

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**  
**REGIONAL MISSION FOR THE CENTRAL ASIAN REPUBLICS**  
KAZAKHSTAN, KYRGYZSTAN, TAJIKISTAN, TURKMENISTAN, & UZBEKISTAN

**Acquisition & Assistance Office**



Issuance Date: September 21, 2004  
Closing Date: October 22, 2004  
Closing Time: 17.00 p.m. (Almaty time)

Subject: Request for Applications (RFA) Number DCM115-04-016  
"Human Rights Support Program in Kyrgyzstan and Kazakhstan".

The United States Agency for International Development (USAID) is seeking applications for an Assistance Agreement for funding a program for Media and Information Support Initiative Program. The authority for the RFA is found in the Foreign Assistance Act of 1961, as amended.

The Recipient will be responsible for ensuring achievement of the program objective to USAID/CAR Media and Information Support Initiative Program. Please refer to the Program Description for a complete statement of goals and expected results.

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to the grant program and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A-122 for non-profit organization, OMB Circular A-21 for universities, and the Federal Acquisition Regulation (FAR) Part 31 for-profit organizations), may be paid under the grant.

Subject to the availability of funds, USAID intends to provide approximately \$2,700,000.00 in total USAID funding to be allocated for 3 year period. USAID reserves the right to fund any or none of the applications submitted.

For the purposes of this program, this RFA is being issued and consists of this cover letter and the following:

1. Section A - Grant Application Format;
2. Section B - Selection Criteria;
3. Section C – Program Description;
4. Section D - Certifications, Assurances, and Other Statements of Applicant/Grantee;

For the purposes of this RFA, the term "Grant" is synonymous with "Cooperative Agreement"; "Grantee" is synonymous with "Recipient"; and "Grant Officer" is synonymous with "Agreement Officer".

If you decide to submit an application, it should be received by the closing date and time indicated at the top of this cover letter at the place designated below for receipt of applications. Applications and modifications thereof shall be submitted in envelopes with the name and address of the applicant and RFA # (referenced above) inscribed thereon, to:

**Internet email for electronic submission:**  
[atoxanbayev@usaid.gov](mailto:atoxanbayev@usaid.gov)

**Facsimile:**

+7 (3272) 50-76-35 or 36

**Street/delivery address:**

USAID/CAR, Acquisition and Assistance Office  
c/o U.S. Embassy  
99/97A Furmanov Street  
Almaty, Kazakhstan 480091  
Tel 7-3272-50-48-02

Applicants are requested to submit both technical and cost portions of their applications in separate volumes. Award will be made to that responsible applicant(s) whose application(s) offers the greatest value.

Issuance of this RFA does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of an application. In addition, final award of any resultant grant(s) cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, potential applicants are hereby notified of these requirements and conditions for award. Applications are submitted at the risk of the applicant; should circumstances prevent award of a cooperative agreement, all preparation and submission costs are at the applicant's expense.

The preferred method of distribution of USAID procurement information is via Fedgrants.gov on the world wide web (www). This RFA and any future amendments can be downloaded from the Agency Web Site. The World Wide Web Address is <http://www.fedgrants.gov>. Select "Applicant", then click on "USAID Offices", and select the appropriate location and search for the RFA. If you have difficulty with accessing the RFA, please contact Ms. Mercedes Williams at 202-712-1799 for technical assistance. Receipt of this RFA through Fedgrants.gov must be confirmed by written notification to the contact person noted below. It is the responsibility of the recipient of the application document to ensure that it has been received from Fedgrants.gov in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion processes.

In the event of an inconsistency between the documents comprising this RFA, it shall be resolved by the following descending order of precedence:

- (a) Section B - Selection Criteria;
- (b) Section A - Grant Application Format;
- (c) Program Description;
- (d) This Cover Letter.

Any questions concerning this RFA should be submitted in writing to Altay Toxanbayev, Acquisition Specialist, via facsimile at 7-3272-507635 or via internet at [atoxanbayev@usaid.gov](mailto:atoxanbayev@usaid.gov). If there are problems in downloading the RFA off the INTERNET, please contact the USAID INTERNET Coordinator on (202) 712-4442. Applicants should retain for their records one copy of all enclosures which accompany their application.

Sincerely,



John Griffin  
Agreement Officer  
USAID/CAR, Regional Mission

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## SECTION A - GRANT APPLICATION FORMAT

### PREPARATION GUIDELINES

All applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format. Section II addresses the technical evaluation procedures for the applications. Applications which are submitted late or are incomplete run the risk of not being considered in the review process. "Late applications will not be considered for award" or "Late applications will be considered for award if the Agreement Officer determines it is in the Government's interest."

Applications shall be submitted in two separate parts: (a) technical and (b) cost or business application. Technical portions of applications should be submitted in an original and 5 copies and cost portions of applications in an original and one copy.

The application should be prepared according to the structural format set forth below. Applications must be submitted no later than the date and time indicated on the cover page of this RFA, to the location indicated on page 3 of the cover letter accompanying this RFA.

Technical applications should be specific, complete and presented concisely. The applications should demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. The applications should take into account the technical evaluation criteria found in Section II.

Applicants should retain for their records one copy of the application and all enclosures which accompany their application. Erasures or other changes must be initialed by the person signing the application. To facilitate the competitive review of the applications, USAID will consider only applications conforming to the format prescribed below.

### TECHNICAL APPLICATION FORMAT

#### II. Parameters for Applications

Recognizing that various approaches may have merit, this RFA seeks an implementing partner that, on the basis of its experience, can propose cost-effective ways of building democratic culture through the promotion, protection and enforcement of human rights with an emphasis on improving the professionalism and sustainability of local human rights defenders in Kyrgyzstan and Kazakhstan. Applicants are asked to provide an application no more than thirty (30) pages in length with an executive summary and with varied approaches reflecting needs and issues for each country. In sum, while exercising full creativity and innovation in program design, applicants are asked to consider the USAID/CAR project vision elaborated in previous sections and to address the following fundamental issues, by country, in their applications:

1. Indicate the key obstacles and opportunities for reform in this sector, including but not limited to gender and corruption, outlining specific ways proposed activities address these issues.
2. Articulate how the activities will identify and target critical human rights issues and key constituencies, whether at the local or national level.
3. Describe the envisioned relationship between the applicant and the local HRDs with which it plans to work.
4. Demonstrate how the applicant's approach in each country empowers local HRDs to take a lead role in promoting human rights in concert with each other, other civil society organizations, the media, private business, local officials and national authorities.
5. Demonstrate how the project will interact with and not duplicate the efforts of other international donor-funded projects in this sector.

**COST APPLICATION FORMAT**

The Cost or Business Application is to be submitted under separate cover from the technical application. Certain documents are required to be submitted by an applicant in order for an Grant Officer to make a determination of responsibility. However, it is USAID policy not to burden applicants with undue reporting requirements if that information is readily available through other sources.

The following sections describe the documentation that applicants for Assistance award must submit to USAID prior to award. While there is no page limit for this portion, applicants are encouraged to be as concise as possible, but still provide the necessary detail to address the following:

A. A copy of the program description that was detailed in the applicant's program description, on a 3-1/2" diskette or CD-ROM formatted in Word2000.

B. Include a budget with an accompanying budget narrative which provides in detail the total costs for implementation of the program your organization is proposing. The budget must be submitted using Standard Form 424 and 424A which can be downloaded from the USAID web site, [http://www.usaid.gov/procurement\\_bus\\_opp/procurement/forms/sf424/](http://www.usaid.gov/procurement_bus_opp/procurement/forms/sf424/);

- the breakdown of all costs associated with the program according to costs of, if applicable, headquarters, regional and/or country offices;
- the breakdown of all costs according to each partner organization involved in the program;
- the costs associated with external, expatriate technical assistance and those associated with local in-country technical assistance;
- the breakdown of the financial and in-kind contributions of all organizations involved in implementing this Cooperative Agreement;
- potential contributions of non-USAID or private commercial donors to this Cooperative Agreement;
- your procurement plan for commodities (note that contraceptives and other health commodities will not be provided under this Cooperative Agreement).

C. A current Negotiated Indirect Cost Rate Agreement;

D. Required certifications and representations (as attached):

E. Cost share has been recommended to be 25% of the total estimated amount.

F. Applicants who do not currently have a Negotiated Indirect Cost Rate Agreement (NICRA) from their cognizant agency shall also submit the following information:

1. copies of the applicant's financial reports for the previous 3-year period, which have been audited by a certified public accountant or other auditor satisfactory to USAID;
2. projected budget, cash flow and organizational chart;
3. A copy of the organization's accounting manual.

G. Applicants should submit any additional evidence of responsibility deemed necessary for the Grant Officer to make a determination of responsibility. The information submitted should substantiate that the Applicant:

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1. Has adequate financial resources or the ability to obtain such resources as required during the performance of the award.
2. Has the ability to comply with the award conditions, taking into account all existing and currently prospective commitments of the applicant, nongovernmental and governmental.
3. Has a satisfactory record of performance. Past relevant unsatisfactory performance is ordinarily sufficient to justify a finding of non-responsibility, unless there is clear evidence of subsequent satisfactory performance.
4. Has a satisfactory record of integrity and business ethics; and
5. Is otherwise qualified and eligible to receive a grant under applicable laws and regulations (e.g., EEO).

H. Applicants that have never received a grant, cooperative agreement or contract from the U.S. Government are required to submit a copy of their accounting manual. If a copy has already been submitted to the U.S. Government, the applicant should advise which Federal Office has a copy.

In addition to the aforementioned guidelines, the applicant is requested to take note of the following:

I. Unnecessarily Elaborate Applications - Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective application in response to this RFA are not desired and may be construed as an indication of the applicant's lack of cost consciousness. Elaborate art work, expensive paper and bindings, and expensive visual and other presentation aids are neither necessary nor wanted.

J. Acknowledgement of Amendments to the RFA - Applicants shall acknowledge receipt of any amendment to this RFA by signing and returning the amendment. The Government must receive the acknowledgement by the time specified for receipt of applications.

