

ANNEX I TO FINANCING AGREEMENT N° ENI/2016/038-812
TECHNICAL AND ADMINISTRATIVE PROVISIONS

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|--|--|--------------------------|------------------------------|--------------------------|
| 1. Title/basic act/ CRIS number | Helping Belarus Address the Phenomenon of Increasing Numbers of Irregular Migrants CRIS number: ENI/2016/038-812 financed under the European Neighbourhood Instrument | | | |
| 2. Zone benefiting from the action/location | Belarus The action shall be carried out at the following locations: Several Belarusian Voblasts (Regions), Latvia/Lithuania/Poland-Belarus border regions | | | |
| 3. Programming document | Multiannual Indicative Programme for EU Support to Belarus (2014-2017) | | | |
| 4. Sector of concentration/ thematic area | Complementary Support for Capacity Development | DEV. Aid: YES | | |
| 5. Amounts concerned | Total estimated cost: EUR 7 million Total amount of EU budget contribution: EUR 7 million | | | |
| 6. Aid modality(ies) and implementation modality(ies) | Project Modality Indirect management with the International Organization for Migration | | | |
| 7 a) DAC code(s) | 15110 – Public Sector Policy and Administrative Management | | | |
| b) Main Delivery Channel | 47066 - International Organisation for Migration | | | |
| 8. Markers (from CRIS DAC form) | General policy objective | Not targeted | Significant objective | Main objective |
| | Participation development/good governance | <input type="checkbox"/> | <input type="checkbox"/> | X |
| | Aid to environment | X | <input type="checkbox"/> | <input type="checkbox"/> |
| | Gender equality (including Women In Development) | <input type="checkbox"/> | X | <input type="checkbox"/> |
| | Trade Development | X | <input type="checkbox"/> | <input type="checkbox"/> |
| | Reproductive, Maternal, New born and child health | X | <input type="checkbox"/> | <input type="checkbox"/> |
| | RIO Convention markers | Not targeted | Significant objective | Main objective |
| | Biological diversity | X | <input type="checkbox"/> | <input type="checkbox"/> |
| | Combat desertification | X | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change mitigation | X | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change adaptation | X | <input type="checkbox"/> | <input type="checkbox"/> |

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| 9. Global Public Goods and Challenges (GPGC) thematic flagships | n/a |
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SUMMARY

The EU and Belarus are currently in the final phase of negotiations on three mobility-related agreements: a visa facilitation agreement, a readmission agreement and a Mobility Partnership. As a measure accompanying the negotiation process, the European Commission has decided to allocate about 10% of the funds of the «Multiannual Indicative Programme for EU Support to Belarus (2014-2017)» to "Complementary Support for Capacity Development" in order to "provide specific assistance for the implementation of priority commitments deriving from future possible EU agreements and the dialogue on mobility".

This Action is meant to help the country (1) comply with its potential commitments under the future EU-Belarus readmission agreement and the Mobility Partnership and (2) address the phenomenon of increased irregular migration flows through Belarus originating from the conflict in Ukraine, the civil war in Syria and the economic crisis in Russia, which force many third-country nationals to look for new (job) opportunities in the EU.

This project is a comprehensive support programme in the area of migration. It will support the development and implementation of a fully-fledged irregular migration management strategy in line with international migrants' rights standards. The programme will encompass activities on **legislative and institutional reform** issues in Component 1 (e.g. policy advice on migration strategy development, division of responsibilities between state agencies, enhanced inter-service cooperation, and the development of a national referral system). It will focus on topics such as the development of analytical and statistical reports on migration flows (including support to Belarus' databases on migration), migration profiling (including sex- and age-disaggregated statistical data) and gender-sensitive training on interviewing techniques for border guard staff when dealing with migrants. Activities will also include training on the management of migrants' accommodation centres in line with best international and EU standards, English language courses for interviewers as well as centres' staff. Moreover, a mechanism of **voluntary return and reintegration** for stranded migrants, including rejected asylum seekers and third-country or Belarusian nationals returned from EU countries, will be set up and supplemented by funds (Component 2). Apart from that, this Action will finance the construction and/or renovation of several **temporary migrants' accommodation centres**, administered by the Ministry of Interior and the State Border Committee, based on best practices of EU Member States and taking into account the needs of persons with special needs and vulnerable persons (Component 3).

