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ANNEX

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

Exceptional Assistance Measure regarding Bolivia

1. IDENTIFICATION

Action: Strengthening respect for human rights in Bolivia

Action Reference: NDICI CR 2022 / 08

Cost: EUR 1 000 000 (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

Despite peaceful, transparent and credible elections in October 2019, the political divide and tensions in Bolivia have not subsided. The country has continued to experience waves of mass protests fuelled by deep polarisation and regional divisions. Hardliners on both sides are continuing to use polarising narratives of the 2019 disputed elections, which are entrenching further deep-rooted divisions in a context of, inter alia, an uncertain economic outlook, a politicised judicial system, the consequences of the COVID-19 pandemic and continuing inter-ethnic tensions and social unrest.

Within this context, the promotion and protection of human rights have the potential to act as a bridge to overcome polarised positions and diffuse the current social and political tensions in the country. The action therefore aims to strengthen the protection and effective implementation of human rights in Bolivia. More particularly, it aims to strengthen the rule of law and accountability. This includes revisiting state laws and policies to effectively address, prevent and reduce human rights violations. Furthermore, the action aims to reinforce networks and dialogue amongst human rights and civil society organisations, including women's organisations and environmental rights groups, to enhance alliances, reinforce participation and foster joint monitoring and common actions aimed at addressing human rights concerns, with a human rights and gender-sensitive approach.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

Following the turmoil of the 2019 disputed elections and its violent aftermath, the peaceful, transparent and credible elections of October 2019 in Bolivia seemed to pave the way for reconciliation. The renewed confidence of Bolivian citizens in the electoral authorities pointed towards a possibility of depolarisation of narratives and the healing of deep political wounds. The political divide and tensions of the past have, nevertheless, not subsided. Hardliners on both sides are continuing to use the fraud versus coup narratives of the 2019 elections, which have entrenched further deep-rooted divisions in a context of, inter alia, an uncertain economic outlook, a politicised judicial system, the consequences of the COVID-19 pandemic and continuing inter-ethnic tensions and social unrest.

The situation is aggravated by a lack of accountability for human rights violations during the socio-political crisis of 2019-2020, in particular the massacres of Senkata and Sacaba, where at least nineteen people were killed. To date, no one has been held accountable for the majority of the deaths and injuries perpetrated during the protests, nor for other human rights violations that occurred in the aftermath of the elections. The lack of accountability and the failure to address long-standing issues that the crisis brought to the fore will continue to intensify polarisation and violence.

The arrest in March 2021 of former interim President Jeanine Áñez, who held power between the two elections, as well as members of her cabinet and former high-ranking police and military officials, have stirred further political resentment and mistrust in the country's judicial institutions. It prompted the EU to reaffirm the importance of dealing with the events of 2019 “within the framework of a transparent judicial process and without political pressure, with full respect for the independence of the powers” and that “political differences [must] be resolved through dialogue and reconciliation in order to preserve political stability and the respect of human rights”¹.

In recent months, the country has continued to experience waves of mass protests fuelled by deep polarisation and regional divisions. A further worsening of the situation cannot be ruled out. Hardliners from both sides seem unwilling to make gestures to the other side, and rather interested in fuelling public confrontation, which might lead to a resurgence of violence.

Efforts towards national reconciliation processes at national and local levels have emerged. Notably, the national reconciliation process initiated by the Vice-President and facilitated by the United Nations, with EU support, has entered its operational phase. Human rights considerations form an integral part of the reconciliation process as proposed by the UN.

¹ Bolivia: Statement by the Spokesperson on the latest developments, 14.03.2021
(https://www.eeas.europa.eu/eeas/bolivia-statement-spokesperson-latest-developments_en)

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

The risk of instability, the continued polarisation and regional divisions and the current social, economic and political challenges in Bolivia 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) and (n) 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 regards to community tensions and protracted conflicts, and (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.