K. Receipt of Applications - Applications must be received at the place designated and by the date and time specified in the cover letter of this RFA.

L. Submission of Applications:

1. Applications and modifications thereof shall be submitted in sealed envelopes or packages (1) addressed to the office specified in the Cover Letter of this RFA, and (2) showing the time specified for receipt, the RFA number, and the name and address of the applicant.
2. Faxed applications will not be considered; however, applications may be modified by written or faxed notice, if that notice is received by the time specified for receipt of applications.

M. Preparation of Applications:

1. Applicants are expected to review, understand, and comply with all aspects of this RFA. Failure to do so will be at the applicant's risk.
2. Each applicant shall furnish the information required by this RFA. The applicant shall sign the application and print or type its name on the Cover Page of the technical and cost applications. Erasures or other changes must be initialed by the person signing the application. Applications signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.
3. Applicants who include data that they do not want disclosed to the public for any purpose or used by the U.S. Government except for evaluation purposes, should:

(a) Mark the title page with the following legend:

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"This application includes data that shall not be disclosed outside the U.S. Government and shall not be duplicated, used, or disclosed - in whole or in part - for any purpose other than to evaluate this application. If, however, a grant is awarded to this applicant as a result of - or in connection with - the submission of this data, the U.S. Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting grant. This restriction does not limit the U.S. Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets; and

(b) Mark each sheet of data it wishes to restrict with the following legend:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this application."

N. Explanation to Prospective Applicants - Any prospective applicant desiring an explanation or interpretation of this RFA must request it in writing within three weeks of receipt of the application to allow a reply to reach all prospective applicants before the submission of their applications. Oral explanations or instructions given before award of a Grant will not be binding. Any information given to a prospective applicant concerning this RFA will be furnished promptly to all other prospective applicants as an amendment of this RFA, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective applicants.

O. Grant Award:

1. The Government may award one or more Grants resulting from this RFA to the responsible applicant(s) whose application(s) conforming to this RFA offers the greatest value (see also Section II of this RFA). The Government may (a) reject any or all applications, (b) accept other than the lowest cost application, (c) accept more than one application (see Section III, Selection Criteria), (d) accept alternate applications, and (e) waive informalities and minor irregularities in applications received.

2. The Government may award one or more Grant(s) on the basis of initial applications received, without discussions. Therefore, each initial application should contain the applicant's best terms from a cost and technical standpoint.

3. Neither financial data submitted with an application nor representations concerning facilities or financing, will form a part of the resulting Grant(s).

P. Authority to Obligate the Government - The Grant Officer is the only individual who may legally commit the Government to the expenditure of public funds. No costs chargeable to the proposed Grant may be incurred before receipt of either a fully executed Grant or a specific, written authorization from the Grant Officer.

Q. The Contractor/Recipient is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the contractor/recipient to ensure compliance with these Executive Orders and laws. This provision must be included in all subcontracts/subawards issued under this contract/agreement.

R. Foreign Government Delegations to International Conferences - Funds in this [contract, agreement, amendment] may not be used to finance the travel, per diem, hotel expenses, meals, conference fees or other conference costs for any member of a foreign government's delegation to an international conference sponsored by a public international organization, except as provided in ADS Mandatory Reference "Guidance on Funding Foreign Government Delegations to International Conferences [<http://www.info.usaid.gov/pubs/ads/300/refindx3.htm>] or as approved by the [CO/AO/CTO].

**SECTION B - SELECTION CRITERIA**

The criteria presented below have been tailored to the requirements of this particular RFA. Applicants should note that these criteria serve to: (a) identify the significant matters which applicants should address in their applications and (b) set the standard against which all applications will be evaluated. To facilitate the review of applications, applicants should organize the narrative sections of their applications in the same order as the selection criteria.

The technical applications will be evaluated in accordance with the Technical Evaluation Criteria set forth below. Thereafter, the cost application of all applicants submitting a technically acceptable application will be opened and costs will be evaluated for general reasonableness, allowability, and allocability. To the extent that they are necessary (if award is made based on initial applications), negotiations will then be conducted with all applicants whose application, after discussion and negotiation, has a reasonable chance of being selected for award. Awards will be made to responsible applicants whose applications offer the greatest value, cost and other factors considered.

Awards will be made based on the ranking of proposals according to the technical selection criteria identified below.

**Technical Approach: 80 total points**

- 10 Analysis of human rights issues within broader democratic reform context in each country is sound and persuasive, including links to ongoing programs for human rights, media, civil society, advocacy, civic education, legal aid, political parties/elections, local government, anti-trafficking and parliamentary assistance.
- 20 Program strategies empower local HRDs, professionalize organizations and activities, and link HRDs with communities outside commercial and political capitals. Target areas of opportunity, such as geographic focus areas, key demographic groups or critical human rights areas, are clearly identified and are rooted in the situation on the ground in each country. Proposed activities represent the best practices in human rights development programs in order to maximize impact and sustainability among local HRDs
- 35 The technical approach for each of the program elements by country (e.g. national policy reform, human rights education, issue advocacy and publicity of reforms/abuses, monitoring of policy implementation and legal aid, and increasing information on critical human rights issues)
  - a. responds to the opportunities and obstacles outlined in the applicant’s own analysis, recent human rights reports and this RFA;
  - b. builds on previous or on-going programs in human rights and related fields; and
  - c. shows a clear, realistic and progressive evolution of anticipated results throughout the life of project
- 10 The monitoring and evaluation plan outlines reasonable goals, benchmarks and approaches for this human rights program at the input and output level, while also illustrating higher-level macros results for human rights promotion within the country overall. The proposal envisions a clear end-goal for the project, one which is situated within the context of overall democratic development in each country.
- 5 Gender and corruption issues and opportunities are addressed in each part of the proposal in a manner that demonstrates serious analysis and realistic consideration of potential distortions in implementation, indicating appropriate counter-measures to minimize their impact.

**Personnel: 20 total points**

- 15 Staffing structure reflects a team approach with an emphasis on the combined skills and experience of the Chief(s) of Party, potential trainers and other support personnel as demonstrated by their background in office, human resources and financial management; ability to speak regional languages and conduct trainings; active knowledge of international human rights standards, enforcement mechanisms, and cutting-edge program implementation in relevant fields; and a sophisticated understanding of the local human rights and political context.

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- 5 Management approach reflects adequate resources for the proposed program and a sound structure for implementing the proposed activities.

## SECTION C - PROGRAM DESCRIPTION

### Human Rights Support Program – Kyrgyzstan and Kazakhstan

The United States Agency for International Development, Central Asia Regional Mission, Office of Democracy and Conflict Mitigation (USAID/CAR/DM) is seeking applications for the implementation of a Human Rights Support Program in Kyrgyzstan and Kazakhstan. USAID anticipates awarding a three-year cooperative agreement, starting on or about December 1, 2004 and continuing through November 30, 2007.

#### I. Background

##### *Prior USAID Human Rights Programs*

USAID/CAR/DM's current human rights programs in Kyrgyzstan and Kazakhstan grew out of an initial program managed by Freedom House in Uzbekistan, co-funded by the State Department's Bureau of Democracy, Human Rights and Labor (DRL) and USAID in June 2002. USAID then expanded the agreement to include a program in Kyrgyzstan in September 2002. In late 2003 it added a pilot program in Kazakhstan as well. The Uzbekistan program will end in May 2005, and is therefore not included in this solicitation. However, the activities in both Kyrgyzstan and Kazakhstan will end November 30, 2004. Through this Request for Applications (RFA), USAID/CAR/DM is seeking proposals for a new, three-year program in Kazakhstan and Kyrgyzstan.

Human rights programs are generally divided into three components – promotion, enforcement and protection. USAID/CAR/DM's human rights programs provide assistance to a range of Human Rights Defenders (HRDs). Included among HRDs are civil society organizations, journalists, lawyers, doctors and other individual activists involved in public awareness building, issue advocacy, defense of victims of abuse, protection of victims, as well as monitoring of abuses or adherence to rights legislation/policy. Government officials could also be construed as HRDs, but they could also be implicated in rights abuses as well. Therefore, they are treated separately from HRDs. Judges, the police, criminal investigators and prison guards, among others representing the Ministry of Justice, Ministry of Interior and Prosecutor General's Office, are generally addressed as law enforcement officials.

The current human rights activities are centered around a core group of approximately 25 HRDs and builds their technical knowledge and advocacy skills. However, the profile of the HRD group is radically different in each country. For example, in Uzbekistan the HRD core group is a combination of veteran activists, many of whom have been harassed for their work (or represent those who have) and feel a very strong commitment forged from personal experience to defend human rights, mixed with younger idealistic students who have learned of international standards at university and bring a new creativity to problem-solving around rights promotion. Human rights in Uzbekistan is intimately tied to political activism, as the restrictions on NGO registration mean that most HRDs operate as individuals or in unregistered groups. Moreover, the critical human rights issues are torture, arbitrary detention and harassment of activists which often, especially in the Ferghana Valley, are related to crackdowns on religious extremism and any criticism of the government.

In Kazakhstan, by contrast, there are very few veteran human rights activists. You can count on one hand the number of human rights organizations that have some sort of national identification specifically as rights organizations. For the most part, the Kazakhstan International Bureau for Human Rights and the Rule of Law (IBHR), Adil Soz, Transparency International and the Helsinki Fund are known by the name of their directors, rather than by the NGO itself. Freedom House's HRD core group is notably apolitical, split between local activists who, for the most part, have not faced any harassment beyond the usual bureaucratic harangues, and young lawyers interested in applying their university lessons to changing the context for rights protection on the ground.

Between these two extremes is the core group in Kyrgyzstan. It is comprised of activists and journalists, many of whom face harassment for their activities on a regular basis, but many of whom also work, and have had some true success, on less political, lower profile issues such as child prostitution and the rights of the mentally ill.