1 DESCRIPTION OF THE ACTION

1.1 Objectives/results

Overall Objectives

1. To contribute to the strengthening and respect of human rights and fundamental freedom aspects in the area of irregular migration
2. To contribute to the convergence of Belarus' normative framework towards the EU's corresponding framework

3. To contribute to the facilitation of operational cooperation between the EU, EU Agencies, EU Member States and Belarus
4. To help increase security levels in the region and on the external EU border

Specific Objective

To support Belarus in the development and implementation of the country's irregular migration and asylum policies and strategies in order to bring them closer to best EU and international standards and practices

Results

1. A comprehensive legal and institutional policy framework programme on managing irregular migration has been developed and implemented
2. An Assisted Voluntary Return and Reintegration Programme for irregular migrants is designed and implemented
3. Several Migrants Accommodation Centres are built or refurbished and integrated in the irregular migration management system
4. The legal, institutional and policy framework on irregular migration is gender-streamlined

1.2 Main activities

Component 1: Policy development, strengthening of legal, institutional and operational capacities

- Development of the necessary legal, institutional and policy framework for the smooth and efficient functioning of Migrants' Accommodation Centres (MAC) and their integration into the migration policy framework of Belarus;
- Provision of policy-related and legal advice on the review of relevant legislation and the elaboration of an irregular migration management strategy and its implementation based on best European practices: the focus will be on matters such as enhanced intra-service and inter-agency coordination and data sharing, development of extended country migration profiles (including sex- and age-disaggregated statistical data), drafting of migration and border risk analysis reports, regulatory frameworks for handling irregular migration and national referral mechanisms;
- Support to training institutions such as the ITC (International Training Centre) of the MoI;
- Training on identification of migrants' identity;
- Development of gender-sensitive standard operating procedures (SOPs) for the management of MACs compliant with best international practice and respect of human rights;
- Gender assessment study on irregular migration at the beginning and at the end of the project;
- Legal advice for detained irregular migrants;
- Development and implementation of tailor-made training programmes (including Training-of-Trainers) for personnel working in MACs. Trainings will include language training, code of conduct, gender awareness, international treaties and operational standards. Besides, UNHCR will be invited to deliver trainings dedicated to asylum procedures;
- Training for services involved in processing readmission applications;
- Coordination with EU-funded TAIEX and MIEUX programmes to avoid overlaps.

Component 2: Establishment of an Assisted Voluntary Return and Reintegration (AVRR) system for irregular migrants

- Support in legislative and policy development, as well as training of Belarusian law enforcement agencies staff to enable them to set up and operate a sustainable voluntary return assistance system based on identified best EU practices; at least 50% of the trainees will be women.
- Delivery of direct assistance to stranded migrants, including rejected asylum seekers and third-country nationals returned from EU countries, such as translations/interpretation, psychological support, medical services (including mobile gynaecological services), and emergency packages (including clothes, sanitary goods, water and food). NGOs such as the Belarus Red Cross, the Belarusian Movement of Medical Workers and women's organisations will also be invited to take part in legal counselling and the provision of direct assistance to migrants.

Component 3: Establishment of Migrants Accommodation Centres (MAC) in line with best EU and international standards

- Study visits for senior officials (policy makers) and technical experts to several EU / non-EU countries where MACs already exist;
- Refurbishment, construction and equipping of the selected centres taking into account specific needs of women migrants, minors and other vulnerable groups;
- Facilitation of links between MACs, surrounding communities and local authorities.

1.3 Intervention logic

The proposed intervention encompasses the following three components, which are expected to be implemented in parallel:

1. Policy development, strengthening of institutional and operational capacities

This component is expected to lead to a significant improvement of migration governance in Belarus. Its focus will be on the support to the elaboration of a comprehensive irregular migration management strategy based on a revised legal, institutional and policy framework, in full respect of human rights, which envisages, *inter alia*, enhanced intra-service and inter-agency coordination, risk analysis capacities and data sharing. Moreover, the project will help the government develop extended migration profiles of the country containing most up-to-date statistical data, aggregated in a gender-sensitive manner, and other relevant information on the migration situation and trends. This data is expected to be used by the authorities also to draft migration and border risk analysis reports, based on Frontex risk analysis methodology, for the use by border guards and immigration police. In addition, regulatory frameworks for handling irregular migration will be reviewed, revised as necessary, and consolidated in a unified document. A national referral mechanism on irregular migration will be developed. Support will also be extended to concerned training institutions such as the ITC (International Training Centre of the MoI) to strengthen their research capacities in the field of migration. Participants of the trainings organised in the framework of this component will include policymakers, independent experts, academic circles, gender & gender-based violence experts, and NGO representatives.

