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ANNEX

Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe

Exceptional Assistance Measure regarding Ukraine

1. IDENTIFICATION

Action: Strengthening governmental and civil society initiatives aimed at sustaining justice, social cohesion and resilience in Ukraine

Action Reference: NDICI CR 2023/26

Cost: EUR 11 200 000 (European Union (EU) contribution).

Budget Line: 14 02 03 10

Duration: Maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.

Lead service: FPI

2. ACTION SUMMARY

This 18-months measure will provide support to governmental and civil society initiatives aimed at sustaining social cohesion and resilience in Ukraine and ensure accountability for international crimes committed during the Russian war of aggression. A first component will support the use of data and evidentiary information collected in the context of the early-warning of communities about imminent attacks to ensure accountability for criminal investigations. This will be done in cooperation with the National Police of Ukraine (NPU), the Office of the Prosecutor General (OPG), as well as the International Criminal Court and the International Centre for the Prosecution of the Crime of Aggression (ICPA). A second component will aim to strengthen national resilience and social cohesion by increasing the effectiveness of government and civil society initiatives seeking to remedy the consequences of Russia's war of aggression. This will include the facilitation of effective and meaningful stakeholders involvement in government, local authorities, and civil society, by increasing their outreach and networking capabilities, as well as by providing them with support from experts on priority issues discussed in relevant working groups and platforms. Furthermore, support will be provided to justice related initiatives for instance by supporting the increased application of

victim-centred approaches by State authorities in the de-occupied territories and strengthening approaches and initiatives in support of social cohesion.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

Since the start of the full-scale Russian military invasion of Ukraine more than 16 months ago, the Government of Ukraine and Ukrainian civil society have demonstrated resilience and response capacity to the war of aggression at all levels. In addition to ensuring successful defence and immediate recovery efforts, Ukrainians have had to respond to the needs of people both fleeing and living in areas temporarily under Russian occupation. This includes providing trauma support and ensuring accountability for perpetrators of crimes and questions of social cohesion. Both at the national and international level, the OPG and the International Criminal Court and the members of the Joint Investigation Team (JIT) continue to investigate and prosecute international crimes committed in Ukraine, including war crimes. In addition, already since the illegal annexation of Crimea and the city of Sevastopol by the Russian Federation in 2014, both the Government of Ukraine and Ukrainian civil society organisations have sought to address further justice needs such as support to social cohesion and assistance to the victims. In this context, the EU fully supports the establishment of the Register of damage for Ukraine, which was created at the Council of Europe Reykjavik Summit (16-17 May) as a first step towards an international compensation mechanism for victims of the Russian aggression.

3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT

The consequences of the Russian war of aggression against Ukraine on justice and social cohesion in Ukraine constitute an exceptional and unforeseen situation in the sense of Article 4(4) (a) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed.

Annex IV, paragraph 1, second paragraph, points (a), (e) and (f) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to (a) support, through the provision of technical and logistical assistance, for the efforts undertaken by international, regional and local organisations and by State and civil society actors in promoting confidence-building, mediation, dialogue and reconciliation, transitional justice, women's and youth empowerment, in particular with regard to community tensions and protracted conflicts; (e) support for international criminal tribunals and ad hoc national tribunals, truth and reconciliation commissions, transitional justice and other mechanisms for the legal settlement of human rights claims and the assertion and adjudication of property rights, and (f) support for reinforcement of State capacity - in the face of significant pressures to rapidly build, maintain or restore its core functions, and basic social and political cohesion.

3.3 RISKS AND ASSUMPTIONS

Risk	Risk level H/M/L	Mitigation measures
The ongoing combat operations and attacks throughout Ukraine might impact the ability of implementing partners and Ukrainian authorities to implement the planned activities.	H	The implementing partners to be selected will be required to have a clear protocol for operating in conflict affected areas with sufficient safeguarding and protective measures in place as well as a track record of being able to imminently start work in the affected areas.
Lack of coordination among donors resulting in duplication of efforts or inefficient allocation of resources.	M	Continued coordination among EU actors will be pursued and the action will specifically include provisions for improved donor coordination with the EU, EU Member States and other partners.