### ***Kyrgyzstan***

When USAID began its human rights program in Kyrgyzstan in September 2002, very few donors were engaged in human rights in the country. Our 26-month, \$733,000 program focuses on building the individual and networking capacity of human rights defenders (HRDs) to advocate on and monitor key human rights issues. It also offers critical legal assistance to HRDs facing harassment and, through an in-house newsletter, *Voice of Freedom*, provides an outlet for publicizing both positive and negative developments in the human rights arena. The program complements broader civil society assistance through the National Democratic Institute's information resource centers, a Eurasia Foundation-funded legal defenders program implemented through the American Bar Association's Central European and Eurasian Law Initiative (ABA-CEELI) in the Ferghana Valley, as well as legal defense support for media outlets and journalists provided through Internews under Soros Foundation funding. In addition, DRL has invested in a local printing press operated by Freedom House.

Perhaps the greatest contribution of USAID's program has been to create a viable network out of a core group of individual HRDs. With the help of technical assistance and other support from Freedom House, this group has drafted national human rights benchmarks for negotiation with the Government, launched successful advocacy campaigns for children's rights and the rights of the mentally ill, as well as publicized and sought legal redress for cases of torture and harassment of HRDs. In part due to gains through our assistance and that of other donors, the needs of HRDs and opportunities for human rights activities have evolved beyond the original program. These organizations are now ready for the next step in organizational development: member recruitment, outreach and monitoring of policy implementation, as well as internal organizational governance. Torture of detainees remains an egregious problem that is relatively high-profile. Threats against HRDs to stop their work have increased over the past few months. Children's rights, trafficking in persons, rights of the mentally ill are lower-profile, but nonetheless important to safeguarding human rights within Kyrgyzstan. Moreover, in the run-up to elections, we are already seeing the potential for increased human rights violations such as crackdowns on public assembly and free speech.

While the core areas of capacity-building of HRDs, legal aid and publicity of human rights abuses are still very valid in the current context, the specific activities in each should be tailored to suit emerging issues and carry the capacity-building of HRDs to the next level. From the protection, advocacy and enforcement standpoint, abuse of detainees remains the number one human rights issue in Kyrgyzstan, followed by government harassment of human rights defenders, including journalists and lawyers. HRDs also have been able to lobby successfully in the areas of children's rights and the rights of the mentally ill. While not as high profile, these issues remain important to underserved communities. Moreover, because they are less political, they present a very useful training ground for a more holistic approach to capacity-building of HRDs through increased knowledge of specific rights areas, building advocacy campaigns and constituencies, encouraging public and private outreach – beyond Bishkek into secondary cities and rural areas, as well as monitoring of alleged abuses and current conditions. Gains in these areas inspire other HRDs and can set a precedent for action in more difficult human rights areas.

### ***Kazakhstan***

USAID/CAR/DM started its human rights assistance in Kazakhstan in November 2003 with a \$447,000 one-year, pilot program, awarded as a non-competitive amendment to the existing cooperative agreement with Freedom House. The goal of the project was to test the waters for a larger human rights program: to see what HRDs exist, assess their general capacity and offer a basic series of trainings and several roundtables on human rights issues. The core group of HRDs in Kazakhstan hail from Almaty, Pavlodar, Karaganda and Kostanai. The first training session reviewed international human rights standards and enforcement mechanisms, comparing them to Kazakhstani legislation and institutions. The second round focused on prison monitoring, which the Chief of Party chose as a practical issue around which the HRDs could improve their data collection, networking and advocacy skills. Since April the HRDs have monitored prisons in Pavlodar and Almaty, with plans to do the same this summer in Kostanai and Karaganda. The third training session introduced monitoring of judicial proceedings. The fourth session promoted networking among HRDs and advocacy through the media.

The strength of the program has been in beginning the process of networking HRDs together, across the country and across specific technical sub-sectors. Using prison monitoring as a rallying point to coordinate different activists and translate human rights theory into practice was a good approach for what has been, and largely remains, a very dispersed

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group that does not identify itself as being a part of a larger human rights community. The program built individual technical skills, but did not have the resources to carry this to the next level, either through structured organizational assistance, development of a formal human rights professional network or advocacy campaigns.

Whereas in Kyrgyzstan, the salient human rights issues are physical abuse and harassment, the most critical issues facing the human rights community in Kazakhstan are the lack of political space overall, accompanied by civic apathy for change, coupled with the lack of awareness of HRDs that they are even working in the broader sphere of human rights. The human rights community is highly specialized, localized and service oriented. It does not see itself as working on human rights per se, nor does it work in concert within its specialty areas with like-minded organizations (either regionally between oblasts or nationally). Although delivering services is an increasing need as the Soviet-era social net deteriorates, without linking this to advocacy, NGOs and their constituents will forever be caught in a rut of band-aid assistance without ever changing the overarching environment that necessitates this assistance in the first place. These organizations are in a good position to use the data collected through their services to advocate for systemic change in the area of rights protection, however they often lack the initiative to do so, even at the most local level. Strangely enough, although local NGOs may correlate rights protection with the state, many do not view local government authorities as the nexus for change. They blame its ineffectiveness rather on an appointed administrative structure with little local budget control. Regardless, they do not seek redress at the oblast or national level either, beyond letter-writing campaigns to the President.

The large size of Kazakhstan hampers the ability for like-minded HRDs to interact beyond their immediate oblast. What little news is produced on human rights in Almaty or Astana rarely penetrates outlying communities. Even in the age of electronic media, HRDs need not only access to the internet, but basic assistance on how to find resource materials, preferably in Russian, related to their work. The notable exceptions to this are in media and women's crisis centers. In terms of media, there are several government and non-government sponsored professional associations that link journalists, editors and outlet owners together. Moreover, Adil Soz has positioned itself to monitor abuse in this sector on a national level through a handful of newly created branch offices. In terms of women's rights, there is a state-sponsored network of women's crisis centers, with representation in each oblast. Three of the centers are run through the state, the rest are operated by NGOs. Crisis center staff has access to training and outreach materials, meets on a regular basis for continued professional development and uses this network to advocate for policy reform (such as the draft law on domestic violence). Three other NGOs working on human rights have branch offices, the Association of Business Women of Kazakhstan (whose program on reproductive rights for women has blossomed into a broader rights program targeting young men and women as well), the Republican Network of Independent Monitors (RNIM) (which works on monitoring the elections and wider political events) and the Kazakhstan International Bureau for Human Rights and the Rule of Law (IBHR) (which manages a diverse portfolio including legal aid, monitoring of detention facilities, and promoting abolition of the death penalty).

Gains achieved in human rights contribute to an opening of general political space that defines the relationship between citizens and their government. To achieve this, though, HRDs are going to have to enter the political realm through human rights advocacy, seeking collective change from the Government to a given human rights problem. Advocacy among NGOs is really only possible when they see themselves in that role. For the most part, however, these NGOs are focused on provision of services – improved medical care for victims of domestic violence, rehabilitation services for the handicapped, the delivery of rights education to high school students, for example. Human rights organizations, individually or as a collective, generally do not conceptualize their constituents' issues within a broader human rights framework. They see them as relating to women, the handicapped or children, as specific groups whose issues are so specialized at the service delivery level, that it is difficult to see how they fit into a larger human rights framework. Without this awareness, it would be difficult to lobby effectively for change, either within specific sub-sectors, much less at a higher level of broader human rights promotion.

Building off of Freedom House's pilot program, HRDs in areas outside of Almaty and Astana could benefit from a basic overview of international and domestic human rights law and enforcement mechanisms. Moreover, they need assistance in finding organizations with similar objectives for ongoing professional development. This network can aggregate local issues to a national level for policy change. The big Almaty-based human rights NGOs realize they alone cannot create the demand necessary to push the government to change its position on human rights issues. They are starting, with international assistance, to open branch offices in an effort to draw in a bigger constituency for human rights protection,

promotion and enforcement. These offices, however, do not so much offer training, as function as resource centers for access to legal aid and monitoring of key issues such as prison abuse.

## II. Program Description

### A. *Kyrgyzstan*

The Human Rights Support Program in Kyrgyzstan has several goals:

1. Minimizing abuses in critical human rights areas;
2. Building a broader constituency among average citizens for human rights protection, advocacy and enforcement;
3. Protecting victims of abuse and harassment; and
4. Increasing the professional skills of human rights defenders.

These goals can be met in a number of ways. At a minimum, the applicant should describe the plans for increasing the capacity and skills of a network of human rights defenders, indicating the criteria for selection of potential partners and possible methodologies for improving their professionalism. Applicants are encouraged to look for linkages to ongoing programs, including the current human rights program conducted by Freedom House, the local Information Resource Centers managed through the National Democratic Institute (NDI), the new civic advocacy program, as well as the media and legal aid for journalists implemented by Internews and Adil Soz. Based on these programs and the evolving environment for human rights in Kyrgyzstan, some key areas of opportunity under a new program would be national policy reform, adult education, monitoring policy implementation, legal aid, publicity of abuses and progressive reforms, as well as increasing availability of information on critical human rights issues.

#### 1. *National Policy Reform*

There are a number of critical areas for policy reform to promote human rights in Kyrgyzstan, such as on public assembly, anti-torture and arbitrary detention. Applicants should outline their approach for selecting issues for national level reform, concrete ways to increase the capacity of local HRDs to develop grassroots constituencies for such change and advocacy platforms. Outreach on human rights issues beyond the human rights community itself has been difficult in the past. The emphasis should remain on empowering local HRDs as agents of change, either acting alone or in concert with their local and national peers. For example, each year several key issues could be developed into national advocacy campaigns, facilitated through the implementing partner and supported by a small grants program for local NGOs. The campaigns would engage ordinary citizens, local authorities, media, rights experts, law enforcement bodies, the Office of the Human Rights Ombudsman, Ministry officials and Parliamentary deputies. Leading up to the campaigns, the implementing partner would offer specialized technical assistance to more established rights NGOs to enable them to work through information resource centers to educate local activists on the selected issue, to collect data on abuses and to monitor enforcement of existing legislation. This would encourage organizations that generally operate in the capital only, or with limited membership, to extend their activities to outlying geographic areas and broaden their membership.

