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ANNEX

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

Exceptional Assistance Measure regarding Ukraine

1. IDENTIFICATION

Action: **Support to access to education and assistance to victims of sexual violence**

Action Reference: NDICI CR 2022/26

Cost: EUR 16 000 000 (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

This 18-month exceptional assistance measure will seek to mitigate the disruption of education and psycho-social development in children and provide support to victims of sexual violence in conflict as well as the promotion of their rights at the global level. A first component will focus on the access to education for Ukrainian children by supporting the use of the Ukrainian government's 'All-Ukrainian Schools Online Platform' and by addressing needs for safe physical learning spaces and materials for children. Comprehensive support will also be given to teachers to continue their work in the ongoing crisis situation. Assistance will be specifically tailored to the different situations in the east and west of the country, also including support to remote education for children who have fled the country, and the facilitation of activities over the summer months to compensate for lost learning and development opportunities. A second component will focus on assistance to victims of conflict-related sexual violence in conflict in Ukraine. This will include direct assistance to local civil society organisations and first responders as well as specialised investigation teams led by the office of the Prosecutor General of Ukraine. The provided support will be sensitive to the needs of victims according to their gender, age and other specific needs. It will also provide support to the efforts of the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict in raising awareness globally and in sustaining well-

coordinated government-led UN action on support to victims of sexual violence in conflict in Ukraine.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

Over five months after the start of the unprovoked and unjustified Russian aggression against Ukraine, one third of the Ukrainian population has been forced to leave their homes. This includes a large share of the approximately 6.84 million Ukrainian school children, of which 2 million have fled the country and 2.5 million are internally displaced. Their education and with that their psycho-social development is disrupted due to displacement, insecurity and violence, as well as the destruction of school infrastructure, and the use of public buildings as temporary accommodation for internally displaced persons. At the same time, throughout the crisis situation, Ukrainian teachers have continued to work both in online and physical settings in extremely challenging circumstances.

In addition, children, adults and the elderly have been affected by conflict-related sexual violence. During her visit to Ukraine, the UN Special Representative on Conflict-Related Sexual Violence, stated that “all the warning signals are flashing red in Ukraine, with allegations of brutal sexual violence emerging”. Reports have included allegations of gang-rapes, assaults at gunpoint, and rapes committed in front of children. In addition to the physical and psychological injury and hardship resulting from sexual violence in conflict, the situation of victims is further aggravated by stigmatisation. In this situation, community-based civil society organisations have been crucial in providing assistance to victims.

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

The continuing Russian aggression against Ukraine severely impacts the access to education of children and has led to many victims of sexual violence, 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 (b), (e), (f), (l) and (m) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to cover (b) support for the implementation of UNSCRs on women, youth, peace and security; (e) support for international criminal tribunals and ad hoc national tribunals, truth and reconciliation commissions, transitional justice and other mechanisms for the legal settlement of human rights claims and the assertion and adjudication of property rights; (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; (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 and (m) support for the rehabilitation and reintegration of the victims of armed conflict, including measures to address the specific needs of women and children.

3.3 RISKS AND ASSUMPTIONS

Risk	Risk level H/M/ L	Mitigation measures
The ongoing fighting throughout Ukraine might impact the ability of implementing partners and Ukrainian authorities to implement the planned activities.	H	The implementing partners to be selected will be required to have a clear protocol for operating in conflict-affected areas with sufficient safeguarding and protective measures in place as well as a track record of being able to work in conflict-affected areas.
Lack of coordination among donors resulting in duplication of efforts or inefficient allocation of resources.	M	Continued coordination among EU actors will be pursued and the action will specifically include provisions for improved donor coordination within the EU and with other partners.
Lack of access to beneficiaries due to access restrictions or unwillingness to engage due to stigma.	H	Implementing partners to be selected will be required to have a proven track-record of engaging with a multitude of actors in crisis and conflict settings as well as in highly restrictive environments and to engage with victims in an age and gender-sensitive manner
Non-admissibility of collected evidence for national or international prosecution	M	The implementing partner to be selected will be required to coordinate closely with the relevant authorities to ensure compliance with the standards and procedures surrounding the admissibility of evidence.

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to support the access to education of children and to provide comprehensive assistance to victims of sexual violence in Ukraine.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 The first component of this actions aims to improve the access to education of children affected by conflict including access to online resources, provision of psycho-social support and comprehensive support to their teachers;
- 4.2.2 The second component of this action aims to enhance the gender- and age-sensitive resources available to respond to the immediate needs of victims of sexual violence in conflict and improve dedicated investigation and prosecution capacity for such crimes.

5. ACTION COMPONENTS AND EXPECTED RESULTS

This exceptional assistance measure will have two components:

A first component will focus on the access to education for Ukrainian children by supporting the use of the Ukrainian government's 'All-Ukrainian Schools Online Platform' and by addressing needs for safe physical learning spaces and materials for children. Comprehensive support will also be given to teachers to continue their work in the ongoing crisis situation. Assistance will be specifically tailored to the different situations in the east and west of the country, also including support to remote education for children who have fled the country, and the facilitation of activities over the summer months to compensate for lost learning and development opportunities.

