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ANNEX

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

Exceptional Assistance Measure regarding Haiti

1. IDENTIFICATION

Action:	Support to the National Police of Haiti
Action Reference:	NDICI CR 2023 / 03
Cost:	EUR 3 000 000 (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

The current crisis in Haiti is one of the worst witnessed by the country in its recent history and is worsening day by day. Insecurity is spreading across the country and law and order have all but collapsed. The national police is overwhelmed, underequipped and outnumbered, with criminal armed groups expanding their territorial control throughout the capital and other regions. Gang-related incidents have claimed the lives of 531 people since the beginning of the year¹. Women, girls and boys of all ages, and, to a lesser extent men, have been victims of brutal sexual crimes. Porous sea as well as land borders combined with the lack of capacities of the National Police of Haiti to control illicit trafficking provide opportunities for clandestine criminal activities to flourish, especially with regards to arms and drug trafficking, and are further fuelling the current levels of violence.

Security sector reform in general, and a strengthened national police in particular, are an important factor to ensure that the country can embark on the road to stability. Improving the security situation is also a pre-requisite for holding inclusive and fair elections. The action will therefore contribute to accompanying and supporting the National Police of Haiti in its response to the urgent security challenges in the country, including the fight against organised crime, and

¹ According to information gathered by the Human Rights Service of the UN Integrated Office in Haiti (<https://www.ohchr.org/en/press-briefing-notes/2023/03/haiti-gang-violence>)

with a view to re-establishing its capacity to effectively control its borders and ensure public order and individual security.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

The ongoing political, constitutional and humanitarian crisis, the collapse of state security, the in-fighting between powerful political and economic actors, and the concomitant heavy presence of criminal armed groups and consistently high levels of violence have plunged Haiti into an unprecedented multidimensional crisis. An estimated 60 percent of the population is living in poverty. Deteriorating living conditions and increases in fuel prices and the cost of living resulted in a series of riots and protests that spanned over two years, starting in 2018. In early 2021, disputes over then President Jovenel Moïse's presidential term and a proposal to adopt a constitution that would strengthen his powers led to a new round of violent protests. He was assassinated in July 2021 and Prime Minister Ariel Henry took over as interim head of state. While recognised by a majority of international partners, strong opposition to his rule by many political parties and civil society actors has continued to deepen the political crisis. In parallel, the loss of control of large parts of the capital to criminal armed groups and the inability of the national police to respond to the urgent security needs of the population has resulted in unprecedented levels of kidnapping, violence and human rights violations. Sixty percent of the population feel that they are living in a situation of insecurity according to a recent Americas Barometer survey. Gang-related incidents have claimed the lives of 531 people since the beginning of the year², mostly as collateral to violent kidnapping attempts on the streets and burglaries in houses. Homicides have tripled in the space of 15 years, with a 26 percent increase from 2020 to 2021 alone. In 2021, there were 557 cases of kidnapping in the country, 10 times more than the annual average between 2014 and 2018. According to a recent report, women, girls and boys of all ages, as well as to a lesser extent men, have been victims of ruthless sexual crimes. Gangs have resorted to sexual violence as a weapon to disrupt the social fabric and create terror and fear, as reprisals for the real or perceived support to rival gangs, for the simple fact of living in the same area, or to bolster their position of power. Armed violence in the capital is also indirectly driving up food insecurity in some parts of the country, hampers the response to cholera cases and is therefore in part also responsible for deaths linked to the humanitarian crisis. The increase in armed violence in the capital is also the result of a peak in arms trafficking from the United States and (to a lesser extent) from Jamaica and the Dominican Republic.³

Political violence and the extensive presence of criminal armed groups/gangs are one of the major challenges to stability in Haiti. The links between economic actors, the political elite and gangs have rendered any durable solutions to security sector reform extremely difficult.

Currently, the police to population ratio remains low. It is estimated that the current strength of the National Police of Haiti stands at between 8,000 and 12,000 police officers (October 2022 estimates), with a very small percentage of female officers. This is equivalent to a ratio of approximately 1 police officer per 800 inhabitants, well below the regional average of 1 police officer per 300 inhabitants. The security forces are also under-equipped and lack the operational

² Op. cit.