#### 2. *Adult Education in Human Rights*

USAID/CAR/DM and other programs, such as civic education, street law activities and teacher training by Youth Human Rights Group (YHRG), focus on youth. The training under the proposed new Human Rights Support Program, however, gives adult citizens outside of Bishkek and Osh access to training, other resources and networking opportunities on human rights within their own communities. This adult outreach program for rights education should be organized in coordination with other U.S. Government-funded programs such as the NDI Information Centers and Counterpart Civil Society Support Centers and include several components:

1. Participatory appraisal of individual and community rights issues and general human rights awareness;
2. A similar assessment at the local level of law enforcement authorities, government representatives and NGOs;
3. Activities to link local HRDs with these communities to broaden HRD outreach, on the one hand, and citizen's access to rights education and resolution of issues, on the other; and
4. Sessions between the HRDs, citizens and local government authorities to encourage local-level resolution of issues and to strengthen the accountability of local officials to the community.

Adult education activities would highlight real issues that are currently under discussion and of importance to ordinary people living in these areas. This brings rights discussions into the popular domain, building a broader constituency for rights advocacy and protection. A central component of the program would be to work with local activists to identify the rights-based element of their complaints and to effectively posit responsibility for their resolution with the appropriate authorities, whether at the village, city, oblast or national level. In this way, NGOs can begin to link citizens to a range of resources for the protection, promotion and enforcement of their rights. These resources may be local legal clinics, an NGO that specializes in a particular issue, educational materials, or other citizens with similar complaints. Freedom House is just starting to provide such training and has had considerable success based on the demand for additional sessions. The goal is to motivate local activists, on the one hand, and government authorities, on the other hand, to take responsibility for ensuring rights are protected on a daily basis. Ultimately this should raise the level of civic activism overall and work towards solidifying a fair and transparent system for rights adjudication. HRDs should be encouraged whenever appropriate to work in coalitions for issue advocacy across communities and to raise local issues to the national level.

### ***3. Monitoring Policy Implementation***

Counterpart, NDI and Freedom House are all moving their NGO capacity-building and advocacy programs in the following direction: 1) getting NGOs based in the capital to work in the local arena and 2) to use their gains in advocacy to move into the enforcement stage. While NGOs have had success in changing policy at the national level, they tend to see this as the end of their advocacy campaign, neglecting to monitor whether legislation is actually being properly implemented on the ground. Monitoring policy implementation cannot just be conducted in the two major cities, but necessarily needs to be done across the country, including in outlying areas. In order to do this, CSOs will have to broaden their constituencies, either through membership outreach within their own organizations or through coalitions of similar organizations.

NDI, through its Information Centers, is already supporting local-level monitoring of policy implementation in the fields of health and education and has a small parliamentary assistance program. The Human Rights Support Program would promote such campaigns in the human rights arena. The key to past efforts in other sectors has been a focused approach on a few issues nationwide, while working in communities that are already active and ready to mobilize around a particular issue. Such an awareness program would connect national level policy reform and advocacy to actual local human rights issues. This would create a more grassroots constituency for rights activism. Applications should specify potential target communities and substantiate this choice with illustrative examples of key issues and local partners. In addition, applicants should detail how, through consultations or trainings, they will assist HRDs to become a stronger voice in the policy arena by improving their outreach, membership and lobbying techniques.

### ***4. Legal Aid and Publicity of Abuses and Reforms***

Because of the tenuous and dangerous environment for working on high-profile, sensitive issues such as torture, the applicant should consider the provision of legal aid to HRDs on an as-needed basis. This support could be complemented by continued publicity of alleged abuses, and positive achievements for rights promotion, through regular engagement with media, sponsorship of investigative journalism or email newsletters, to name a few possibilities. HRDs should be encouraged to form these contacts with media directly whenever possible, to shift public outreach on critical human rights issues from the implementing partner to HRDs themselves. Attention should be to building the capacity of local NGOs to access the media and publicize their work more effectively themselves. Nevertheless, torture and other forms of abuse, not to mention the issue of media harassment itself, are still very sensitive issues in the public arena. Journalists often practice self-censorship and, in cases where they are willing to cover a story, they lack the financial resources to pay for the expense of a long-term investigative report. Without the political “cover” and deliberate financial support of an international organization, such issues may not be covered at all unless in exceptional circumstances. Applicants should explore linkages with the ongoing media support programs, which also provide legal assistance to journalists and outlet owners facing harassment, and consider incentives to attract and sustain media engagement on human rights issues.

### ***5. Increasing Information on Critical Human Rights Issues***

Following an assessment of critical human rights issues at both the local and national levels, there are a number of on-going or emergent topics about which HRDs lack sufficient information to determine 1) how widespread is the issue both in terms of affected populations and geographic coverage, 2) whether it is a growing phenomenon, and 3) where points of opportunity exist to prevent abuses, advocate for reform or protect victims. Non-consensual bride kidnapping is one such

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issue, as is child labor, which we anticipate will be raised in the assessment of critical issues within communities. Local and international organizations have been collecting data on these issues, and others, but more research is needed. While we may know that these practices are growing, we do not have enough information to determine why they are on the increase or where the incentive points for change may be in order to reverse this trend. The implementing partner should build the skills of HRDs to collect such data and use it for positive protection strategies or advocacy campaigns. Applications should highlight how to help HRDs identify and prioritize key issues facing local communities and of broader relevance at the national level. More importantly, activities should assist NGOs working on this issue to use existing data to craft effective outreach and victim protection programs.

### ***B. Kazakhstan***

Because the general level of civic activism and civil society development is so low in Kazakhstan, the Human Rights Support Program there would differ from its counterpart in Kyrgyzstan. The Human Rights Support Program in Kazakhstan would aim to achieve two goals:

1. Developing a professional network of human rights NGOs; and
2. Building a broader constituency among average citizens for human rights protection, advocacy and enforcement.

This program would seek to develop a professional human rights network of HRDs at the oblast level initially, and then at the national level, which would be capable of using locally collected data to develop rights education tools and to advocate for national level policy reform on select human rights issues. This approach capitalizes on the service provision orientation of rights NGOs to systematically collect data and monitor abuses among their constituencies. Moreover, it meets a critical need for specialized rights training for HRDs and law enforcement officials, as well as more general education programs, targeting actual issues at the community level. HRDs do not have such materials at the moment, nor do they have access to such technical assistance for professional development. They are simply too spread out geographically, isolated from information sources, and lack mechanisms to identify and access technical assistance, which is often only available in Almaty or Astana. At a minimum, programs should consider how to choose critical issues for local and then national level reform; capacity-building of local HRDs; development of education tools and advocacy strategies; support for a nationwide professional network of HRDs; and national policy reform. Because of funding limitations, the applicant should indicate how it would choose target oblasts for its activities. In addition it should illustrate how activities in these areas could be effective in neighboring oblasts as well or aggregate to the national level.

### ***1. Issue Identification***

Basing the program on actual complaints would make advocacy and rights education activities more appealing at the grassroots level, increasing the likelihood of citizen engagement. It would mobilize and aggregate support where there are already centers of opportunity and assist the IBHR and other national human rights organizations in their role of protecting and advocating for human rights. Working closely with the primary human rights NGOs in Kazakhstan, the implementing partner would identify the most prevalent rights abuses in select oblasts. If additional funds become available, then activities could be extended to other oblasts. Applications should cite potential oblasts for this sub-national outreach, detailing potential local partner organizations, how they would complement these organizations' existing programs, and how they would identify key human rights issues. Particular attention should be paid to those issues which are covered by progressive legislation, which for some reason is not being properly enforced, or recurrent issues throughout the country which could benefit from changes in national policy.

### ***2. Increasing the Technical Capacity of Local HRDs***

On the basis of the selected issues, applicants should illustrate their approach to build the capacity of local HRDs in areas such as systematic data collection, monitoring the issue over time and reporting. Many local HRDs already collect such data, but they use it for internal communications and resource management only, missing an opportunity to shape this data for external outreach. Such an application of this data could be used to broaden their local constituency, develop education materials or advocate to government officials and the private sector for a change in policy, improved service delivery or rights protection. It can also be aggregated with similar data for regional or national level advocacy. Applications should demonstrate how they would evaluate the existing strengths and weaknesses of potential HRD partners, and how they could empower such organizations for sustained involvement on these issues over time and at an increasingly sophisticated level.

### **3. Development of Education Tools and Public Awareness Campaigns**

The data collected by partner organizations would be used to develop targeted human rights campaigns on key issues of daily importance to citizens, such as land tenure, labor laws and children's rights. These materials could be replicated across the country for use in other locales. The applicant should illustrate how it would encourage HRDs to create innovative training tools and then assist them in disseminating public awareness and education materials. Emphasis should be placed on outreach to rural-based communities or several key towns across a single oblast; basing education and advocacy materials to actual local issues; using data from the community and nationwide to pinpoint opportunities for interventions on a particular rights area or target constituency, such as youth or pensioners; working through multiple organizations for the development of the materials/campaign; and including local law enforcement officials in their outreach component.

### **4. Building a Professional Human Rights Network**

In general at the oblast level, NGOs working on similar issues know each other, consult regularly and collaborate on activities. Focusing on the target human rights issues, the implementing partner would work with such groups on professional development through technical trainings and rights education as needed. Applications should highlight how they would go about raising the awareness of HRDs of the broader context for rights work internationally and within Kazakhstan. Activities should demonstrate ways to deepen HRDs' skills specifically as *human rights* NGOs, opening them to the possibility of expanded activities beyond service provision, linking them with other organizations working on these same issues within Kazakhstan and internationally, and strengthening their communications with local government and law enforcement officials on critical human rights issues.

Organizations working on women's rights or child labor, rights of the mentally ill or disabled, free speech and minority protection, do not identify themselves as human rights defenders, even though they are working on these issues.

