

CALL FOR PROPOSALS

Grants to analyse root causes of non-enforcement of national judgments in Ukraine and to monitor the disciplinary practice of the High Council of Justice in the context of the Council of Europe standards

Execution of ECtHR Judgments_Grants 2019

Project	Supporting Ukraine in execution of judgments of the European Court of Human Rights
Awarding entity	COUNCIL OF EUROPE DG1 Directorate General of Human Rights and Rule of Law Justice and Legal Co-operation Department
Funding	Human Rights Trust Fund, BH 8521
Duration	Projects shall be implemented by 31 July 2019. Reporting requirements shall be completed by 31 August 2019.
Estimated starting date	08 February 2019
Issuance date	21 January 2019
Deadline for applications	01 February 2019

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APPENDICES:

- Appendix I - Application Form
- Appendix II - Provisional budget (Template)
- Appendix III - Guidelines for using Grant Agreement budget templates
- Appendix IV - Template Grant Agreement (for information only)

HOW TO APPLY?

- Complete and sign the **Application Form** (See **Appendix I**)
- Attach a provisional budget (using the template reproduced in **Appendix II and Appendix III Guidelines for using Grant Agreement budget templates**)
- Attach the other supporting documents (See Section V below)
- Send these documents in electronic form (Word and/or PDF) to the following e-mail address: DGI.Justice.Reform.Unit1@coe.int. Emails should contain the following reference in subject: **Applications_Execution of ECtHR judgments_ grants.**
- Applications must be received **before 18:00 pm, 1 February 2019 (EET, GMT + 2).**

I. INTRODUCTION

This call for proposals is launched in the framework of the Council of Europe Project “Supporting Ukraine in execution of judgments of the European Court of Human Rights” (hereinafter “the Project”), funded by the Human Rights Trust Fund and implemented by the Justice and Legal Co-operation Department. The overall objective of the Project is to support Ukraine in the improvement of its national system of execution of judgments of the European Court of Human Rights (hereinafter “the ECtHR”) that involve violations of Article 6 of the European Convention on Human Rights (hereinafter “the Convention”), where the root cause is an issue within the judiciary.

The present call for proposals is issued in reference to components 1 and 2 of the Project which are focused on the independence and disciplinary liability of judges (group of cases *Oleksandr Volkov v. Ukraine/Kulykov and others v. Ukraine*), and the non-enforcement of national judgments in Ukraine (group of cases *Yuriy Nikolayevich Ivanov v. Ukraine/Burmych and others v. Ukraine*), respectively. This call for proposals aims to co-fund national projects focused on the general measures required for the execution of the above said groups of judgments.

In particular, the call for proposals is designed to select and award grants to non-governmental organisations in Ukraine so as to facilitate their participation in the monitoring of the disciplinary practice of the High Council of Justice in the context of the Council of Europe standards, and to analyse the root causes of non-enforcement of national judgments in Ukraine, with a particular focus on the judgments where the state authority, state-owned or state-controlled enterprise is a debtor.

Project proposals shall aim to produce an added value to the Council of Europe efforts in this domain.

II. BACKGROUND INFORMATION ON THE COUNCIL OF EUROPE PROJECT

The overall objective of the Project is to support Ukraine in the improvement of its national system of execution of ECtHR judgments that involve violations of Article 6 of the Convention, where the root cause is an issue within the judiciary. The Project is funded by the Human Rights Trust Fund and managed by the Justice and Legal Co-Operation Department of the Directorate General Human Rights and Rule of Law.

Specific Project objectives are as follows:

- to support Ukraine in further implementation of the Council of Europe standards on the organization and functioning of the judiciary so as to provide for a better judicial independence, in line with the judgment of the European Court of Human Rights “*Oleksandr Volkov v. Ukraine*” and the “*Salov v. Ukraine*” group of judgments;
- to support the Ukrainian authorities in installing an effective system of remedies from alleged violations of the European Convention on Human Rights, in particular from non-enforcement of domestic judgments and from lengthy judicial proceedings;
- to support the Supreme Court in ensuring full, thorough and effective reopening of the judicial proceedings following judgments of the European Court of Human Rights (cases “*Bochan v. Ukraine (no. 2)*”, “*Yaremenko v. Ukraine (no.2)*” and “*Shabelnik v. Ukraine (no.2)*”).

The Project partners include:

- Primary target institutions:
 - the Government Agent of Ukraine before the European Court of Human Rights and the Ministry of Justice of Ukraine,
 - the Parliament of Ukraine and its Sub-Committee on the Execution of Judgments of the European Court of Human Rights,
 - the Supreme Court and the High Council of Justice.

