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ANNEX

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

Exceptional Assistance Measure regarding Ethiopia

1. IDENTIFICATION

Action: Strengthening accountability mechanisms for human rights violations and abuses and support to conflict sensitive media reporting

Action Reference: NDICI CR 2021 / 07

Cost: EUR 3 000 000 (European Union 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 in Article 23(4) of Regulation (EU) No 2021/947.

Lead service: FPI

2. ACTION SUMMARY

On 4 November 2020, a military operation was launched in the Tigray Regional State by the Ethiopian National Defence Forces. This followed months-long hostilities between the Tigray People's Liberation Front (TPLF) and the federal government and was triggered in response to what the Ethiopian Prime Minister described as attacks by TPLF forces on Ethiopian military bases in the regional capital of Mekelle. A significant number of civilians and combatants are estimated to have died in the ensuing conflict. Eritrean forces are said to be actively involved in the fighting. There are reports of serious human rights violations committed by all parties involved, as well as breaches of international humanitarian law. The humanitarian situation in the region is of serious concern and deteriorating rapidly, despite improved access. A communications blackout persists for most parts of the region and there has been a wave of arrests of journalists covering the conflict. Instability as well as ethnic fragmentation and violence is also increasing in other regions of Ethiopia. Media are increasingly polarised and some are seen to play a pivotal role in propagating an ethnic and polarising agenda. The deteriorating human rights situation in the country may cause further instability and inter-ethnic tensions. This action will aim to prevent further conflict escalation and allow for greater post-conflict stability by strengthening accountability mechanisms for human rights violations and abuses and by supporting conflict sensitive media reporting and the creation of space for community dialogue through media in Ethiopia.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

On 4 November 2020, Ethiopian Prime Minister Abiy Ahmed announced that, in response to an attack on the Ethiopian National Defence Forces' (ENDF) Northern Command, ENDF were given the order to start a military offensive against the Tigray People's Liberation Front (TPLF) in Tigray Regional State. A significant number of civilians and combatants are estimated to have died in the ensuing conflict. The humanitarian situation is of serious concern. The Interim Regional Government in Tigray estimates that there are 900,000 internally displaced persons. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported in April 2021, that more than two million are in need of aid. Despite increased access, many of the affected areas are yet to be effectively accessed, assessed and provided with humanitarian assistance. An estimated 62,000 have fled to Sudan¹. There are reports of serious human rights violations and abuses committed by all parties involved, as well as breaches of international humanitarian law. Incidents of extra-judicial killings and sexual and gender-based violence continue to be reported. While Prime Minister Abiy Ahmed announced on 28 November 2020 that the military operation had been concluded and the control of the territory was restored, the situation in Tigray remains unclear and fighting is reported to continue. A communications blackout persists for most parts of the region and there has been a wave of arrests of journalists covering the conflict.

Instability as well as ethnic fragmentation and violence is also increasing in other regions of Ethiopia. Another security operation was announced in the Metekel Zone of Benishangul Gumuz Regional State in January 2021, following mounting tensions and the killing of more than 200 civilians by unidentified perpetrators. At the end of March 2021, there were reports of clashes between Amhara Regional Forces and Oromo groups in the Eastern part of the Amhara Regional State. The deteriorating human rights situation in the country may cause further instability and inter-ethnic tensions. On 25 December 2020 the High Representative on behalf of the European Union declared that the EU remains concerned by the humanitarian situation, as well as allegations of human rights violations and ethnic targeting². He called for these allegations to be impartially investigated and for accountability to be ensured.

The Ethiopian Human Rights Commission, as the national human rights institution, is essential in documenting human rights abuses and ensuring accountability. Following the appointment of a new Chief Commissioner in July 2019 and the adoption of an amendment to its proclamation, there has been progress in increasing the Commission's independence and it's living up to its mandated tasks. During the past months of conflict and unrest, the Commission has published statements and reports, carried out investigations and gradually expanded its scope to call out cases of serious human rights violations. Significant challenges remain concerning its mandate, budget, investigative capacity and its engagement with national, regional and international human rights bodies and actors.

Against these developments of increased tension in the country, ethnic belonging and identity politics seem to gain significance in the media discourse as well, and feed into the electoral discourse. There has been significant progress in media freedom and diversity in Ethiopia over the past few years and the recent adoption of a new media law has been welcomed as a positive step by media stakeholders. Developments over the past months have however been worrying: Unrest and ethnic tensions have resulted in attacks and killings of journalists,

¹ 62, 383 refugees arrivals registered (10 April, UNHCR)

² [Ethiopia: Declaration by the High Representative on behalf of the European Union - Consilium \(europa.eu\)](https://ec.europa.eu/foreign-affairs/declaration-by-the-high-representative-on-behalf-of-the-european-union)

imprisonment of media owners and reporters, closure of critical media, internet shut-downs and restrictions on access to information. While hate speech is mainly associated with user-generated online content, there are indications that it is also of increasing concern in the professional media and some media are seen to play a pivotal role in propagating an ethnic and polarising agenda. In addition, there is a significant unmet demand for (un-biased) information. There are few community radio stations that broadcast in local languages and that cover issues directly affecting many communities, like the security situation, peaceful co-existence (including between host communities and refugees) as well as conflict resolution or health.

In response to this situation, the action will aim to strengthen accountability mechanisms for human rights violations and abuses and support conflict sensitive media coverage.