Therefore, applicants should consider how they would bring similar human rights organizations together in order to encourage and sustain:

- Professional development of individual HRDs
- The opportunity to share expertise and experiences
- The exchange of outreach materials
- Psychological support to continue their good work in tough environments
- Get organizations to self-identify as human rights organizations
- Develop a higher profile for their particular rights issue as a conduit for raising the profile of human rights in general

### **5. National Policy Reform**

A final step in the program, applications should outline how they would use the previous program components to empower local HRDs to take on sub-national and national level reform. There are many areas for reform of the human rights situation in Kazakhstan. Legislative reform, for example, could work through Parliament and relevant Ministries to pass the draft law on domestic violence or ratify the ICCPR. Once passed, such efforts could target effective implementation of existing legislation, working with relevant ministries and local law enforcement agencies on proper implementation procedures and the media to monitor the situation of the ground.

NGOs such as IBHR, the RNIM or Adil Soz work very hard at pushing for an opening in the national political space. They are the tip of a wedge, navigating a tricky environment that pits human rights promotion in the same camp as political opposition. This detracts from what little space exists for human rights work, drawing attention away from considering human rights as universal entitlements regardless of an individual's political interest. While they are slowly making gains, such as the withdrawal of the draft media law and abolition of the death penalty, these gains will be meaningless, if not followed by active monitoring at the local level to hold government institutions accountable for protecting such rights. Moreover, as the political space begins to open, rights organizations will need to step forward to capitalize on this change to promote local issues based on grassroots activism, which at the moment is nascent. More than other groups of activists, HRDs play a critical role in protecting this political space, as the rights to public assembly, free speech, freedom from harassment or arbitrary detention all fall under purview of human rights.

### *III. Relation of USAID Human Rights Program to Other Democracy Programs*

#### *A. Human Rights Within the USAID/CAR/DM Portfolio*

Human rights cross-cuts USAID/CAR/DM's entire portfolio:

- Media gathers information on human rights abuses and disseminates it to the general public through investigative reports. Independent media plays an important role in offering alternative points of view to government-owned outlets, especially as the allegiances of the latter may be called into question when covering alleged misbehavior by government officials. Journalists, editors and media outlet owners are often HRDs in their own right. Their rights can be restricted, if not outright abused, through harassment by the National Security Service and Ministry of Interior officials, legislation that restricts free speech or injurious application of other laws pertaining to their ability to professionally operate.

Adil Soz, for example, collects data on harassment of media outlets and journalists, organization of roundtables on key free speech issues and training sessions on how to maintain journalistic professional integrity to guard against criminal liability in reporting. It is now opening regional branch offices to extend its monitoring outside Almaty. In Kyrgyzstan the National Human Rights Ombudsman's representative in Osh often works with the media to gain a higher profile for key cases, raising public awareness to educate and focus attention on a case that might otherwise languish in inter-agency bureaucracy.

- Civic Advocacy programs through Counterpart and NDI build the organizational and program management capacity of a number of local NGOs in both Kyrgyzstan and Kazakhstan, including a small number of human rights organizations. Their technical assistance in forming initiative groups around critical community issues, helping with NGO registration, and continued education on developing advocacy campaigns creates a more genial environment overall for NGOs to emerge and promote their issues. Through civic advocacy programs, citizens can lobby for progressive legislation to safeguard human rights, as well as insist on parliamentary oversight of the executive and judicial branches of government.

As with the previous Human Rights Support Program, the new program will include an advocacy component for both Kyrgyzstan and Kazakhstan. USAID has an extensive advocacy program in both countries, but neither is particularly geared towards advocating in the human rights arena. In Kyrgyzstan, where the promotion of human rights is politically sensitive, the broader advocacy program did not explicitly include human rights NGOs because it did not want to endanger the work of its less political partners. The new Human Rights Support Program would therefore need to consider providing HRDs with necessary assistance in organizational development, advocacy and outreach, membership recruitment. In Kazakhstan, human rights NGOs often comprise nearly half of the NGOs taking advantage of our broader civil society support program. However, they can do this precisely because they remain apolitical and do not posit themselves as human rights NGOs, but rather as representatives of individual constituent groups – e.g. women, children, the handicapped. The goal of the new human rights program is to work with these groups to enable them to situate their individual issue within a broader human rights context. This will require training in explicit skills for human rights promotion, victim protection and strategies for both domestic and international human rights law enforcement. The advocacy training offered through the ongoing civic advocacy program would be too general for these purposes.

- Civic Education in public schools is the formal starting point to educate citizens about rights in general, and human rights in particular. The curriculum under the IFES program (and local NGO) includes a chapter on human rights for its secondary school teaching materials. In Kyrgyzstan, the textbooks include an exercise for students to exchange opinions on the legality, traditional value and gender roles involved in bride kidnapping. One young lawyers' NGO comprised of law students in Kostanai, Kazakhstan delivers its own rights education curriculum to schoolchildren as young as four years old. Youth Human Rights Group (YHRG) in Kyrgyzstan has established a national program for teacher training and curriculum development for rights education in both urban and rural areas.

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- Judicial and Legal Reform projects provide free legal consultations through law clinics, such as the Osh Human Rights and Democracy Center in Kyrgyzstan, which undertake local human rights cases. They also work with judges to promote more fair and equitable application of the law, such as the Criminal Code provisions against torture in Kyrgyzstan. Street law sessions in schools also promote rights awareness among students from the eighth to the eleventh class.
- Trafficking in Persons remains a serious human rights issue in both Kazakhstan and Kyrgyzstan -- countries from which victims originate or through which victims from neighboring countries transit on their way to other former Soviet republics, Asia and the Middle East. With public education and victim support programs managed by the International Organization for Migration and Winrock International through a network of local NGOs, potential victims receive information about legal employment overseas, the dangers of illegal opportunities, assistance in returning home after they have been trafficked, and psychological counseling and placement services once they arrive back in country.
- Local Government authorities are the link between local issues and national policy. As such they are generally the main point of contact in communities, and reference to additional assistance, for citizens concerned about their rights. In Kazakhstan, local law enforcement agencies are technically under dual subordination at the oblast level – directly accountable to their line Ministry, but the oblast-level akim must approve the appointment of the Minister’s representative. In this way, local government authorities have some degree of oversight over law enforcement officials at the oblast level. Each oblast in Kazakhstan has a new social partnership fund which it can spend in various ways, for example in promoting children’s rights in cooperation with local NGOs and schools. In Kyrgyzstan, where local officials may be elected, there is room to put human rights on the election agenda.
- Conflict Mitigation activities seek to allay possible rights abuses instigated between socio-economic, ethnic and religious groups in conflict with each other over issues such as access to education, natural resources and land – all issues with a strong rights component. For example in the Saule community of Shymkent, Kazakhstan, which integrates internal Kazakhstani economic migrants and “Oralman” recent returnees from outside the country, women have requested rights education to help them promote their rights as women in a relatively patriarchal conservative community, to assist them in lobbying the government for continued infrastructure improvement and service delivery, as well as to help with their personal documentation (attestations for Kazakhstani citizenship).
- Political Parties and Individual Political Activists, as voters, candidates or observers of the political process, face harassment from the government on a regular basis. This impedes their ability to register, recruit members, campaign around elections, and ensure a fair election process. The Coalition in Kyrgyzstan and the Republican Network of Independent Monitors in Kazakhstan both monitor the election process through a network of sub-national offices. Student groups in both Kyrgyzstan and Kazakhstan are concerned about a recurrent practice for government political parties to recruit student voters as a block through coercion. The Youth Information Service of Kazakhstan, for example, has a voter awareness campaign to educate students about their rights vis à vis the election process.

All of these democracy technical areas are complementary parts of a whole. In their technical approach and analysis, applications should reflect consideration not just of other USAID and State Department-funded activities, but those by the host governments, donors and local NGO initiatives as well. Wherever possible the new Human Rights Support Program should build on and complement existing programs in these other democracy sub-sectors.

### ***B. Links to USAID/CAR Strategy***

Gains in promoting human rights impacts each of the four intermediate results under USAID/CAR/DM’s overarching strategic objective, *Strengthened Democratic Culture Among Citizens and Targeted Institutions*. Activities under the Human Rights Support Program should further relevant strategic objectives, intermediate results, and lower-level results, including the following:

IR 2.1.1 Stronger and More Sustainable Civic Organizations

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- LLR 2.1.1.1 Improved Advocacy Skills
- LLR 2.1.1.2 Increased institutional and financial viability of NGOs
- LLR 2.1.1.3 Improved ability to find and represent constituency
- LLR 2.1.1.4 Community based civic action programs expanded/ initiated
- LLR 2.1.1.5 Improved legal and regulatory environment for NGOs
  
- IR 2.1.2 Increased availability of information on civic rights and domestic public issues
- LLR 2.1.2.4 Improved information dissemination
- LLR 2.1.2.5 Improved awareness of legal rights
  
- IR 2.1.3 Enhanced opportunities for citizen participation in governance
- LLR 2.1.3.1 Increased citizen involvement in public affairs
  
- IR 2.1.4 More effective, responsive and accountable public institutions
- LLR 2.1.4.3 Increased transparency of legal and judicial sectors

### **C. Other Donors**

The opening of branch offices for the major human rights NGOs, policy initiatives against the death penalty or for prison reform, and small grant funds for local one-off activities, comprise the bulk of donor-driven human rights assistance at the moment. Among donors, the United Nations Development Program (UNDP), the Organization for Security and Cooperation in Europe (OSCE), the British Embassy, the European Union and Soros, as well as other U.S. Government agencies have all funded human rights-related activities.

*In Kyrgyzstan* the UNDP initially targeted its Human Rights assistance to the Office of the Ombudsman. Activities centered around public outreach and organizational management, with additional technical assistance to analyze the powers granted through the law establishing the Ombudsman's Office. In June 2004 the UNDP invited an assessment mission to Kyrgyzstan to recommend new areas for broader assistance in the field of human rights. The final report of the assessment is expected later this year, with activities slated to begin in the new year.

The OSCE is concentrating mostly on upcoming elections in Kyrgyzstan. A human rights training component is planned under the police reform project, but the details are as yet undecided. Meanwhile, the OSCE has some funds at its disposal for small grants on an ad hoc basis. One area of potential support is youth empowerment. Whereas the older generation of HRDs frames its struggle in terms of dissident politics, younger activists bring a different, and less politicized, approach to human rights issues. With less history, they are more flexible in taking responsibility for changing their environment, rather than merely chronicling problems and blaming someone else for them.

