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ANNEX

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

Exceptional Assistance Measure regarding Central America

1. IDENTIFICATION

Action: Central America Protection and Civic Space Promotion Programme

Action Reference: NDICI CR 2023 / 29

Cost: EUR 4 000 000 (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

In an increasingly constricted civic space, effective support to civil society requires strong inclusive coalitions to facilitate a more enabling environment for civic activism. The main objective of the action will be to contribute to a more enabling environment for civic participation in Central America, promoting safer conditions for access to justice and the defence of human rights, freedom of expression, association and information. To that end, the specific objectives are to protect, sustain and legitimise the work of civil society organisations (CSOs), Human Rights Defender (HRD) collectives, journalists and justice operators so they can continue operating, expanding and strengthening their impact across the different contexts in which they operate.

The implementation methodology will include flexible financial support to strengthen organisational capacities for CSOs, HRD collectives, journalists, and justice operators; visibility and advocacy to promote concrete solutions to foster a safer environment for target groups; emergency assistance, advocacy and urgent appeals as well as protection capacities and accompaniment to target groups at risk.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

In Central America civic space is rapidly contracting as restrictions against civil society take multiple forms becoming increasingly repressive and effective. Some governments have imposed foreign funding restrictions or misused national security and anti-money laundering and counter-terrorism financing laws to clamp down on civil society and independent media's rights to exercise freedoms of expression, association, and peaceful assembly. The unlawful or arbitrary use of the police and the judicial system also targets civic participation and can effectively cut off the public's access to information, undermine democratic debate, and hinder the vital work of civil society and journalists. Several journalists and media have had to flee after receiving visible and virulent, public attacks, abusive legal action, smear and intimidation campaigns and online harassment. The situation is most dire in Nicaragua, where thousands of civil society organisations have seen their legal entities removed and their members persecuted, representing the culmination of a clear pattern of repressing civic space that could have rapid and far reaching consequences.

The region is also the origin, transit and destination of large mixed migration movements of people, many of whom flee for credible threats from criminal organisations that also control the main migration routes. CSOs, journalists and independent media as well as human rights defenders in Central America have long faced extra-legal attacks in reprisal for investigating organized crime, corruption, and its impact on local communities. In the fight against gangs, the state of emergency is regularly extended along with legal and administrative barriers to the creation, functioning, communication and resourcing of CSOs. Restrictions on the effective exercise of the freedoms of association and information take various forms, including increased scrutiny and surveillance; moves to close CSOs forcibly; smear campaigns; arrests, imprisonment, and miscarriages of justice; as well as the intimidation and even targeted assassination of activists and HRDs. Such measures disproportionately affect the work of CSOs, HRDs and journalists that engage in advocacy, seek to hold governments to account, and work to expose poor governance and realise the rights of excluded and marginalised people.

In Nicaragua, the government has unleashed unprecedented levels of violence against its own people, using killings, forced disappearances, incarceration, harassment and intimidation against political opponents as well as journalists, HRDs, religious and other leaders. The authorities have continued their unprecedented crackdown on the opposition and civil society using a wide range of repressive legal instruments to criminalise civil society and prosecute rights defenders using recent legislation on "foreign agents", on cybercrimes and on crimes against sovereignty. The closure of postsecondary institutions (INCAE and UCA) has left thousands of students out of the higher education system, propitiating new waves of migration towards neighbouring countries. The recent modifications removing powers and resources from the Judiciary have expelled almost 1 000 justice operators. It represents a takeover by the Executive, centralising even more powers in the presidential couple.

Guatemala continues to suffer a process of institutional co-optation and the dismantling of the rule of law, through the systematic obstruction, harassment and criminalisation of the legitimate work of judges and prosecutors. There are numerous reports of smear campaigns, arrests and intimidation of justice practitioners, in particular those from the International Commission Against Impunity in Guatemala (CICIG) who investigated ties to high-ranking state officials

and business owners; and an intensification and increase of aggressions and the criminalisation of CSOs and HRDs.

In Honduras, one deeply worrying dimension of its high crime rates is the impact it has on citizen action. Journalists, environmental activists, and LGBTIQ rights campaigners are among those most vulnerable to violence. Censorship, harassment, physical attacks, and assaults are common practices to silence critical voices thus deteriorating conditions for independent journalism. The efforts to investigate and prosecute violence against these groups have made little progress. Not only do these groups lack adequate protection, they are also often the target of judicial persecution, criminalisation, and harassment.

In El Salvador, concerns persist on the effect of continued exception measures on fundamental freedoms and on the work of independent media, CSOs, women organisations and HRDs. In addition to more stringent registration requirements, intimidation tactics have reportedly been used against media outlets and journalists, including through surveillance, investigation and defamation campaigns further restricting civic space. Efforts to limit civic space take place in a wider context of undermining judicial independence, rule of law and democracy.

