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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

## **ANNEX II**

of the Commission Implementing Decision on the financing of the annual action plan  
in favour of Bangladesh for 2021

### **Action Document for Promoting justice for all: for a more inclusive and effective justice system in Bangladesh**

#### **ANNUAL ACTION PLAN**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and action plans in the sense of Article 23(2) of NDICI-Global Europe Regulation.

## **1. SYNOPSIS**

### **1.1. Action Summary Table**

<b>1. Title</b> <b>CRIS/OPSYS</b> <b>business reference</b> <b>Basic Act</b>	Promoting justice for all: for a more inclusive and effective justice system in Bangladesh CRIS number: NDICI-ASIA/2021/043-317 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)
<b>2. Team Europe Initiative</b>	No
<b>3. Zone benefiting from the action</b>	The action shall be carried out in Bangladesh (nationwide)
<b>4. Programming document</b>	Multiannual Indicative Programme between the European Union and the People's Republic of Bangladesh for the period 2021-2027 (under finalisation) <sup>1</sup>
<b>5. Link with relevant MIP(s) objectives/expected results</b>	MIP 2021-2027: Inclusive Governance – Specific objective 2: Access to justice is improved, particularly for disadvantaged and marginalized groups in Bangladesh Relevant MIP 2021-2027 result(s): 2.1. Indigenous peoples and ethnic minorities, women, the ultra-poor and other vulnerable groups are empowered to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner. 2.2. Capacities of local justice actors to meet the justice needs of the population and offer appropriate legal services in the form of well-functioning village courts are improved. 2.3. Case backlog rate is reduced, in particular in the <i>Nari O Shishu</i> Courts (women and children courts).
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	MIP 2021-2027 Priority area: Inclusive Governance

<sup>1</sup> Within the maximum contribution of the European Union, the authorising officer responsible may adjust the allocation to the respective budgetary years subject to the availability of the commitment appropriations.

<b>7. Sustainable Development Goals (SDGs)</b>	Main SDG : 16 (peace, justice and strong institutions) Other significant SDGs (up to 9) and where appropriate, targets: SDG 5 (gender equality) SDG 10 (reduced inequalities)			
<b>8 a) DAC code(s) <sup>2</sup></b>	DAC 15130 - legal and judicial development			
<b>8 b) Main Delivery Channel @</b>	Multilateral organisation – 40000			
<b>9. Targets<sup>3</sup></b>	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <sup>4</sup> <input checked="" type="checkbox"/> Human Rights, Democracy and Governance <sup>5</sup>			
<b>10. Markers <sup>6</sup> (from DAC form)</b>	<b>General policy objective @</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>2</sup> DAC sectors (codes and descriptions) are indicated in the first and fourth columns of the tab 'purpose codes' in the following document: <http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/dacandcrscodelists.htm>

<sup>3</sup> Actual contribution to targets will be confirmed ex-post based on a standardised methodology.

<sup>4</sup> This target is specific to INTPA. If the action is marked as contributing to the Education target, please make sure the target on "Social inclusion and Human Development" is also marked.

<sup>5</sup> Thematic target for geographic programmes (at least 15%) in delegated act.

<sup>6</sup> For guidance, see <https://www.oecd.org/development/financing-sustainable-development/development-finance-standards/> (go to "Data collection and resources for reporters", select Addendum 2, annexes 18 (policy) and 19 (Rio) of the reporting directive).

If an action is marked in the DAC form as contributing to one of the general policy objectives or to RIO principles as a principal objective or a significant objective, then this should be reflected in the logframe matrix (in the results chain and/or indicators).

	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Internal markers <sup>7</sup> and Tags <sup>8</sup> :	Policy objectives	Not targeted	Significant objective	Principal objective
	Digitalisation @ Tags: digital connectivity digital governance digital entrepreneurship job creation digital skills/literacy digital services	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Connectivity @ Tags: transport people2people energy digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Migration @ (methodology for tagging under development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities (methodology for marker and tagging under development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	BUDGET INFORMATION			
12. Amounts concerned	Budget line(s) (article, item): BGUE-B2021-14.020131-C1-INTPA Total estimated cost: EUR 38 000 000 Total amount of EU budget contribution: EUR 38 000 000			
MANAGEMENT AND IMPLEMENTATION				
13. Type of financing <sup>9</sup>	Indirect management with the entities to be selected in accordance with the criteria set out in section 4.3.1.			