2. Assisted Voluntary Return and Reintegration (AVRR) of irregular migrants

Currently, the Government's capacity to provide AVRR to third-country nationals is very limited (almost non-existent). Until recently, IOM used to partially fill this gap. However, due to the lack of resources IOM is able to provide assistance to most vulnerable persons only. Hence, as part of a broader capacity building support programme to Belarusian authorities, a

mechanism of voluntary return and reintegration for stranded migrants, including rejected asylum seeker, third-country and Belarusian nationals returned from EU countries, will be set up and supplemented by funds.

3. Establishment of Migrants Accommodation Centres (MAC) in line with best international and EU standards

Under this component, it is proposed to construct several MoI-run MACs with a capacity to accommodate between 30 and 50 irregular migrants per centre at a time. Similar EU-funded programmes are currently being implemented, for instance, in Turkey and the Caucasus. Possible locations are Brest, Homiel, Lida, Minsk, Mahilioŭ and Viciebsk. In addition, facilities operated by the SBC along the border with Poland, Lithuania and Latvia will be upgraded (Brest, Hrodna, Lida or Smarhoń) and, possibly, newly built (Polack).

All centres will have closed and open-type facilities as well as multi-purpose women-only spaces for refugee women, girls, minors and families that provide for access to a range of targeted services including psychological first aid, trauma counselling, and health care. All centres will be made safe, accessible for representatives of organisations such as IOM, UNHCR and the Belarus Red Cross, winterized, will have family and sex-segregated partitions ensuring privacy as well as with wash facilities separating men and women. The exact number of centres and their locations will be determined prior to the signing of the Delegation Agreement.

2 IMPLEMENTATION

2.1 Implementation modalities

2.2.1 Indirect management with an international organisation

This action may be implemented in indirect management with the International Organization for Migration (IOM) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation entails the Action's three components as described in section 4 above. This implementation is justified for the following reasons:

- There are very few other international organisations which are physically present in Belarus, which is an absolute must for the implementation of this action;
- IOM has almost exclusive expertise in this particular area of assistance;
- IOM can build on its long-term relationship with project beneficiaries, something that is particularly important in Belarus;
- Very good performance of IOM in other projects supervised by the EU Delegation to Belarus (SURCAP, SURCAP 2, PRINEX);
- Due to IOM's extensive experience in implementing projects in Belarus and familiarity with project registration procedures with the Ministry of Economy, which are rather complicated and time-consuming, project activities could start without significant delay.

The entrusted entity would carry out the following budget-implementation tasks: running the public procurement, concluding and managing the resulting contracts, including making of the related payments.

If negotiations with the above-mentioned entrusted entity fail, that part of this action may be implemented in indirect management with UNDP. The implementation by this alternative entrusted entity would be justified because:

- There are very few other international organisations which are physically present in Belarus, which is an absolute must for the implementation of this action;
- UNDP can build on its long-term relationship with the Belarusian government, something that is particularly important in Belarus;
- Good performance of UNDP in another similar project supervised by the EU Delegation to Belarus (AMBEL);
- Due to UNDP's extensive experience in implementing projects in Belarus and familiarity with project registration procedures with the Ministry of Economy, which are rather complicated and time-consuming, project activities could start without significant delay.

The alternative entrusted entity would carry out the following budget-implementation tasks: running the public procurement, concluding and managing the resulting contracts, including making of the related payments.

2.2 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provision.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

2.3 Indicative budget

| | EU contribution (amount in EUR) | Indicative third party contribution (amount in EUR) |
|---|--|--|
| 2.2.1 – Indirect management with the International Organisation for Migration (IOM) | 6.95 million | N.A. |
| 2.6 – Evaluation, 2.7 – Audit | 0.05 million | N.A. |
| Totals | 7 million | N.A. |

2.4 Organisational set-up and responsibilities

A Steering Committee will be set up to oversee and validate the overall direction and policy of the project (or other responsibilities to be specified) and will be convened twice a year. The project steering committee shall be made up of representatives of the Beneficiary country, of the entrusted entity (IOM), and of the Delegation of the European Union to the Republic of Belarus.

2.5 Performance 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 reports. Every 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 direct 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).

2.6 Evaluation

Having regard to the importance of the action, a mid-term evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

The mid-term evaluation will be carried out for problem solving and learning purposes, in particular with respect to the works component of the action.