*In Kazakhstan*, the UNDP started in 1998 to build the capacity of the President's Human Rights Commission (HRC), which advises the President on the national human rights situation and is tasked with creating a dialogue between human rights NGOs and state institutions. It then worked with the Government to develop an independent human rights body in the Office of the Ombudsman, working on draft legislation in accordance with international legal standards. However, the 2002 decree establishing the Ombudsman's Office bore little resemblance to the draft law and did not even give the Ombudsman the critical right to evaluate court decisions or prosecutorial affairs. Like its counterpart in Bishkek, the Ombudsman's Office in Astana is a highly centralized institution. It is organized into six departments with different specialties – the human rights center, women, children, disabled, pensioners and prisoners. At the moment, the Astana office has no sub-national representation and suffers from the notoriety of the HRC, which is still in existence and serves as the focal point for processing any human rights complaints brought to the attention of the government. Whereas the HRC and the Ombudsman receive approximately the same number of complaints to process, the HRC (unlike the Ombudsman) can apply to judicial institutions for assistance in their resolution. The UNDP will conclude its current assistance project in September 2004.

A second UNDP human rights project focuses on the development of human rights capacity in Kazakhstan. This one-year project will culminate in the publication of a document based on the final report of a November 2003 conference on international rights standards in Kazakhstan. The conference stimulated debate on the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights, with compliance

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to both being monitored by the Human Rights Committee at the Office of the United Nations High Commissioner for Human Rights. In February 2004, the HRC and parliamentary deputies showed support for ratification of the ICCPR and its optional protocols, which offer mechanisms for processing individual complaints of abuse where domestic enforcement is inadequate. However, the final recommendation was to ratify the ICCPR without the protocols. The ratification process was put on hold, potentially to be revisited in the next legislative session.

A third objective for UNDP is human rights education. It is working to promote a national human rights curriculum at the university and high school level with the Ministry of Education.

The OSCE focuses its human rights assistance in Kazakhstan on the promotion of women and minority rights, ratification of select international legal instruments and domestic legislation (for example, to abolish the death penalty), prison reform and alternative sentencing, as well as judicial reform and trial monitoring.

Out of its Almaty-based Embassy, the British Government manages a small grants program for both Kyrgyzstan and Kazakhstan. It is in its second year of support to Penal Reform International to consider alternative sentencing possibilities, as well as reform of temporary detention facilities (KPZ) and prisons. It recently produced a *Handbook Against Torture* in Russian and English. It is also working on police reform with the OSCE, targeting community policing, counter drug trafficking and capacity-building of the police academy.

The European Union balances its human rights portfolio between targeted, macro-level multi-year projects (such as its campaign against the death penalty) and micro-level projects. The bulk of the small grants in Kazakhstan fund Almaty-based organizations; in Kyrgyzstan the current projects are located in Bishkek, Osh, Naryn and Issik-Kul.

Among its programs for education reform, civil society development, local self-government, legal reform and support to media, Soros is involved in several areas directly related to human rights, including the protection of journalists' rights, promoting civic and human rights education, as well as women's rights.

The focus for the U.S. Embassy Democracy Commission small grants throughout the region this year is on upcoming elections. Nevertheless, the Democracy Commission in Kazakhstan recently approved two proposals in support of assistance to women: Support of Women Leaders "Shyragy" and to the Women's Support Center in Aktobe for anti-trafficking activities. In Kyrgyzstan none of the current grants target human rights, although previous grants addressed victims of domestic abuse and trafficking, religious tolerance, voting rights for students, human rights education for high school students, radio programs on rights awareness, anti-trafficking education, and a forum of women NGOs, among others.

In Kyrgyzstan, the State Department's Bureau of Democracy, Human Rights and Labor (DRL) used its Human Rights and Democracy Funding for a proposal from the Kyrgyz Psychiatric Association (KPA), an independent Kyrgyz NGO, to better protect the rights of the mentally ill. DRL continues to support Freedom House's printing press. In addition, it has funded the Institute for War and Peace Reporting to support coverage of human rights issues and ABA-CEELI's regional advocacy network in the Ferghana Valley. Through its assistance to the National Democratic Institute (NDI), DRL continues to fund Information Centers throughout the country; these have been the venue for human rights trainings by Freedom House and they have also conducted their own monitoring campaigns on implementation of human rights instruments. In Kazakhstan, DRL will fund an ABA/CEELI project to provide legal protection for independent media. DRL also supports the New York-based International League for Human Rights to implement a small-grants program throughout the former Soviet Union.

### **III. Other Considerations**

#### **A. Gender**

While human rights promotion implicates women and men on an equal scale at the macro level, in practice the context for rights promotion in Kyrgyzstan and Kazakhstan has the potential for differential effects at the micro level. This is true in terms of select sub-fields of human rights, such as women's rights or employee/employer rights. Whether considering domestic violence, non-consensual bride kidnapping or trafficking, protecting women's rights involves more attention to women as victims of abuse and men as the perpetrators. Nevertheless, it should not be overlooked that women are often

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the perpetrators, as well as the victims, of such abuse as well. In non-consensual bride kidnapping, the men may initially kidnap the bride, but women of the prospective groom's family are the ones who entreat her to submit to the marriage. Older women are often used to recruit younger women for trafficking. Those women who have been abused as children, or wives being beaten by their husbands, often pass on this abuse to their children. Education for prevention of abuse needs to target both women and men, but use a different approach for each. In this instance, sustainable results are directly contingent on gender sensitivity.

However, gender difference is not a significant issue in terms of program impact sustainability in other areas. Labor issues differ between employed men, who are negotiating the terms of the workplace, and pensioner women, who are trying to get the Government to pay their pensions on time and in full. Abuse while in detention is reported to be a problem affecting more men than women. In terms of general harassment by authorities of HRDs, the determining factor is not gender but the overall level of activism; women and men seem to be equally targeted.

The majority of HRDs tend to be women. While it would be good to achieve more of a gender balance in staffing and leadership of NGOs, this difference does not seem to significantly impact the ability of these organizations to carry out their missions. The most likely way that gender would come into play would be in terms of cultural norms for power relations when HRDs, mostly women, are dealing with local authorities and law enforcement officials, who tend to be men. Whenever this has been an issue in previous programs, the implementing partner has paid special attention to boosting the presentation skills of HRDs and professional integrity of their work, so that it is not as open to scrutiny. In terms of working with HRDs as a group, and getting them to network, age seems to be more of a dividing factor than gender.

The applicant should consider inclusion of both men and women in all aspects of its human rights support activities (in terms of the content of assistance and the actual individuals receiving assistance).

### ***B. Corruption***

Corruption impacts the context for the human rights program in a number of ways. Corruption among detention facility staff, criminal investigators and lawyers leads to collusion in abuse of detainees. In Kyrgyzstan the guards at temporary detention facilities, which are under the purview of the Ministry of Interior (MVD), quite often physically and mentally abuse the detainees. Criminal investigators (also operating under the MVD) collaborate with detention facility officials in abuse of detainees and extortion for several reasons:

- Criminal investigators lack the skills to conduct a proper investigation, but are under pressure to close as many criminal investigations as possible. They often send a person to detention under suspicion of crimes for which they have no proof, hoping that s/he will be intimidated into confessing. Sometimes they have some legitimate charges, but tack on unfounded allegations, in order to raise the ante on forcing a confession. Abuse aids this process.
- Neither the investigators nor the detention facility staff earns much money as civil servants. Holding a person without charge for up to 72 hours enables them to go to the family of the person detained and extort money for his/her release. They can use the threat of torture to aid the extortion.

Once charged, the detainees are moved to a different pre-trial facility that is under the control of the Ministry of Justice. At this point, it is more difficult to abuse the prisoners to such an extent, in part because their families and attorneys may visit regularly. The Ministry of Justice recently took over control of pre-trial facilities, due to a widespread view that the Ministry of Interior was corrupt. Once tried, convicts are moved to prison facilities, also now under the purview of the MOJ. Nevertheless, institutional reform takes a while, and not much change has been reported on the ground.

Article 305 outlawing torture was just added to the Kyrgyz Criminal Code last year. Before, torture suspects were tried under abuse of official duties, which resulted in sentences of varying severity. One attorney who works for the Osh Human Rights and Democracy Center, when asked whether there was an incentive for lawyers to prosecute torture under the new Article 305 in the Criminal Code, responded that private defense attorneys often rely on references from criminal investigators, the same ones complicit in torture, to find cases. Beholden to them, they are less likely to press charges against such abuse. On the other hand, public defenders are more independent.

Corruption prevents a fair administration of justice in a number of other rights areas. For example, in western Kazakhstan, several legal cases revolve around land tenure claims in which the government has expropriated privatized land at a fraction of its actual worth. Sometimes these cases are successfully adjudicated with the award of damages to the land owner, but compensation is never received and the appeals process is too costly to make it worthwhile for the individual to continue court proceedings. Corruption is rampant in the election process, with monitors citing abuse of voter rights, state harassment of opposition politicians and observers for the personal gain of government officials, as well as the use of civil servants and other public resources to mobilize voters.

In their technical approach, applicants should demonstrate how their activities can deter corruption and mitigate its effects on human rights promotion, enforcement and victim protection.

**C. Monitoring and Evaluation**

Applications should include a plan for initial needs assessment, ongoing monitoring, and evaluation at the midpoint and end of the program. The final evaluation should not just consider past performance of the program, including successes and obstacles to implementation, but also indicate steps for continued human rights support. Illustrative activity-level indicators and higher-level, more strategic indicators, with plans to collect baseline data, should be included as well. Wherever possible this data should be disaggregated by gender. The indicators will be finalized in consultation with the Cognizant Technical Officer within a month of signing the agreement. Moreover, USAID/CAR/DM annually administers a regional survey on democratic development and civic participation, which includes questions pertinent to the human rights portfolio. Through the use of a cooperative agreement for the award, USAID will maintain oversight over the program through approval of annual workplans and review of quarterly narrative and financial reports. The first workplan is due within a month of the agreement start date.