- Other partners:
 - civil society organisations active in the field of the judicial reform and the execution of ECtHR judgments.

III. BUDGET AVAILABLE

The indicative available overall budget under this call for proposals is UAH 1 285 200 (one million two hundred eighty five thousand two hundred hryvnia). The Council of Europe intends to award maximum 2 grants. Proposals for funding are therefore requested from civil society organisations for a budget between UAH 321 300 (three hundred twenty one thousand three hundred hryvnia) and UAH 963 900 (nine hundred sixty three thousand nine hundred hryvnia).

The Council of Europe reserves the right not to award all available funds, and/or to redistribute the available funds in a different manner depending on the project proposals received and on the outcome of the call for proposals.

IV. REQUIREMENTS

1. General objective

The grants will fund projects designed to support effective policy development and implementation of initiatives aimed at:

- monitoring of the disciplinary practice of the High Council of Justice in the context of the Council of Europe standards and recommendations;
- analysis of non-enforced judicial decisions, and – based on the results of the analysis – preparation of a detailed and comprehensive report on the root causes of non-enforcement with a particular focus on non-enforcement of judgments where the state authority or state-owned or state-controlled enterprise is a debtor;
- supporting cooperation and interaction between the civil society and the relevant authorities involved in the above-mentioned areas of the reforms;
- increasing public awareness on the relevant reforms in the areas outlined above through organisation of round tables/discussions/presentations, and through preparation of video- audio- or infographic materials.

2. Means of action

Projects may include:

- a. researches, studies, reports or other analytical papers aimed at the analysis of disciplinary practice of the High Council of Justice and of root causes of non-enforced judicial decisions in the context of Council of Europe standards and recommendations;
- b. development of expert recommendations on bringing the disciplinary practice of the High Council of Justice in closer compliance with Council of Europe standards;
- c. development of a national policy with regard to elimination of shortcomings of the legislation, judicial and administrative practice which amount to root causes of non-enforcement of judicial decisions in Ukraine;
- d. activities aimed at discussing the disciplinary practice of the High Council of Justice and of root causes of non-enforcement with national authorities, civil society organizations and academia;
- e. preparation of awareness raising and informational materials on disciplinary practice of the High Council of Justice and on root causes of non-enforcement of national judgments in Ukraine in line with standards and recommendations of the Council of Europe.

Please note that the above list is not exhaustive and projects may propose other approaches, in line with the above general objective and the local needs.

3. Implementation period

The implementation period of the projects should start on 8 February 2019 (see indicative timetable under Section VIII below) and shall not extend beyond 31 July 2019.

Reporting requirements shall be completed on 30 August 2019 **at the latest**.

Projects completed prior to the date of submission of the applications will be automatically excluded.

Projects started prior to the date of submission of the applications, or to be started prior to the date of signature of the grant agreement, may be eligible. However, only those actions and consequently related costs incurred after the date of submission of the grant application could be eligible (provided that this is stated in the grant agreement concerned).

4. Target stakeholders

Projects should target in particular the following key stakeholders:

- High Council of Justice,
- Parliament of Ukraine,
- Ministry of Justice of Ukraine, Ministry of Economic Development and Trade of Ukraine, Ministry of Social Policy of Ukraine, Ministry of Energy and Coal Industry of Ukraine, Pension Fund of Ukraine, Ministry of Finance of Ukraine, State Treasury Service of Ukraine and other authorities with powers and functions concerning the root causes of non-enforcement of national judgments in Ukraine,
- Supreme Court,
- Judicial Reform Council,
- Lawyers, prosecutors and other relevant professional groups working in the areas of the disciplinary proceedings against judges and of root causes of non-enforcement of national judgments in Ukraine,
- Population at large,
- Civil society organisations.

The above list is not exhaustive and projects may propose to target other relevant stakeholders, while keeping in mind the general objective of the Project.

5. Budgetary requirements

Project proposals shall be accompanied by a draft budget (See **Template Budget, in Appendix II**) amounting to a budget between UAH 321 300 (three hundred twenty one thousand three hundred hryvnia) and UAH 963 900 (nine hundred sixty three thousand nine hundred hryvnia). Applicants should submit their budgets in UAH. Grants shall be paid in UAH and all financial reporting shall be done in UAH. The estimated budget must be consistent, accurate, clear, complete and cost-effective, in the light of the activities proposed.

Each Grantee is entitled to include a total maximum of 7% of the total budget to cover indirect costs for the management of the project implementation. By definition, indirect costs do not include the costs of staff directly assigned to the project.