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and *inter alia* provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation report shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Indicatively, one contract for evaluation services shall be concluded under a framework contract in Q2/2018.

2.7 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.

Indicatively, one contract for audit services shall be concluded under a framework contract in Q1/2020.

2.8 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 Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Communication and visibility expenditure will be financed under the budget of the Delegation Agreement.

The Delegation will closely monitor that the visibility of EU support to the programme is ensured by the implementing partners and promote visibility of the programme in its own communication and visibility activities covered by another measure constituting a financing decision.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ¹

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

| | Results chain | Indicators | Baselines (incl. reference year) | Targets (incl. reference year) | Sources and means of verification | Assumptions |
|----------------------------|--|--|---|---|--|-------------|
| Overall objectives: Impact | <p>To contribute to the strengthening of human rights and fundamental freedoms aspects in the area of irregular migration</p> <p>To contribute to the convergence of Belarus' normative framework towards the EU's corresponding framework</p> <p>To contribute to the facilitation of operational cooperation between the EU, EU Agencies, EU Member States and Belarus</p> <p>To help increase security levels in the region and on the external EU border</p> | <p>Number of media reports; number of changes in Belarus' normative frameworks towards EU and international standards; number of policy dialogue meetings held; number of cases of irregular migrants detected; number of migrants accommodated; number of third-country migrants readmitted from the EU</p> | Baseline study at the beginning of the project describing situation | End-of-the-project study describing situation | Media reports; European Commission reports; Belarus government reports; baseline studies | n/a |

¹ Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

| | | | | | | |
|--------------------------------|---|---|---|--|---|---|
| Specific objective: Outcome(s) | To support Belarus in the development and implementation of the country's irregular migration and asylum policies and strategies in order to bring them closer to best EU and international standards and practices | Number of changes introduced in adopted policy documents and legislative acts commented on by project experts | 0 | Number to be established by baseline study in 2017; changes to be achieved by end of 2020 | 2 assessments (baseline and end-of-project); 2 ROM missions; 1 mid-term evaluation; interviews with beneficiaries | Beneficiary country has the willingness to reform its migration and asylum policies in line with international standards |
| | | Number of migrants supported under the Assisted Voluntary Return and Reintegration (AVRR) Programme | 0 | At least 300 by end of 2020 | | |
| | | Number of Migrants' Accommodation Centres (MAC) established | 0 | Number of MACs; construction by end of 2020 | | |
| Outputs | A comprehensive legal and institutional policy framework programme on managing irregular migration has been developed and implemented | Number of policy advice consultations delivered | 0 | Number to be established by baseline study in 2017; all consultations to be finalised by end of 2020 | Two baseline studies, media reports, operative reports of the beneficiaries (if available); attendance lists of training participants; project progress reports; tender documentation, MAC assessment study; ROM reports; mid-term evaluation | The beneficiary country will make sufficient numbers of appropriate qualified personnel available for project activities Project participants of the beneficiary country will keep working in their institutions for sufficient time so that the skills and knowledge obtained can be properly applied |
| | An Assisted Voluntary Return and Reintegration (AVRR) Programme for irregular migrants is designed and implemented | A legal and institutional policy framework programme developed, gender-streamlined and implemented | 0 | One framework programme developed by end of 2020 | | |
| | Several Migrants Accommodation Centres (MAC) are built or refurbished and integrated in the irregular migration management system | Number of study visits for senior officials (policy makers) and technical experts | 0 | Number to be established in Delegation Agreement with IOM in 2017; all study visits to be finalised by end of 2020 | | |
| | Legal, institutional and policy framework on irregular migration is | Number of trainings organised | 0 | Number to be established in | | |

| | | | | | | |
|--|--------------------|---|-------|--|--|-------------------------------|
| | gender-streamlined | | | Delegation Agreement with IOM in 2017; all trainings to be finalised by end of 2020 | | and transferred to colleagues |
| | | One set of gender -sensitive standard operating procedures (SOPs) | 0 | 1 set by end of 2020 | | |
| | | All funds allocated for the AVR R Programme spent | 0 EUR | About 6% of the funds available; spent by end of 2020 | | |
| | | One assessment study on number of MAC, their location, conditions and needs | 0 | 1 study in 2017 | | |
| | | Number of MACs built | 0 | Number to be established in Delegation Agreement with IOM in 2017; construction finalised by end of 2020 | | |