3.3 RISKS AND ASSUMPTIONS

RISKS	LIKELIHOOD (High/Medium/ Low)	MITIGATIONSTRATEGY
Political risks		
National authorities and main stakeholders question the work and the neutrality of the OHCHR Technical Mission.	Medium	Constant interaction with Government, national and local authorities and civil society organisations to nurture relations and enhance trust in the neutrality of the OHCHR Technical Mission.
Intents of political actors to interfere in the work of the OHCHR Technical Mission to promote partisan or false perceptions.	Low	The OHCHR Technical Mission will conduct its work in a highly professional manner, in strict adherence with international standards and will show independence and neutrality in all the activities. The Mission will maintain discussions with all the parties involved.
Operational risks		
Uncertainty in the extension of the authorisation for the OHCHR Technical Mission leading to staff turnover, short term contracts and difficulties in implementing the planned activities.	Low	Design alternative plans in case of non-extension of the presence of the OHCHR Technical Mission beyond the end of 2022

RISKS	LIKELIHOOD (High/Medium/ Low)	MITIGATIONSTRATEGY
Deterioration of the political environment leading to mass protests and riots.	High	Continued monitoring the socio-political environment together with the UN system (including through the supported Early Warning System) and strategic partners in the country to prepare a coordinated response.

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to diffuse social and political tensions through the protection and effective implementation of human rights in Bolivia.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 To strengthen the rule of law and accountability mechanisms to monitor, investigate and provide redress to victims of human rights violations;
- 4.2.2 To strengthen human rights and civil society organisations and protect civic space.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Early warning measures are supported, violence is prevented and human rights are protected.

Activities (indicative):

- 5.1.1 Draft regular reports on human rights situation and disseminate to national actors, the human rights mechanisms, the UN system, the Inter-American Commission on Human Rights and other international actors;
- 5.1.2 Conduct observation exercises, including of hearings and emblematic cases;
- 5.1.3 Map and document human rights violations and draft and share findings and recommendations focused on prevention and accountability with relevant national actors;
- 5.1.4 Identify potential scenarios that may lead to a deterioration of the human rights situation and establish a system for UN integrated response, in coordination with other members of the international community and the UN Peace Consolidation Initiative.

Expected Result (2): State laws and policies increasingly address, prevent and reduce human rights violations in Bolivia and the State’s capacity to comply with its human rights commitments and obligations is strengthened.

Activities (indicative):

- 5.2.1 Identify discriminatory legal provisions or bills that may lead to violations of women's rights, including different forms of gender-based violence;
- 5.2.2 Strengthen the capacities of and provide technical assistance to relevant authorities and institutions, with a focus on, inter alia, the rights of women, migrants, persons deprived of liberty, and indigenous peoples.

Expected Result (3): The capacities of human rights and civil society organisations and networks, including women's organisations, are strengthened and human rights defenders (including journalists, indigenous leaders, LGBTQI+ groups and women) are empowered and protected.

Activities (indicative):

- 5.3.1 Provide technical assistance to civil society, including on the methodology for human rights monitoring and in the use International UN Human Rights Mechanisms to identify and report threats;
- 5.3.2 Strengthen alliances and monitoring networks around civic space with specialised civil society groups, including indigenous peoples, women's organisations and LGBTQI+ groups;
- 5.3.3 Monitor, document and report threats and cases of human rights violations against civil society actors.

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 measures².

6.1.1 Indirect management with an international organisation

This action may be implemented in indirect management with the Office of the UN High Commissioner for Human Rights (OHCHR). This implementation entails the implementation of activities as described in sections 4 and 5 above. The envisaged entity has been selected using the following criteria: proven technical expertise and capacity to promote coordination on human rights issues with international and national counterparts, well established relationships with relevant authorities and key stakeholders, and the capacity to rapidly implement activities.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 1 000 000**. A breakdown among components is provided hereunder, and is indicative.

² 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: Strengthening respect for human rights in Bolivia, composed of 6.1.1 – Indirect management with the OHCHR	1 000 000	N.A.
Total	1 000 000	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 Bolivia**, 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

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 builds on the EU's previous commitment to facilitate dialogue and prevent conflict. The EU intends to further support the National Human Rights System beyond this first intervention, as this is one of the priorities under the Multiannual Indicative Programme for Bolivia 2021-2027, with a view to ensuring sustainability and national appropriation and maintaining the current strong coordination with other development partners active in the field.

This action will also contribute to the EU's Human Rights and Democracy Strategy, its Action Plan on Human Rights and Democracy for 2020-2024 and the Human Rights and Democracy Country Strategy for Bolivia for 2021-2024, as well as to the Roadmap for Engagement with Civil Society 2021-2023, and to the Gender Action Plan III and its Action Plan for Bolivia 2021-2025.