³ https://www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf

capacity and know-how to adequately respond to the various forms and levels of violence and threats in the country. Moreover, many police officers are deployed to protect specific people and institutions, while units to fight against (organised) crime are understaffed. The National Police of Haiti also continues to be permeable to links with and the influence of armed groups and interest groups and the conflicts of interest and loyalties within National Police are a symptom of the larger crises.

What is at stake for the future stability and development of Haiti and the Caribbean region urgently calls for an effective response from Haitian authorities and the support of the international community. Security sector reform in general, and a strengthened national police in particular, are an important factor to ensure that the country can embark on the road to stability and a vital part of any durable solution to Haiti's structural problems. They are also urgently needed to curb the repeated cycles of violence that the country and its people have been facing. Improving the security situation is also a pre-requisite for holding inclusive and fair elections.

In 2022, a USD 28 million *Programme Conjoint d'Appui à la Police Nationale d'Haiti* (PNH) was designed by the United Nations Integrated Office in Haiti (BINUH) in consultation with the PNH. The programme is funded by donors through a Basket Fund managed by United Nations Development Program (UNDP). Its main objective is to strengthen the PNH so that it can improve the security situation in the country. The Basket Fund itself has been established to reflect the need for a coordinated response amongst international partners active in the country's security sector. A contribution to the Basket Fund will also allow the EU to increase its political profile by regaining a seat at the table of strategic discussions between the Government of Haiti and its most important international partners and assume a greater positive role in the stabilisation of the country. While contributing to the Basket Fund through an independent bilateral contract, the European Union will ensure that the visibility of its support is enhanced and adequately conveyed to partners and beneficiaries.

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

The deepening instability and crisis and pervading violence and insecurity in Haiti, 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 (d), (f), (k) and (l) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to provide (d) support for the development of democratic, pluralistic state institutions, including measures to enhance the role of women in such institutions, effective civilian administration and civilian oversight over the security system, as well as measures to strengthen the capacity of law-enforcement and judicial authorities involved in the fight against terrorism, organised crime and all forms of illicit trafficking; (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; (k) support for measures to combat, within the framework of Union cooperation policies and their objectives, the illicit use of and access to firearms, small arms

and light weapons, and (l) support for measures to ensure that the specific needs of women and children in crisis and conflict situations, including preventing their exposure to gender-based violence, are adequately met.

3.3 RISKS AND ASSUMPTIONS

RISKS	LIKELIHOOD (High/Medium/ Low)	MITIGATION STRATEGY
Political risks		
Complete loss of legitimacy of the current government, leading to a heightened political and constitutional crisis.	Medium to high	A minimum level of security, to which the action contributes, is a pre-requisite for the organisation of elections for which so far no date has been set. Elections would be an important part of the solution to the current political crisis.
Further politicisation and fragmentation of loyalties within the police and of politicians using armed groups/gangs for their own interests.	Medium to high	A do no harm approach will be taken and a careful analysis of the possible unintended consequences of the EU’s support. Participation in regular technical coordination meetings will ensure effective monitoring of the situation.
Operational risks		
Continued deterioration of the security and political environment, leading to increases in violence, mass protests, including of the police force itself.	High	Continued monitoring of the political and security environment together with the UN system and strategic partners in the country to prepare a coordinated response.
A total collapse of the security situation that would lead to the partial or complete disengagement of the police and an overall inability of the National Police of Haiti to recruit additional staff.	Medium to high	Continued and increased support of the international community to security sector reform and strong political engagement are crucial to avoid a complete collapse of the security situation.
Disengagement of the international community in terms of further funding to the Basket Fund programme, leading to an insufficient	Medium	The EU’s support as well as that of other current contributors to the Basket Fund that lead the efforts in security sector governance and support to Haiti will

RISKS	LIKELIHOOD (High/Medium/ Low)	MITIGATION STRATEGY
funding and inability to effectively implement all of the activities planned under the programme.		ensure a basis for the engagement of other donors.
Lack of continued support after the end of the action, leading to only a short-term curb in violence.	Medium	The EU will continue to highlight the importance and need to invest in dealing with the structural inequalities at the root causes of the cyclical crises in Haiti. Coordination with INTPA with regard to potential follow-ups to FPI funding is ongoing.
Lack of coordination amongst international donors leading to a duplication and gaps.	Low	Coordination mechanisms are in place. The action will ensure that effective coordination takes place on a regular basis.

