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ANNEX

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

Exceptional Assistance Measure regarding Pakistan

1. IDENTIFICATION

Action: **Support to countering and preventing terrorism in Pakistan**

Action Reference: NDICI CR 2023 / 13

Cost: EUR 6 000 000 (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 measure seeks to strengthen the ability of the government of Pakistan to prevent and counter violent extremism and terrorism. Activities will focus on supporting the capacity of law enforcement institutions, according to international best practice, to enable a better understanding of terrorism cases and to bring justice closer to the people, particularly through the use of digital courtrooms. Support will be provided to victims of terrorism both in terms of legal as well as mental health and psychosocial support. Prevention and countering violent extremism radicalisation awareness networks will be set up with researchers, academics, civil society organisations, religious leaders, and youth in order to promote greater tolerance and dialogue. Working in an integrated approach with the government, vulnerable groups and civil society organisations will help to address the root causes of violent extremism, including through the protection of human rights, the promotion of dialogue between communities, and the strengthening of the rule of law and oversight mechanisms. The measure will directly support and ensure follow up and sustainability of the outcomes of the EU-Pakistan policy dialogue on counter terrorism of April 2023.

Building on past work on this issue, the government of Pakistan has identified several priority areas to address in order to deal with the current security crisis and increased terrorist threat, namely support to further develop the capacities of criminal justice institutions working on

counter terrorism, the provision of support to victims of terrorism and a deeper engagement with communities on the prevention of violent extremism.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

In Pakistan, particularly since the takeover of Kabul by the Taliban in 2021, the security situation has deteriorated. There have been increased terrorist attacks mainly aiming at Pakistani law enforcement forces by the Tehreek-e-Taliban-e-Pakistan (better known as the Pakistani Taliban, TTP) but also by other organisations, homegrown or operating in the porous border regions. Cross-border terrorist activities, in particular from Afghanistan, where some TTP bases are present, are on the rise and represent a serious threat to security. The November 2022 decision by the TTP to call off an informal cease-fire agreed with the Pakistani government has led to a heightened sense of urgency to counter terrorist incidents. In addition, following the floods that affected around 33 million people across the country in 2022, the Pakistani government temporarily suspended counter terrorism operations, thus facilitating the regrouping of terrorist and paramilitary militias. Wider issues affecting the population such as a severe economic downturn, high vulnerability to climate change disasters, poor governance and religious radicalisation are also factors heightening the risk of violent extremism with potential fighters seeking opportunities for illicit sources of income and financial security.

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

Terrorism-related threats remain high in Pakistan. An increased number of terrorist attacks mainly aiming at Pakistani law enforcement forces by the Tehreek-e-Taliban-e-Pakistan and cross-border terrorist activities, in particular from Afghanistan, led to a heightened sense of urgency to counter an escalation of attacks, posing serious threats to security, and constituting 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) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to provide 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.

3.3 RISKS AND ASSUMPTIONS

Risks identified	Risk level	Mitigation
Human rights violations undermine the population's confidence and trust in the criminal justice system.	High	Through the establishment of the risk management protocol, the measure will be able to detect possible human rights violations and contribute to address them through the existing internal accountability channels. It is worth noting that the EU is continuously engaged on human rights with the Government of Pakistan through political dialogue and institutional cooperation.
Lack of independence of the judiciary, with high levels of interference from the judiciary.	High	The action will contribute towards the independence of judiciary through improving understanding of digital forensics techniques of judges, it will enable judges to independently examine digital evidence, ensuring fair and accurate decisions. This reduces the reliance on external entities and strengthens the judiciary's autonomy. In addition to digital forensics training, judges will receive training on judicial ethics. Moreover, by establishing e-courts, the judiciary can minimise physical interaction and reduce the chances of undue external influences. E-courts will reduce the possibility of case manipulation or undue delays. Transparent case management systems enable efficiently tracking of case progress, identify any irregularities, and ensure fair and timely resolution of disputes. This transparency helps to maintain the independence and integrity of the judiciary.
The existing legal framework assumes capital punishment for terrorism-related offences. Strengthening the capacity of the judges and security personnel is likely to increase the conviction rate and adjudication before the anti-terrorism courts. This will inevitably lead to increased application of disproportionate punishment, especially in cases where investigation and prosecution have proven to be flawed in the past.	High	The implementing partner and the representatives of the international community in Pakistan will continue to actively advocate for the abolition of death penalty. The project will provide the necessary platform for continued engagement and advocacy with the National Counter Terrorism Authority (NACTA) on the national level to continue the dialogue on the death penalty and advocate for its abolition.

Risks identified	Risk level	Mitigation
Terrorist related violence poses a personal security risk for the project staff and partners working on execution of the tasks, especially given that the security personnel is explicitly targeted by terrorist groups.	High	The implementing partner will strictly comply with the security protocol and procedures, also in cooperation with the UN and official Pakistan's security safeguards. The implementing partner will regularly monitor security situation in Balochistan.
Resistance to the project: the current dynamic of reinforcement of the civil component of the fight against terrorism may trigger opposition from other security actors. Depending on their political weight, this could lead to a slowdown of the project or a threat to its implementation.	Medium	Through continuous engagement with stakeholders, the implementing partner will try to overcome resistances and continuously seek ownership of Pakistani government's counterparts.
Lack of commitment and political support by the relevant federal and local authorities.	Low	The measure has been designed in full partnership with the relevant authorities and it builds upon the relationships that the implementing partner has established with Pakistani law enforcement authorities. EU-Pakistan political dialogue on counter terrorism is taking place on a regular basis (the last dialogue took place in Brussels in April 2023).