Each Grantee shall also be required to contribute to the project either by way of its own resources or by contribution from third parties. Co-financing may take the form of financial or human resources, in-kind contributions or income generated by the action or project. The method of co-financing must be indicated in the budget. However, a cost breakdown of the co-financing is not required at this stage.

6. Further to the general objective, preference will be given to (without any order of priority):

- Projects/actions proposed by civil society organisations with proven experience in the field of the reforms related to disciplinary proceedings against judges and to root causes of non-enforcement of national judgments in Ukraine;
- Projects/actions proposed by civil society organisations with experience in implementation of donor-funded projects/actions in Ukraine, and experience working with projects or institutions of the Council of Europe;
- Projects/actions targeting conceptual and systemic elements and changes related to powers and functions of the High Council of Justice and to the effectiveness of the enforcement proceedings.

7. The following types of action will not be considered:

- Projects/actions providing financial support to third parties (re-granting schemes);
- Projects/actions concerning only or mainly individual scholarships for studies or training courses;
- Projects/actions supporting political parties.

8. Funding conditions:

The funds for each grant should in principle be distributed as follows:

- 70 % will be paid when the Grant Agreement between the two parties is signed;
- the balance will be paid based on actual expenditures incurred, and after the presentation and acceptance by the Council of Europe of the final narrative and financial reports for the Grant implementation.

9. Reporting requirements:

- **narrative reporting** requires a full narrative report, in English, on the use made of the grant and a copy of the register of the persons present during each of the activities, including names and signatures of participants. An interim narrative report, in English, must be submitted during the implementation period, at the latest on 31 August 2019.
- **financial reporting** requires in particular a statement in the currency in which the Grant Agreement will be concluded (in UAH), in English, stating the payments made for the implementation of the activities, certified by the responsible financial officer of the Grantee, accompanied by “appropriate original supporting documents” (see below). The Council of Europe also requires summary translations of invoices into English. If for legal reasons the original documents must be retained by the Grantee, certified copies must be submitted with the financial statement.

“Appropriate original supporting documents” refers to signed contracts, invoices and acceptances of work (for all transactions), payment authorisation for all transactions should also be provided in case the Grantee uses such practice, and reliable evidence of payment (authorised payment order and bank statement).

As regards round tables / conferences, presenting “appropriate original supporting documents” requires submitting a programme indicating the title, dates, venue, and agenda of the event; the names of persons facilitating the event, a signed list of participants, the contracts with the owner of venue of the event (e.g. hotel) for the rent of premises, food and beverages of participants, invoices from the owner of the venue of the event for the above services, and a report on the results of the event (see narrative reporting above).

As regards consultancy services, presenting “appropriate original supporting documents” requires presentation of evidence of the outputs produced, contracts with experts and consultants containing a specific description of services to be carried out, invoices produced after the works have been performed and delivered (the qualifications of the consultants shall correspond to the nature of activities for which they are contracted).

As regards travel fees / lodging of experts and participants, presenting “appropriate original supporting documents” requires submission, where relevant, of contracts with a travel agency for travel fees and lodging, invoices of the travel agency indicating destinations, dates, ticket costs, and names of the travelling persons, a programme of the event indicating the names of the experts and signed lists of participants.

The above description is not comprehensive. Any doubt regarding the interpretation of the notion of “appropriate original supporting documents” should lead the Grantee to consult the Council of Europe.

V. HOW TO APPLY?

1. Documents to be submitted:

Each application shall contain:

Compulsory documents:

- the completed and signed **Application Form** (See **Appendix I**) (in English); a provisional budget (using the template reproduced in **Appendix II** and **Appendix III Guidelines for using Grant Agreement budget templates**) (in English)
- the other supporting documents:
 - Documents (in Ukrainian) certifying the registration of the applicant as a non-governmental organisation and proving that the applicant is entitled to carry out activities described in its project proposal in Ukraine;
 - Bank /financial statements authorised by a financial officer of the NGO (in Ukrainian);
 - CVs of the key personnel and experts to be involved in the project (same format for the whole team), describing in particular any relevant qualifications, professional experience and knowledge of the current situation in Ukraine, the national legislation in the fields of the call (in English);
 - Contact details (full name, position, organisation name, e-mail address and contact phone number) of 3 referees.

Non-compulsory documents:

- Documents (in Ukrainian) demonstrating preliminary agreement (for instance, support letters) from the relevant beneficiary institutions on the intention to cooperate in the implementation of the project, whereby such cooperation is an important pre-condition for the achievement of the project’s objectives;
- Any additional information (in addition to the information provided in the application form) on the previous projects/initiatives undertaken in the above-mentioned fields by the applicant and other documents which would be relevant, including developed materials: studies, strategies, manuals, informative materials, etc. (in English or Ukrainian).