**D. Key Personnel**

It is expected that the applicant would maintain offices in both Kyrgyzstan and Kazakhstan. Wherever possible, however, efforts should be made to maximize the use of local trainers and share expertise across the portfolio. Experience demonstrates that Russian-language trainings and, in Kyrgyzstan, trainings and materials in Kyrgyz, are more effective than those in English, as the vast majority of participants does not speak English, and time is often wasted in translation. Preference will be given to those applications with staff and trainers who can communicate in the relevant languages. Applicants are encouraged to indicate whenever possible local, regional or international sources for trainers and auxiliary, specialized, human rights expertise. Proposed personnel should be familiar with the post-Soviet political, social and economic context, as this greatly determines the playing field for human rights work, civic activism and advocacy in general in both countries. Preference will be given to personnel teams with prior direct experience in human rights activism and knowledge of human rights issues, as well as local and international enforcement and protection mechanisms. Preference will be given to applications with a proposed chief of party who has at least three years' experience managing similar human rights programs. Rather than simply focusing on the Chief(s) of Party, applications should consider the full staffing complement of local, regional and international trainers and in-country support personnel that can contribute to the proposed programs and be a continued resource for human rights promotion in the long term.

**E. Budget**

The anticipated annual budget for the Human Rights Support Program is provided below. Since annual budgets differ from year to year due to the availability of funds, as well as shifting U.S. Government foreign policy priorities, implementation plans should take these variances into account. Applications should provide detailed, country-specific budgets that are within the proposed funding levels. Budget line items and amounts should be explained in a detailed budget narrative.

<i>Country</i>	<i>FY 2004</i>	<i>FY 2005</i>	<i>FY 2006</i>	<i>FY 2007</i>	<i>Total</i>
Kazakhstan	152,500	500,000	400,000	250,000	<b>1,302,500</b>
Kyrgyzstan	217,000	350,000	350,000	50,000	<b>967,000</b>
<b>Total</b>	<b>369,500</b>	<b>850,000</b>	<b>750,000</b>	<b>300,000</b>	<b>2,269,500</b>

**SECTION D**

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

CERTIFICATIONS, ASSURANCES, AND OTHER STATEMENTS OF RECIPIENT [1][2]

**PART I - CERTIFICATIONS AND ASSURANCES**

**1. ASSURANCE OF COMPLIANCE WITH LAWS AND REGULATIONS GOVERNING NON-DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

(a) The recipient hereby assures that no person in the United States shall, on the bases set forth below, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving financial assistance from USAID, and that with respect to the grant for which application is being made, it will comply with the requirements of:

(1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. 2000-d), which prohibits discrimination on the basis of race, color or national origin, in programs and activities receiving Federal financial assistance;

(2) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance;

(3) The Age Discrimination Act of 1975, as amended (Pub. L. 95-478), which prohibits discrimination based on age in the delivery of services and benefits supported with Federal funds;

(4) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution); and

(5) USAID regulations implementing the above nondiscrimination laws, set forth in Chapter II of Title 22 of the Code of Federal Regulations.

(b) If the recipient is an institution of higher education, the Assurances given herein extend to admission practices and to all other practices relating to the treatment of students or clients of the institution, or relating to the opportunity to participate in the provision of services or other benefits to such individuals, and shall be applicable to the entire institution unless the recipient establishes to the satisfaction of the USAID Administrator that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which financial assistance is sought, or the beneficiaries of, or participants in, such programs.

(c) This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the recipient by the Agency, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the United States shall have the right to seek judicial enforcement of this Assurance. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (JANUARY 2004)**

(1) The recipient agrees to notify the Agreement Officer immediately upon learning

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that it or any of its principals:

- (a) Are presently excluded or disqualified from covered transactions by any Federal department or agency;
  - (b) Have been convicted within the preceding three-years period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;
  - (c) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b); and
  - (d) Have had one or more public transactions (Federal, State, or local) terminated for cause or default within the preceding three years.
- (2) The recipient agrees that, unless authorized by the Agreement Officer, it will not knowingly enter into any subagreements or contracts under this grant with a person or entity that is included on the Excluded Parties List System (<http://epls.arnet.gov>). The recipient further agrees to include the following provision in any subagreements or contracts entered into under this award:

**3. DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION (DECEMBER 2003)**

The recipient/contractor certifies that neither it nor its principals is presently excluded or disqualified from participation in this transaction by any Federal department or agency.

- (3) The policies and procedures applicable to debarment, suspension, and ineligibility under USAID-financed transactions are set forth in 22 CFR Part 208.

**4. DRUG-FREE WORKPLACE (JANUARY 2004)**

- (1) The recipient agrees that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any Federal award. The statement must
- (a) Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;
  - (b) Specify the actions the recipient will take against employees for violating that prohibition; and
  - (c) Let each employee know that, as a condition of employment under any award, he or she
    - (1) Must abide by the terms of the statement, and
    - (2) Must notify you in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace, and must do so no more than five calendar days after the conviction.
- (2) The recipient agrees that it will establish an ongoing drug-free awareness program to inform employees about
- (a) The dangers of drug abuse in the workplace;
  - (b) Your policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation and employee assistance programs; and

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- (d) The penalties that you may impose upon them for drug abuse violations occurring in the workplace.
- (3) Without the Agreement Officer's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this award, or the completion date of this award, whichever occurs first.
- (4) The recipient agrees to immediately notify the Agreement Officer if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the number of each award on which the employee worked. The notification must be sent to the Agreement Officer within ten calendar days after the recipient learns of the conviction.
- (5) Within 30 calendar days of learning about an employee's conviction, the recipient must either
  - (a) Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or
  - (b) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.
- (6) The policies and procedures applicable to violations of these requirements are set forth in 22 CFR Part 210.

**5. CERTIFICATION REGARDING LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**Statement for Loan Guarantees and Loan Insurance**

The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing

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for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**6. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS FOR COVERED COUNTRIES AND INDIVIDUALS (ADS 206)**

USAID reserves the right to terminate this [Agreement/Contract], to demand a refund or take other appropriate measures if the [Grantee/ Contractor] is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140. The undersigned shall review USAID ADS 206 to determine if any certification are required for Key Individuals or Covered Participants.

If there are COVERED PARTICIPANTS: USAID reserves the right to terminate assistance to, or take or take other appropriate measures with respect to, any participant approved by USAID who is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140.

The recipient has reviewed and is familiar with the proposed grant format and the applicable regulations, and takes exception to the following (use a continuation page as necessary):

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Solicitation No. \_\_\_\_\_

Application/Proposal No. \_\_\_\_\_

Date of Application/Proposal \_\_\_\_\_

Name of Recipient \_\_\_\_\_

Typed Name and Title \_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**7. CERTIFICATION REGARDING TERRORIST FINANCING**

By signing and submitting this application, \_\_\_\_\_ (the Recipient) provides the certification set out below:

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1. The Recipient has not provided, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts.
2. Specifically, in order to comply with its obligations under paragraph 1, the Recipient will take the following steps:
  - a. Before providing any material support or resources to an individual or entity, the Recipient will verify that the individual or entity does not appear (i) on the master list of Specially Designated Nationals and Blocked Persons, which list is maintained by the U.S. Treasury’s Office of Foreign Assets Control (OFAC) and is available online at OFAC’s website: <http://www.treas.gov/offices/eotffc/ofac/sdn/t11sdn.pdf>, or (ii) on any supplementary list of prohibited individuals or entities that may be provided by USAID to the Recipient. The Recipient also will verify that the individual or entity has not been designated by the United Nations Security (UNSC) sanctions committee established under UNSC Resolution 1267 (1999) (the “1267 Committee”) [individuals and entities linked to the Taliban, Usama bin Laden, or the Al Qaida Organization]. To determine whether there has been a published designation of an individual or entity by the 1267 Committee, the Recipient should refer to the consolidated list available online at the Committee’s website: <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>.
  - b. Before providing any material support or resources to an individual or entity, the Recipient will consider all information about that individual or entity of which it is aware or that is available to the public.
  - c. The Recipient will implement reasonable monitoring and oversight procedures to safeguard against assistance being diverted to support terrorist activity.
3. For purposes of this Certification -
  - a. “Material support and resources” means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.
  - b. “Terrorist act” means-
    - i. an act prohibited pursuant to one of the 12 United Nations Conventions and Protocols related to terrorism (see UN terrorism conventions Internet site: <http://untreaty.un.org/English/Terrorism.asp>); or
    - ii. an act of premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; or
    - iii. any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.
  - c. “Entity” means a partnership, association, corporation, or other organization, group or subgroup.

This Certification is an express term and condition of any agreement issued as a result of this application, and any violation of it shall be grounds for unilateral termination of the agreement by USAID prior to the end of its term.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Authorized Person

[1] FORMATS\GRNTCERT: Rev. 06/16/97 (ADS 303.6, E303.5.6a) [2] When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement". [3] The recipient must obtain from each identified subgrantee and (sub)contractor, and submit with its application/proposal, the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Transactions, set forth in Attachment A hereto. The recipient should reproduce additional copies as necessary. [4]

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See ADS Chapter E303.5.6a, 22 CFR 208, Annex1, App A. [5] For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the grant standard provision entitled "Debarment, Suspension, and Related Matters" if the recipient is a U.S. nongovernmental organization, or in the grant standard provision entitled "Debarment, Suspension, and Other Responsibility Matters" if the recipient is a non-U.S. nongovernmental organization.

**PART II - OTHER STATEMENTS OF RECIPIENT**

1. AUTHORIZED INDIVIDUALS

The recipient represents that the following persons are authorized to negotiate on its behalf with the Government and to bind the recipient in connection with this application or grant:

Name	Title	Telephone No.	Facsimile No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. TAXPAYER IDENTIFICATION NUMBER (TIN)

If the recipient is a U.S. organization, or a foreign organization which has income effectively connected with the conduct of activities in the U.S. or has an office or a place of business or a fiscal paying agent in the U.S., please indicate the recipient's TIN:

TIN: \_\_\_\_\_

3. CONTRACTOR IDENTIFICATION NUMBER - DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER

(a) In the space provided at the end of this provision, the recipient should supply the Data Universal Numbering System (DUNS) number applicable to that name and address. Recipients should take care to report the number that identifies the recipient's name and address exactly as stated in the proposal.