A second component will focus on assistance to victims of conflict-related sexual violence in conflict in Ukraine. This will include direct assistance to local civil society organisations and first responders as well as specialised investigation teams led by the office of the Prosecutor General of Ukraine. The provided support will be sensitive to the needs of victims according to their gender, age and other specific needs. It will also provide support to the efforts of the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict in raising awareness globally and in sustaining well-coordinated government-led UN action on support to victims of sexual violence in conflict in Ukraine.

The main expected results/outcomes include:

Expected Result (1): The access to education for Ukrainian school children is improved.

Activities (indicative):

- 5.1.1 Enhancing capacities of the Ukrainian government's online schooling resources to respond to increased needs for remote education due to the Russian war of aggression against Ukraine;
- 5.1.2 Providing safe learning spaces and psycho-social support to children, including equipment as necessary;
- 5.1.3 Comprehensive support to teachers providing education throughout the crisis situation.

Expected Result (2): The capacities of local first responders to victims of sexual violence are improved.

Activities (indicative):

- 5.2.1 Enhancing the capacities of local civil society organisation to act as first responders for victims of sexual violence in a way that is sensitive to their specific needs according to their gender and age;
- 5.2.2 Strengthening the availability of psycho-social support;
- 5.2.3 Raising awareness on conflict-related sexual violence to reduce stigma, with a view to specific needs in relation to the gender and age of victims.

Expected Result (3): The specialised investigation capacities on conflict-related sexual violence in Ukraine are strengthened.

Activities (indicative):

- 5.3.1 Deployment of specialised mobile investigation units on conflict-related sexual violence;
- 5.3.2 Providing support to national and local investigation authorities.

Expected Result (4): The international awareness of conflict-related sexual violence in Ukraine is ensured and multilateral solutions are supported in this regard at the global level.

Activities (indicative):

- 5.4.1 The collection of reliable data on the situation of conflict-related sexual violence and their communication are supported;
- 5.4.2 The strengthening and further roll out of the response from public health and local authorities through a government-led approach.

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

Grants will be awarded for the implementation of component 2 and the achievement of objective 4.2.2, as set out in detail in section 5 above, results 2 and 3.

(b) Type of applicants targeted

The type of applicants targeted are non-profit organisations and private companies with relevant expertise in the intervention area and the ability to roll out activities with immediate effect.

(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.

(d) Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 June 2022 because the urgency of the crisis situation requires an immediate start of the activities.

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.

6.1.2 Indirect management with a pillar assessed entity

A part of this action may be implemented in indirect management with entities which will be selected by the Commission's services using the following criteria: ability to provide support to Ukrainian education authorities and to begin operations immediately. The implementation by this entity entails the activities specified in objectives 4.2.1 and 4.2.2, as set out in detail in section 5, results 1 and 4.

Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 June 2022 prior to the adoption of this decision because the urgency of the crisis situation requires an immediate start of the activities.

6.1.3 Changes from indirect to direct management

If negotiations with an entrusted pillar assessed entity for the implementation as foreseen under 6.1.2 for components 1 and 2 fail, the achievement of objective 4.2.1 and/or 4.2.2, as set out in detail in section 5 above, results 1 and 4, may be implemented in direct management, with the direct award of grants.

The type of applicants targeted are non-profit organisations and private companies with relevant expertise in the intervention area and the ability to roll out activities with immediate effect.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 16 000 000**. 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
<u>Component 1: Support to Education</u>		
6.1.2. – Indirect management with a pillar assessed entity	10 000 000	n/a
<u>Component 2: Support to local conflict related sexual violence capacities</u>		
6.1.1. – Two direct grants (direct management)	3 800 000	n/a
6.1.2. – Indirect management with a pillar assessed entity	2 200 000	n/a
Total	16 000 000	

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management for component 2, 6.1.1, objective 4.2.2, results 2 and 3 and indirect management for components 1 and 2 (6.1.2.) objective 4.2.1, result 1 and objective 4.2.2., result 4. It will be devolved and sub-delegated to the European

Union Delegation in Ukraine 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.

Acknowledging that activities financed under this action will be politically sensitive and/or may constitute a security risk for the implementing partner/beneficiaries, the communication and visibility plan for this measure should develop a differentiated approach to satisfy the requirements from the legal obligations to which EU external funding is bound to without putting at risk the actions supported by this measure.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

Complementarity and coordination will be sought with previous and ongoing crisis response projects, as well as the EU's ongoing development cooperation and humanitarian efforts in Ukraine. Given the high level of international interest in supporting Ukraine in the response to the ongoing crisis situation, particular emphasis will also be given to ensure good coordination with other support initiatives by EU Member States and other donors.