The CoE reserves the right to exclude an application which is incomplete. Please note that no further information may be submitted after the deadline for the purposes of the evaluation, unless in response to a request for clarification from the Council of Europe.

2. Questions

General information about the Council of Europe project “Supporting Ukraine in execution of judgments of the European Court of Human Rights” can be found at the link: <https://www.coe.int/en/web/cdcj/supporting-ukraine-in-the-execution-of-judgments-of-the-european-court-of-human-rights>.

Other questions regarding this specific call for proposals must be sent at the latest one week before the deadline for the submission of proposals, in English or in Ukrainian, and shall be exclusively sent to the following address: **DGI.Justice.Reform.Unit1@coe.int**, with the following reference in subject: **Questions_Execution of ECtHR Judgments_Grants 2019**.

3. Deadline for submission

The application form, **completed and signed**, together with the supporting documents, must be submitted in electronic form (Word and/or PDF) to the following e-mail address: **DGI.Justice.Reform.Unit1@coe.int**. Emails should contain the following reference in subject: **Applications_Execution of ECtHR Judgments_Grants 2019**.

Applications must be received **before 18:00 on 1 February 2019 (EET, GMT + 2)**. Applications received after the above mentioned time and date will not be considered.

4. Change, alteration and modification of the application file

Any change in the format, or any alteration or modification of the original application file, will cause the immediate rejection of the application concerned.

VI. EVALUATION AND SELECTION PROCEDURE

The projects presented will be assessed by an Evaluation Committee composed of three staff members of the Council of Europe.

The procedure shall be based on the underlying principles of grant award procedures, which are transparency, non-retroactivity, non-cumulative awards, not-for-profit, co-financing and non-discrimination, in accordance with [Rule 1374 of 16 December 2015 on the grant award procedures of the Council of Europe](#).

The applicants, and their projects, shall fulfill all of the following criteria:

1. Exclusion criteria:

Applicants shall be excluded from the grant award procedure where they:

- a. have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- b. are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- c. have received a judgement with res judicata force, finding an offence that affects their professional integrity or constitutes a serious professional misconduct;

- d. do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of the country where they are established.

By signing the Application Form, applicants shall declare on their honour that they are not in any of the above-mentioned situations (See **Appendix I, Item 12**).

The Council of Europe reserves the right to ask applicants at a later stage to supply the following supporting documents:

- for the items set out in paragraphs a), b) and c), an extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country where the applicant is established, indicating that these requirements are met;
- for the items set out in paragraph d), a certificate issued by the competent authority of the country of establishment.

2. Eligibility criteria:

In order to be eligible for a grant, an applicant must:

- be legally constituted as a non-governmental organisation in Ukraine;
- be entitled to carry out in Ukraine activities described in its project proposal;
- have been active for at least 5 years in the fields of justice, judicial reform, human rights, implementation of Council of Europe standards and in particular execution of judgments of the European Court of Human Rights;
- have sufficient financial capacity (stable and sufficient sources of funding) to maintain its activity throughout the period for which the grant is awarded and to participate by way of its own resources (including human resources or in-kind contributions);
- have sufficient operational and professional capacity, including staff, to carry out activities described in its project proposal;
- have a bank account.

Multiple applications are not allowed and shall lead to the exclusion of all applications concerned.

3. Award criteria

Applications will be assessed against the following criteria:

- the quality, relevance and added value of the project with regard to the objective of the call (40%)
- the quality, accuracy, clarity, completeness and cost-effectiveness of the application and the estimated budget (20%);
- the relevance of the experience of the applying organisation(s) and staff (40%).

VII. NOTIFICATION OF THE DECISION AND SIGNATURE OF GRANT AGREEMENTS

On completion of the selection process, all applicants will be notified in writing of the final decision concerning their respective applications as well as on the next steps to be undertaken.

The selected Grantees will be invited to sign a Grant Agreement (See Appendix IV, for information only), formalising their legal commitments. **Potential applicants are strongly advised to read the draft contract, in particular its requirements in terms of payment and reporting.**

VIII. INDICATIVE TIMETABLE

Phases	Indicative timing
Publication of the call	21 January 2019
Deadline for submitting applications	1 February 2019
Information to applicants on the results of the award procedure	6 February 2019
Signature of the grant agreements	7 February 2019
Implementation period	8 February – 31 July 2019

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