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

The increasingly closed space for civil society, free independent media, justice operators, HRDs and community or environmental leaders in Central America constitutes 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), (n) and (q) 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; (n) support for 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) support for 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

<i>Type of risk</i>	<i>Description</i>	<i>Mitigation measures</i>
Political and security risks	Deterioration of the political and security situation in some of the targeted countries, which could generate instability, social unrest or prevent target communities from being reached.	Political and security risks will be mitigated through intensified contacts with all stakeholders and political actors. Regular analysis of the context and changes will be carried out, allowing the activities to be adapted if needed.
	In some countries, risk due to the possible uncooperative attitude of public authorities due to their particular political situation.	Increase personal, organisational and digital security measures. Ensure adequate safekeeping of all documents and files.
	Increased risk of hate speech and aggressions increasing the social fracture, and fuelling instability and further displacements.	Provide psychosocial support to victims. Protect human rights defenders, community leaders and indigenous communities (with a focus on security measures). Facilitate spaces for dialogue and mediation for social cohesion.
Operational risks	Access to targeted communities and countries may be hampered.	Regular risk assessment exercises and risk analyses updates will be conducted to ensure access.

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to contribute to a more enabling environment for civic participation in Central America, strengthening civil society organisations and promoting safer conditions for access to justice and the defence of human rights, freedom of expression, association and information.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 Contribute to a more enabling environment for civic participation in Central America;
- 4.2.2 Strengthen civil society organisations and promote safer conditions for access to justice and the defence of human rights, freedom of expression, association and information.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Enabling conditions promoted to sustain and enhance legitimacy of the work of CSOs, HRDs, journalists and justice operators so they can continue operating, expanding and strengthening their impact.

Activities (indicative):

- 5.1.1 Flexible financial support provided to strengthen actions and organisational capacities to continue working for human rights, access to justice and civic space;
- 5.1.2 Flexible financial support provided to promote press freedom and the defence of journalists;
- 5.1.3 Visibility and advocacy initiatives have contributed to shift current trend to restrict civic space and to promote solutions to foster a safer environment for HRDs, journalists, and justice operators.

Expected Result (2): HRDs collectives, journalists, and justice operators at risk react and counteract imminent security threats and have strengthened capacities to autonomously manage their own protection strategies.

Activities (indicative):

- 5.2.1 Timely emergency assistance, advocacy and urgent appeals enacted in support of HRDs, journalists, and justice operators at risk;
- 5.2.2 CSOs, HRDs, journalists, and justice operators strengthened protection capacities through tailored assistance as well as support to country and regional solidarity networks;
- 5.2.3 Protective accompaniments and international observation to collectives in acute risk provided.

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

The objective of the grant is to contribute to strengthen civil society, protect CSOs and promote a more enabling environment for civic participation in Central America.

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.

(b) Type of applicants targeted

Potential applicants are non-governmental organisations, media outlets, justice operators, community leaders working in the countries of focus or from abroad and on support to civil society.

(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.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 4 000 000**. 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
Central America Protection and Civic Space Promotion Programme	4 000 000	NA
6.1.1 – Direct grant Central America Protection and Civic Space Promotion Programme (direct management)	4 000 000	NA
Total	4 000 000	NA

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management. It will be managed by the Commission, with the support of the European Union Delegations for the monitoring of 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 will complement ongoing programmes funded by the NDICI – Global Europe, and managed by the Foreign Policy Instruments (FPI), the Directorates-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO) and International Partnerships (DG INTPA). Particularly important will be the coordination with HRD mechanism programme, Internews programme and support to the Inter-American Court and Commission on Human Rights projects.

Additionally, particular attention should also be paid in ensuring the complementarity with the new EU System for Enabling Environment (EU SEE is financed under the CSO thematic programme) that will start beginning 2024 and will cover 86 countries, including three of the countries mentioned in the Annex (El Salvador, Guatemala, Honduras). It will also imply a

Flexible Support Mechanism that will include financial support to third parties to be triggered by a Monitoring and Early Warning Mechanism. The flexible support will provide individual urgent actions to counteract and prevent deterioration in the enabling environment for civil society. It is therefore important to have fluid communication between FPI, EU Delegations and INTPA G2 & SEE, to achieve greater impact and avoid inconsistencies or duplications.

A good understanding of the humanitarian dimension will be factored in the analysis undertaken by the group including through regular exchanges with DG ECHO to avoid duplication and overlaps and ensure complementarity.

It is expected that the implementing partners will report to the EU Delegations regularly, and brief the EU Political Counsellors whenever appropriate so that complementarity with EU-funded actions can be ensured, and insights shared with EU Member States.