(b) The DUNS is a 9-digit number assigned by Dun and Bradstreet Information Services. If the recipient does not have a DUNS number, the recipient should call Dun and Bradstreet directly at 1-800-333-0505. A DUNS number will be provided immediately by telephone at no charge to the recipient. The recipient should be prepared to provide the following information:

- (1) Recipient's name.
- (2) Recipient's address.
- (3) Recipient's telephone number.
- (4) Line of business.
- (5) Chief executive officer/key manager.
- (6) Date the organization was started.
- (7) Number of people employed by the recipient.
- (8) Company affiliation.

(c) Recipients located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at <http://www.dbisna.com/dbis/customer/custlist.htm>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at [globalinfo@dbisma.com](mailto:globalinfo@dbisma.com).

The DUNS system is distinct from the Federal Taxpayer Identification Number (TIN) system.

DUNS: \_\_\_\_\_

4. LETTER OF CREDIT (LOC) NUMBER

If the recipient has an existing Letter of Credit (LOC) with USAID, please indicate the LOC number:

LOC: \_\_\_\_\_

5. PROCUREMENT INFORMATION

(a) **Applicability.** This applies to the procurement of goods and services planned by the recipient (i.e., contracts, purchase orders, etc.) from a supplier of goods or services for the direct use or benefit of the recipient in conducting the program supported by the grant, and not to assistance provided by the recipient (i.e., a subgrant or subagreement) to a subgrantee or subrecipient in support of the subgrantee's or subrecipient's program. Provision by the recipient of the requested information does not, in and of itself, constitute USAID approval.

(b) **Amount of Procurement.** Please indicate the total estimated dollar amount of goods and services which the recipient plans to purchase under the grant:

\$ \_\_\_\_\_

(c) **Nonexpendable Property.** If the recipient plans to purchase nonexpendable equipment which would require the approval of the Agreement Officer, please indicate below (using a continuation page, as necessary) the types, quantities of each, and estimated unit costs. Nonexpendable equipment for which the Agreement Officer's approval to purchase is required is any article of nonexpendable tangible personal property charged directly to the grant, having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

TYPE/DESCRIPTION (Generic)	QUANTITY	ESTIMATED UNIT COST
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(d) **Source, Origin, and Componentry of Goods.** If the recipient plans to purchase any goods/commodities which are not of U.S. source and/or U.S. origin, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, and probable source and/or origin. "Source" means the country from which a commodity is shipped to the cooperating country or the cooperating country itself if the commodity is located therein at the time of purchase. However, where a commodity is shipped from a free port or bonded warehouse in the form in which received therein, "source" means the country from which the commodity was shipped to the free port or bonded warehouse. Any commodity whose source is a non-Free World country is ineligible for USAID financing. The "origin" of a commodity is the country or area in which a commodity is mined, grown, or produced. A commodity is produced when, through manufacturing, processing, or substantial and major assembling of components, a commercially recognized new commodity results, which is substantially different in basic characteristics or in purpose or utility from its components. Merely packaging various items together for a particular procurement or relabeling items does not constitute production of a commodity. Any commodity whose origin is a non-Free World country is ineligible for USAID financing. "Components" are the goods which go directly into the production of a produced commodity. Any component from a non-Free World country makes the commodity ineligible for USAID financing.

TYPE/DESCRIPTION	QUANTITY	ESTIMATED	GOODS	PROBABLE	GOODS
PROBABLE					
(Generic)		UNIT COST	COMPONENTS	SOURCE	COMPONENTS
ORIGIN					

(e) Restricted Goods. If the recipient plans to purchase any restricted goods, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, intended use, and probable source and/or origin. Restricted goods are Agricultural Commodities, Motor Vehicles, Pharmaceuticals, Pesticides, Rubber Compounding Chemicals and Plasticizers, Used Equipment, U.S. Government-Owned Excess Property, and Fertilizer.

TYPE/DESCRIPTION (Generic)	QUANTITY	ESTIMATED UNIT COST	PROBABLE SOURCE	PROBABLE ORIGIN	INTENDED USE
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(f) Supplier Nationality. If the recipient plans to purchase any goods or services from suppliers of goods and services whose nationality is not in the U.S., please indicate below (using a continuation page, as necessary) the types and quantities of each good or service, estimated costs of each, probable nationality of each non-U.S. supplier of each good or service, and the rationale for purchasing from a non-U.S. supplier. Any supplier whose nationality is a non-Free World country is ineligible for USAID financing.

TYPE/DESCRIPTION RATIONALE (Generic)	QUANTITY	ESTIMATED UNIT COST	PROBABLE SLUPPIER (Non-US Only)	NATIONALITY for NON-US
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(g) Proposed Disposition. If the recipient plans to purchase any nonexpendable equipment with a unit acquisition cost of \$5,000 or more, please indicate below (using a continuation page, as necessary) the proposed disposition of each such item. Generally, the recipient may either retain the property for other uses and make compensation to USAID (computed by applying the percentage of federal participation in the cost of the original program to the current fair market value of the property), or sell the property and reimburse USAID an amount computed by applying to the sales proceeds the percentage of federal participation in the cost of the original program (except that the recipient may deduct from the federal share \$500 or 10% of the proceeds, whichever is greater, for selling and handling expenses), or donate the property to a host country institution, or otherwise dispose of the property as instructed by USAID.

TYPE/DESCRIPTION (Generic) DISPOSITION	QUANTITY	ESTIMATED UNIT COST	PROPOSED
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6. PAST PERFORMANCE REFERENCES

On a continuation page, please provide a list of the ten most current U.S. Government and/or privately-funded contracts, grants, cooperative agreements, etc., and the name, address, and telephone number of the Contract/Agreement Officer or other contact person.

7. TYPE OF ORGANIZATION

The recipient, by checking the applicable box, represents that -

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(a) If the recipient is a U.S. entity, it operates as  a corporation incorporated under the laws of the State of,  an individual,  a partnership,  a nongovernmental nonprofit organization,  a state or local governmental organization,  a private college or university,  a public college or university,  an international organization, or  a joint venture; or

(b) If the recipient is a non-U.S. entity, it operates as  a corporation organized under the laws of \_\_\_\_\_ (country),  an individual,  a partnership,  a nongovernmental nonprofit organization,  a nongovernmental educational institution,  a governmental organization,  an international organization, or  a joint venture.

**8. ESTIMATED COSTS OF COMMUNICATIONS PRODUCTS**

The following are the estimate(s) of the cost of each separate communications product (i.e., any printed material [other than non-color photocopy material], photographic services, or video production services) which is anticipated under the grant. Each estimate must include all the costs associated with preparation and execution of the product. Use a continuation page as necessary.

**KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES  
AND DRUG TRAFFICKING**

I hereby certify that within the last ten years:

1. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.
2. I am not and have not been an illicit trafficker in any such drug or controlled substance.
3. I am not and have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date of Birth: \_\_\_\_\_

**NOTICE:**

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain key individuals of organizations must sign this Certification.
2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

**PARTICIPANT CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING**

1. I hereby certify that within the last ten years:

a. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.

b. I am not and have not been an illicit trafficker in any such drug or controlled substance.

c. I am not or have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

2. I understand that USAID may terminate my training if it is determined that I engaged in the above conduct during the last ten years or during my USAID training.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date of Birth: \_\_\_\_\_

**NOTICE:**

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain participants must sign this Certification.

2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

FORMATS\GRNTCERT: Rev. 06/16/97 (ADS 303.6, E303.5.6a) When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement". The recipient must obtain from each identified subgrantee and (sub)contractor, and submit with its application/proposal, the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Transactions, set forth in Attachment A hereto. The recipient should reproduce additional copies as necessary. See ADS Chapter E303.5.6a, 22 CFR 208, Annex 1, App A. For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the grant standard provision entitled "Debarment, Suspension, and Related Matters" if the recipient is a U.S. nongovernmental organization, or in the grant standard provision entitled "Debarment, Suspension, and Other Responsibility Matters" if the recipient is a non-U.S. nongovernmental organization.

## CERTIFICATION REGARDING MATERIAL SUPPORT AND RESOURCES

As a condition of entering into the referenced agreement, \_\_\_\_\_ hereby certifies that it has not provided and will not provide material support or resources to any individual or entity that it knows, or has reason to know, is an individual or entity that advocates, plans, sponsors, engages in, or has engaged in terrorist activity, including but not limited to the individuals and entities listed in the Annex to Executive Order 13224 and other such individuals and entities that may be later designated by the United States under any of the following authorities: § 219 of the Immigration and Nationality Act, as amended (8 U.S.C. § 1189), the International Emergency Economic Powers Act (50 U.S.C. § 1701 et seq.), the National Emergencies Act (50 U.S.C. § 1601 et seq.), or § 212(a)(3)(B) of the Immigration and Nationality Act, as amended by the USA Patriot Act of 2001, Pub. L. 107-56 (October 26, 2001)(8 U.S.C. §1182).

\_\_\_\_\_ further certifies that it will not provide material support or resources to any individual or entity that it knows, or has reason to know, is acting as an agent for any individual or entity that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity, or that has been so designated, or will immediately cease such support if an entity is so designated after the date of the referenced agreement.

For purposes of this certification, "material support and resources" includes currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

For purposes of this certification, "engage in terrorist activity" shall have the same meaning as in section 212(a)(3)(B)(iv) of the Immigration and Nationality Act, as amended (8 U.S.C. § 1182(a)(3)(B) (iv)).

For purposes of this certification, "entity" means a partnership, association, corporation, or other organization, group, or subgroup.

This certification is an express term and condition of the agreement and any violation of it shall be grounds for unilateral termination of the agreement by USAID prior to the end of its term.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

### NOTICE:

If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.