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to strengthen governmental and civil society initiatives aimed at sustaining justice, social cohesion and resilience in Ukraine.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 The first component aims to strengthen the provision of evidentiary information collected as part of community protection efforts to national and international investigations;
- 4.2.2 The second component aims to enhance the effectiveness of government and civil society initiatives seeking to remedy the consequences of Russia's war of aggression including through initiatives complementing criminal justice procedures in Ukraine.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): The accessibility of evidentiary information for national and international proceedings is increased.

Activities (indicative):

- 5.1.1 Develop technical solutions for the collection and storage of evidentiary information and support relevant authorities in this regard;
- 5.1.2 Supporting the accessibility of data to investigative authorities;
- 5.1.3 Develop approaches on best practices of the use of digital evidence in investigative procedures.

Expected Result (2): The effectiveness of government and civil society initiatives seeking to remedy the consequences of Russia’s war of aggression is enhanced, including through strengthened capacity to initiate measures complementing criminal justice procedures.

Activities (indicative):

- 5.2.1 Provide support to the outreach and networking capacities of government and civil society stakeholders in national resilience and social cohesion including with regard to initiatives that seek to accompany criminal justice procedures with a view to strengthening social cohesion and resilience of Ukraine.
- 5.2.2 Provide expertise on topics of priority for working groups and platforms working on initiatives seeking to remedy the consequences of Russia’s war of aggression in Ukraine and to strengthen social cohesion and resilience of Ukraine.
- 5.2.3 Support initiatives aimed at strengthening justice via victim-centered and conflict sensitive approaches to investigations including mentoring, training, and psycho-social support.

6. IMPLEMENTATION

6.1 IMPLEMENTATION MODALITIES

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹.

6.1.1 Grant: direct award (direct management)

(a) Purpose of the grant

Grants will be awarded for the implementation of components 1 and 2 and the achievement of objectives 4.2.1 and 4.2.2, as set out in detail in section 5 above, results 1 and 2.

(b) Type of applicants targeted

The type of applicants targeted are non-profit organisations and private companies with relevant expertise in the intervention area and the ability to roll out activities with immediate effect.

(c) Justification of a direct grant

Under the responsibility of the Commission’s authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision.

(d) Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 July 2023 for reasons of extreme urgency in crisis management aid or in situations of imminent or

¹ 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.

immediate danger to the stability of Ukraine, including by an armed conflict, where an early engagement of the Union may prevent an escalation.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 11 200 000**. A breakdown among components is provided hereunder, and is indicative.

Indicative budget breakdown

Components	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Component 1: Support to provision of evidentiary information to national and international investigations composed of		
6.1.1 – Direct grant (direct management)	3 000 000	N/A
Component 2: Strengthening government and civil society initiatives seeking to remedy the consequences of Russia’s war of aggression and complementing criminal justice		
6.1.2 – Direct grants (direct management)	8 200 000	N/A
Total	11 200 000	N/A

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management. It will be devolved and sub-delegated to the **European Union Delegation in Ukraine**, with the support of the Commission for the conclusion of the contracts implementing the action.

6.4 PERFORMANCE AND RESULTS 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 report. Each 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 outcomes) as measured by corresponding indicators, using as reference the Logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

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).

6.5 EVALUATION

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

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

6.6 AUDIT

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 audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

6.7 COMMUNICATION AND VISIBILITY

The 2021-2027 programming cycle has adopted a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions 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. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

The 2022 "Communicating and Raising EU Visibility: Guidance for external actions" reference document shall be used to establish the appropriate contractual obligations.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

The activities under this measure will build on the experiences and lessons-learned from previous exceptional assistance measures in support of Ukraine. It will be coordinated closely with the support provided by the EU Advisory Mission to Ukraine (EUAM), and the European Union Civil Protection Mechanism, as well as with further EU and international support to the provision of basic services in war affected areas.