society and other stakeholders and to deliver results in a conflict- and gender-sensitive manner across the region identified in this action.

The second entity will be selected on the basis of the following criteria:

- EU Member State and or international organisation.
- Solid and extensive international experience and expertise in areas related to good governance and the rule of law, particularly in the Eastern Neighbourhood region.
- Technical and proven knowledge on data collection, development and implementation of data-driven methods, and on producing evidence-based policy making in the above-mentioned areas.
- Experience in managing projects in the EU Eastern Neighbourhood region.

¹¹ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

In addition, demonstrated specific operational and technical capacities are required to implement the activities listed under Outcomes 1 and 2. The implementation by this entity entails implementing activities and reaching results as listed under the expected results. The implementation of Outcome 1, output 1, and Outcome 1 output 2 together with Outcome 2 is envisaged by two separate entities.

4.3.2. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances

In case implementation modality by indirect management as described in 4.3.1 cannot be implemented due to circumstances outside of the Commission's control, these parts of the action may be implemented through a grant under direct management with civil society organisations.

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5. Indicative Budget

| Indicative Budget components | EU contribution (amount in EUR) |
|---|---|
| Implementation modalities – cf. section 4.4 | |
| Outcome 1, output 1 composed of | 1 000 000.00 |
| Indirect management – cf. section 4.3.1 | N/A |
| Outcome 2 and Outcome 1 Output 2 composed of | 15 000 000.00 |
| Indirect management – cf. section 4.3.1 | |
| Indirect management – total envelope under section 4.3.1 | 16 000 000.00 |
| Evaluation – cf. section 5.2 Audit – cf. section 5.3 | will be covered by another Decision |
| Communication and visibility – cf. section 6 | 0 |
| Contingencies | 0 |
| Totals | 16 000 000.00 (2 000 000.00 from the general budget of the EU for 2022 and 14 000 000.00 from the general budget of the EU for 2023. |

4.6. Organisational Set-up and Responsibilities

The responsibility of the programme lies with the Commission. The steering of the projects will be led by Directorate-General for Neighbourhood and Enlargement Negotiations.

Each outcome/component will have a Steering Committee meeting which will be chaired by the Commission and will include coordination and communication with all interested stakeholders, including representatives of other EU institutional stakeholders. For component/outcome 2, programme-specific contact points shall be nominated at headquarters, in EU Delegations and in field offices to ensure coordinated internal and external communication. The steering committee shall meet regularly, at least once per year to provide an update on the annual activities and for the monitoring of the implementation. For component/outcome 2 local country-based Steering Committees will be set up to avoid overlap and ensure local steer for actions carried out in-country. Each implementing partner will provide the Secretariat of the Steering Committee for their respective components.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner 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 Outputs and contribution to the achievement of its Outcomes, and if possible at the time of reporting, contribution to the achievement of its Impacts, as measured by corresponding indicators, using as reference the logframe matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring will be defined in the negotiation phase.

5.2. Evaluation

Having regard to the nature of the action, a final evaluation will be carried out for this action or its components contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that rule of law and good governance are priorities for the EU in the region and for the partner countries (especially in the current context) and that this action builds on prior regional programmes on this issue.

The Commission shall form a Reference Group (RG) composed by representatives from the main stakeholders at both EU and national (representatives from the government, from civil society organisations (private sector, NGOs, etc.), etc.) levels. If deemed necessary, other donors will be invited to join. The Commission shall inform the implementing partner at least 30 days in advance of the dates envisaged for the evaluation exercise

and missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing Decision.

5.3. Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

All entities implementing EU-funded external actions have the contractual obligation to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. To that end they must comply with the instructions given in the [Communication and Visibility Requirements of 2018](#) (or any successor document).

This obligation will apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU Member States. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and delegation agreements.

For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds. Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and the EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before the implementation. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.

ⁱ [WGI 2021 Interactive > Interactive Data Access \(worldbank.org\)](#)