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to contribute to reducing current levels of insecurity, in particular in the capital, and ensure that the National Police of Haiti can effectively fulfil its public service role of ensuring the security of individuals and maintaining order.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 To accompany and support the National Police of Haiti to address its priorities in terms of internal governance, including control mechanisms, capacity building for recruitment and training, and operational intervention and intelligence capabilities, including the fight against organised crime and border control.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Properly trained police are part of the gradual improvement in the police/population ratio, with a better representation of women.

Activities (indicative):

- 5.1.1 Support recruitment advertising campaigns that promote the engagement of women in the national police force;
- 5.1.2 Develop a training session focusing on character and gender investigations; and
- 5.1.3 Support infrastructure development to accommodate female recruits.

Expected Result (2): The operational capacity of the police and the provision of basic services by the National Police of Haiti is strengthened.

Activities (indicative):

- 5.2.1 Provide the sexual crimes investigation units with logistical means to enable them to better carry out their activities.

Expected Result (3): The capacities of the National Police of Haiti to fight organised crime are more effective.

Activities (indicative):

- 5.3.1 Support the set-up and operational capacities of a container and border control programme through the provision of expertise, equipment and logistical operations.

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 measures⁴.

6.1.1 Indirect management with a pillar assessed entity

This action may be implemented in indirect management with the United Nations Development Programme (UNDP). This implementation entails the activities as described in sections 4 and 5 above. The envisaged entity has been selected using the following criteria: presence and ability to operate in the country, capacity to promote coordination on security sector governance with international and national counterparts, and a well-established relationship with key stakeholders and relevant authorities, notably the National Police of Haiti.

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.

⁴ 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.

Indicative budget breakdown

Components	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Component 1: Support to the National Police of Haiti composed of 6.1.1. – Indirect management with UNDP	3 000 000	N.A.
Total	3 000 000	N.A.

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under indirect management. It will be devolved and sub-delegated to the **European Union Delegation in Haiti**, 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 action has been developed within the framework of the Basket Fund programme implemented by UNDP, a programme that has been designed jointly by the National Police of Haiti and UNDP, in close coordination with international partners, including the European Union. Other donors, including EU Member States, are already contributing to the Basket Fund. Coordination will be assured to avoid duplication of funding and ensure full complementarity to allow for the implementation of the wide range of activities foreseen by the Basket Fund programme.

The action will also contribute to the Humanitarian-Development-Peace nexus through its complementarity with the EU's current and future objectives at bilateral and regional levels (11th EDF and NDICI), in particular:

- the State and Resilience Building Contract (SBC II),
- the regional Multicountry Border Security Programme, implemented in the Dominican Republic, Haiti and Jamaica which is currently running and the objective of which is to reinforce Interpol units and the exchange of information between these countries, and
- the EU's civil society and human rights projects in the country, which aim to provide support to selected geographic areas hit by insecurity, mainly in Port-au-Prince, through the strengthening of civil society and local authorities and the provision of basic services, both of which seek to respond to the needs of the most vulnerable segments of the population, including addressing issues of gender-based violence.

Within the Multiannual Indicative Programme 2021-2027 (NDICI), objectives linked to strengthening of financial and economic governance are foreseen and could provide continuity to some of the objectives and activities foreseen by the action, notably the fight against organised crime.

Within the current Haitian context, the objectives of the action are seen as a pre-requisite for other engagements in terms of the EU-Haiti partnership and the EU cooperation in the country.