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

The ongoing conflict in Tigray, reports of serious human rights violations and abuses, an increase in ethnic tensions also in other parts of Ethiopia and a rise in polarising media discourses and hate speech combined with a significant unmet demand for conflict-sensitive media reporting, constitute an exceptional and unforeseen situation in the sense of Article 4(4) 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, points (a), (b) and (c) of Regulation (EU) No 2021/947 specifically provides for the use of the NDICI rapid response pillar to support (n) measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments and (q) measures to promote the development and organisation of civil society and its participation in the political process, including measures to enhance the role of women in such processes and measures to promote independent, pluralist and professional media.

3.3 RISKS AND ASSUMPTIONS

Risks	High, medium, low	Mitigation
The reform commitment in the Ethiopian Human Rights Commission is affected by staff changes and governmental policies.	Medium	The action will not limit itself to the leadership of the Commission but will build on the amended proclamation to strengthen the ongoing institutional reform process. The support aims to enable the Commission to strengthen its role as an effective and independent national human rights institution.
The COVID-19 situation delays activities and prevents the deployment of external technical expertise and international outreach	Medium	The action will be able to rely on local offices and local expertise in the implementation. In addition, remote technical assistance has been provided successfully in the last year and will be

activities.		expanded in case of need.
Unrest, severe restrictions for journalists and internet shut downs prevent the implementation of the action and endanger media representatives.	Medium	<p>The action will be based on continuous risk analysis and implemented in a conflict sensitive approach. This entails increasing capacity in reducing risks for journalists.</p> <p>With regards to online restrictions, the action will first and foremost target community radio.</p> <p>With regards to the security and political environment, the measure will put in place close coordination with government regulatory bodies as well as an active engagement with local administration. The measure will also ensure the thorough assessment and appropriate representation of partners in Ethiopia that are committed to professional journalism.</p>

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to prevent conflict escalation and allow post-conflict stability by strengthening accountability mechanisms for human rights violations and abuses and conflict sensitive media reporting.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 Support to the Ethiopian Human Rights Commission to fulfil its mandate to promote and protect human rights.
- 4.2.2 Support to increased conflict sensitive, accurate reporting and community dialogue through media in Ethiopia.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Increased capacity and ability of the Ethiopian Human Rights Commission to promote human rights protection, including monitoring and reporting and human rights education.

Activities (indicative):

- 5.1.1 Provision of training and training of trainers in human rights competences such as complaint handling, documentation of human rights violations, investigation and mainstreaming of gender and vulnerable groups' rights as well as international and regional human rights mechanisms and standards;

- 5.1.2 Facilitation of peer-to-peer visits and mentorship by other national human rights institutes;
- 5.1.3 Provision of technical expertise for strategy development in areas such as emergency response to human rights violations, complaint handling, investigation and mainstreaming rights of women, children and vulnerable groups;
- 5.1.4 Provision of coaching in strategic planning, leadership, accountability and communication mechanisms.

Expected Result (2): Increased conflict sensitivity as well as increased gender, age, social and ethnic diversity in media coverage and amongst media representatives.

Activities (indicative):

- 5.2.1 Provision of training courses for journalists and media representatives;
- 5.2.2 Facilitation of research on media pluralism and ethnic inclusion;
- 5.2.3 Organisation of workshops on conflict sensitivity, inclusion, diversity;
- 5.2.4 Facilitation of media literacy initiatives, targeting youth in particular;
- 5.2.5 Production of local conflict sensitive, factual, impartial and professional media programmes on community-oriented themes.

6. IMPLEMENTATION

6.1 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 measures³.

6.1.1 Grant: direct award (direct management)

(a) Purpose of the grant

The grant will contribute to achieving the objectives and results as presented in sections 4.2.1 and 5.1.

(b) Type of applicants targeted

The type of applicants targeted for these direct awards are non-governmental and not for profit organisations.

(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** at the date of the Financing Decision.

(d) Exception to the non-retroactivity of costs

³ 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.

The Commission authorises that the costs incurred may be recognised as eligible as of 1 May 2021, because the deteriorating human rights situation in the country may cause further instability and inter-ethnic tensions and immediate support to strengthen emergency response to human rights violations is critical.

6.1.2 Grant: direct award (direct management)

(a) Purpose of the grant

The grant will contribute to achieving the objectives and results as presented in sections 4.2.2 and 5.2.

(b) Type of applicants targeted

The type of applicants targeted for these direct awards are non-governmental and not for profit organisations.

(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** at the date of the Financing Decision.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 3 000 000**. 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 the Ethiopian Human Rights Commission to fulfil its mandate to promote and protect human rights		
6.1.1 – Direct grant (direct management)	2 000 000	N.A.
Component 2: Support to increased conflict sensitive media coverage and space for community dialogue		
6.1.2 – Direct grant (direct management)	1 000 000	N.A.
Total	3 000 000	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**, 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 reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and 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, evaluations will not be carried out for this action or its components.

In case an evaluation is not foreseen, 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

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

The action is fully aligned with other ongoing EU support to the Ethiopian Human Rights Commission, notably to strengthen the role of the Commission in criminal cases and in documentation, investigation and reporting as part of larger support to the capacity of human rights defenders in Ethiopia⁴.

The good coordination of this action will be ensured through regular exchanges with the EU Delegation and EU Member States' representations in Ethiopia.

The action complements another new measure by the EU, which responds to the spill over of the crisis in Tigray on Sudan, supporting conflict prevention and peaceful coexistence in Eastern Sudan.

The action complements the increased humanitarian support provided by the EU since the outbreak of the conflict in Tigray. This includes the allocation of an additional EUR 6 million for Ethiopian refugees in Sudan and the mobilisation of an additional EUR 18.8 million for emergency humanitarian assistance to people affected by the Tigray crisis in Ethiopia.

⁴ This support is provided through the European Development Fund and the European Instrument for Democracy and Human Rights.