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to strengthen the ability of the government of Pakistan to prevent and counter violent extremism and terrorism.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 To develop the capacities of Pakistani criminal justice institutions, in line with international best practices, to prevent and counter terrorism;
- 4.2.2 To provide support to victims of terrorism both in terms of legal as well as mental health and psychosocial support;
- 4.2.3 To enhance engagement with communities on prevention of violent extremism.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Capacities of Pakistani criminal justice institutions to prevent and counter terrorism are improved.

Activities (indicative):

- 5.1.1 Provision of rights-based policing training, targeting counter terrorism departments, on international best practices and advanced investigation skills, using modern tools and methods. Human rights will be an essential component of capacity building programmes for law enforcement officials, who will be trained to respect due process rights, including the right to a fair trial, the presumption of innocence, and the right to legal representation;
- 5.1.2 Set-up of e-courts (digital courtrooms) in counter terrorism courts to enable a better understanding of terrorism cases, to bring justice closer to the people, and improve witnesses and judges protection;
- 5.1.3 Development of curricula and training programmes for the judiciary on legal and technical aspects of cases related to terrorism, as well as on developing and managing e-courts;
- 5.1.4 Provision of tools and equipment, such as computers/servers and analytical softwares, to counter terrorism departments in Balochistan.

Expected Result (2): Support to victims of terrorism both in terms of legal as well as mental health and psychosocial support is improved.

Activities (indicative):

- 5.2.1 Development of regional and national assistance and protection policies for victims of terrorism;
- 5.2.2 Establishment of compensation and reparation support mechanisms for victims of terrorism;
- 5.2.3 Provision of psychosocial support for victims of terrorism.

Expected Result (3): Community engagement to prevent and combat violent extremism is enhanced.

- 5.3.1 Set-up of prevention and countering violent extremism radicalisation awareness networks connecting frontline practitioners in Pakistan (such as researchers, academics, civil society organisations, human rights organisations, religious leaders and youth);
- 5.3.2 Provision of training, information and awareness raising, exchange of knowledge and experiences, promotion of values of tolerance, respect and dialogue, as well as development of policies and strategies to prevent and counter radicalisation and violent extremism;
- 5.3.3 Oversight and monitoring of measures implemented by the established radicalisation awareness networks, including provision of financial 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 Indirect management with a pillar assessed entity

This action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria: a solid presence in the field, with a strong financial and operational capacity in terms of grant management, technical competences and an established institutional network on the ground, previous experience in the country and demonstrated capacity to deliver work in a conflict sensitive manner, and experience in working with the Pakistani institutions on counter terrorism. The implementation by this entity entails capacity-building activities for the police, prosecution and judiciary, coordination efforts at federal level, support to victims of terrorism and the establishment of networks to prevent and counter radicalisation and violent extremism. The contribution agreement will contribute to achieving the expected results described in section (5), and related specific objectives described in section (4).

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 6 000 000**. 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 countering and preventing terrorism in Pakistan		
6.1.1 – Indirect management	6 000 000	N.A.
Total	6 000 000	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 Pakistan**, with the support of the Commission for the conclusion of the contracts implementing the action.

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.

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 implementing partner will work closely with relevant government counterparts, as well as EU and UN partners to ensure collaboration and complementarity and to avoid duplication of resources and efforts.

The action has been designed taking into consideration the lessons learned from the EU crisis response actions “Support to Pakistan's action to counter terrorism (PACT), with special reference to Sindh”, and “Support to Pakistan’s Action to Counter Terrorism (PACT), with Special Reference to Khyber Pakhtunkhwa”. In particular, the PACT actions highlighted the need to develop training resources and modules for counter terrorism departments and build their capacity in advanced investigation skills; to develop capacity building of judges to adjudicate cases related to terrorism; to establish e-courts to with a view to improve witness and judges protection as well as information gathering and analytical capacities; and to support law enforcement in emerging areas of investigation, such as dark web and cryptocurrency.

The action will also support the prevention of violent extremism through contributing to the development of relevant radicalisation awareness networks by promoting the rule of law, good governance, and human rights. These areas emerged as significant needs while implementing the previous EU supported PACT actions.

In the previous PACT actions, the target actors were law enforcement agencies, prosecutors and judges. In this action, the target actors also include CSOs, through the creation of radicalisation awareness raising networks on the impact of terrorism on individuals and communities, and their contribution to advocacy for the rights of victims. CSO will also provide support to victims of terrorism through the provision of legal aid, counseling, and other services. Furthermore, CSOs can help to build community resilience and promote social cohesion by working with local communities to prevent radicalisation and promote tolerance. Their involvement in preventing and countering terrorism can provide a vital counter-narrative to the extremist ideology that fuels terrorism.

The action will ensure complementarity to the ongoing and upcoming projects supported by the department for International Partnerships (DG INTPA). More specifically with the rule of law programme which aims to strengthen access to justice and enhance capacities of the rule law and justice institutions in Khyber Pakhtunkhwa and Balochistan to deliver responsive and accountable services for all, in line with the provincial rule of law roadmaps. Whereas the INTPA project focuses on investigative, prosecutorial and adjudication gaps for regular/common crime, the proposed action is going to address the same for terrorism cases.

Additionally, the INTPA supported “Aid to Uprooted People (AUP)” and “Khyber Pakhtunkhwa Rural Economic Transformation Programme (KP-RET)” initiatives indirectly support countering terrorism and preventing and countering violent extremism. AUP focuses on improving service delivery and supporting community-driven local development, in ex-FATA areas, while KP-RET targets sustainable job creation in agriculture value chains across the Khyber Pakhtunkhwa. Both programmes aim to help alleviate poverty and improve social cohesion, thus contributing to address the root causes of extremism and terrorism.