## 1.2. Summary of the Action

The judicial system in Bangladesh is overwhelmed, with a combined backlog of 3.6 million civil and criminal cases. Building on lessons learned, the proposed action aims at improving access to justice, particularly for disadvantaged and marginalised groups, by strengthening and scaling up Village Courts

<sup>7</sup> The internal markers have been created to report on the implementation of the Commission's own policy priorities in areas where no DAC reporting tool is available. For the sake of consistency and comparability, the methodology is equivalent to the DAC markers, with three possible positions (main target, significant target, not targeted)

<sup>8</sup> Methodology for additional tagging providing granularity on internal markers is under development.

<sup>9</sup> Art. 27 NDICI

countrywide at the semi-formal level as well as by reducing the formal justice system case backlog through improved case management and coordination, at global level.

The main sector addressed is the legal and judicial development (DAC 15130). The proposed Action is aligned with the EU Results Framework: Support provision of fair justice, including access to legal assistance (63) and it will contribute to the achievement of SDG 5 (gender equality) and SDG 16 (peace, justice and strong institutions).

Strengthening the justice system is an acknowledged priority for Bangladesh, as outlined in its new Five Year Plan (8th FYP). A national justice audit, commissioned by the Government, was carried out by GIZ and provides a solid diagnostic of the current justice system. On its basis, the Government intends to carry out targeted reforms to reduce the huge case backlog by 2025.

The EU has so far supported the semi-formal justice system by making the national Village Courts structure functional in over 1 000 Union Councils (Union Parishad - UP) out of a total of 4 500 nationwide. The proposed Action will have two intertwined components targeting both the formal as well as the semi-formal justice system, while building institutional linkages between both systems. On the one hand, it will continue to support the establishment and completion of the semi-formal dispute resolution mechanism in the form of Village Courts (component 1). On the other hand, it will continue the work already carried out in the area by GIZ by tackling the delay in the disposal of cases and the case backlog (component 2). Improved case management and coordination at the formal level will help to institutionalise and formalise Village Courts within the justice system and vice versa.

## 2. RATIONALE

### 2.1. Context

Bangladesh political scene is characterised by a long-term confrontation between the two main parties: Awami League (AL) and Bangladesh Nationalist Party (BNP), with the first one dominating the landscape. The latest elections (2018) were undermined by fraud allegations and irregularities. The major risks are political in nature: Islamic fundamentalism, Human Rights violations (including by security forces), weak governance with threats to democracy and Rule of Law<sup>10</sup>. Media and civil society are also under pressure with a legal framework not in line with international standards of freedom of expression<sup>11</sup>.

On the other side, Bangladesh has made significant progress over the past decades in human development, poverty reduction and economic growth, allowing it to graduate out of the LDC UN list in 2026. IMF real GDP growth rate is estimated at 3.8% in Fiscal Year (FY) 20 (July19-June20), substantially lower than the pre-pandemic projection (8.2%), but still remarkably positive. Nevertheless, the economic growth has been accompanied by a rise in income inequality and with an intrinsic fragility linked to the specialisation of the export sector (essentially ready-made garment) and to the dependence on labour migration, as source of jobs and foreign currency. Government response to COVID has been overall quite significant (more than 12 billion EUR) but mostly based on extending and facilitating credit facility.

Overall, despite its economic growth and progress in poverty reduction and human development, Bangladesh ranks low in the six World Governance Indicators and the World Justice Project reports that Bangladesh's rank has further deteriorated in 2020 (115 out 128 countries). There are particularly high rates of poverty among women and girls of disadvantaged and marginalized communities. Female-headed households are most at risk of living in poverty.

<sup>10</sup> The country ranked 146<sup>th</sup> out of 180 in the World Corruption Perception Index 2020

<sup>11</sup> Bangladesh was 150<sup>th</sup> on the World Press Freedom Index and 112<sup>th</sup> out of 126 in the World Justice Project Rule of Law Index in 2019

The Government's development policy is outlined in the "Vision 2041" and the associated Perspective Plan 2041 (PP2041) that sets the road map to become an Upper Middle-Income Country (UMIC) and eliminate extreme poverty by FY 2031, and to achieve a High-Income Country (HIC) status by FY 2041. The 8<sup>th</sup> Five Year Plan (FYP) July 2020-June 2025 "Promoting Prosperity and Fostering Inclusiveness", which starts the implementation of the PP2041, focuses on six core areas:

- Rapid recovery for COVID-19 to restore human health, confidence, employment, income and economic activities;
- GDP growth acceleration, employment generation, productivity acceleration and rapid poverty reduction;
- A broad-based strategy of inclusiveness with a view to empowering every citizen to participate fully and benefit from the development process and helping the poor and vulnerable with social protection- based income transfers;
- A sustainable development pathway that is resilient to disaster and climate change entails sustainable use of natural resources; and successfully manages the inevitable urbanisation transition;
- Development and improvement of critical institutions necessary to lead the economy to UMIC status;
- Attaining SDG targets and coping up the impact of LDC graduation.

The Plan considers strengthening public institutions and governance as a priority, in light of the need to attain an institutional set up in line with standards of UMICs. Therefore, the Plan stresses the need of fostering participation of all citizens and the sound functioning of democratic institutions. It also aims at strengthening local government institutions as well as the judiciary to ensure faster disposal of civil and criminal cases. Moreover, the fight against corruption is mentioned among the priorities.

The Action will contribute to progress on a number of Sustainable Development Goals and consequently aim at the fulfilment of economic and social rights, and gender equality, in line with Bangladesh's international human rights commitments.

The Action contributes particularly to the EU Gender Action Plan (GAP) III thematic areas of engagement "Ensuring freedom from all forms of gender-based violence" and "Promoting equal participation and leadership".

## 2.2. Problem Analysis

The justice sector in Bangladesh continues to suffer from chronic problems that seriously limit citizens' access to justice through independent courts.

According to the National Justice Audit, the judicial system is overwhelmed, with a combined backlog of 3.6 million civil and criminal cases, and its prisons overcrowded with 81% remand prisoners ('under-trial') of whom it is estimated 90% will not be convicted of an offence. In July 2020, the Supreme Court administration published a case statistic report that includes all backlog cases in the country's history until December 2019. Bangladesh has a total of around 3,685,000 case backlogs in all types of courts across the country. The statistics show the Supreme Court holds 512,685 case backlogs in total - 489,068 under the High Court Division and 23,617 under the Appellate Division. Subordinate courts and tribunals are maintaining the remaining 3,172,043 case backlogs.

Bottlenecks are created at several levels that lead to very low conviction rate in different courts. Several factors contribute to the huge case backlog existing in Bangladesh. The Justice Audit findings show that the Police have a low number of investigators and that the State is not able to pay for the appropriate investigation time needed to ensure quality results. In addition, one officer often investigates a high number of cases (20 cases per investigator per year), which also contributes to compromising the quality of the

investigation. The audit also shows that, contrary to popular belief, the police submits their report (charge sheet) within a short period of time, as this is considered as a performance indicator for the police, but in doing so, the quality can be neglected. In fact, the police submits charge sheet in 70% of the cases, whereas the conviction rate is only 3 to 5%.

In addition, during the trial, witnesses are found to be reluctant to turn up in the court, leading to many adjournments, until the complainant no longer pursues the case. However, the case is not withdrawn but neither is it pursued thus remaining in the system as a deadwood case and adding to backlog. Without having an appropriate strategy for screening, diversion and quick disposal of deadwood cases in place, all the cases are expected to complete the full trial process even when the complainants are no longer pursuing the case.

The dysfunctionality of the system overall is due more largely to a combination of different factors including understaffed and lack of well-trained law enforcement agencies, lack of court infrastructures, lack of coordination, outdated paper-based systems, political interference, elite bias, discrimination, lack of awareness of legal rights (in particular for women, children and minorities including stateless women, refugees and representatives of ethnic and religious minorities and so called low castes), lack of accountability, severe backlogs of pending cases, a lack of judges, discriminatory and patriarchal attitudes, incorrect formulation of cases, corruption and high transaction costs (travel and fees). The shortage of human resources in the system is another primary concern. A total of 1397 judges for a country of more than 160 million people is grossly inadequate (around 11 judges per million inhabitants)<sup>12</sup>. According to the Justice Audit findings, 1883 cases are pending against one judge and in order to reduce that number they would have to conclude 6 trials per court per day to address the problem. Increasing politicisation also hampers the delivery of justice. Overall, this negatively impacts the people living in poverty and in vulnerable situations, especially women, children and youth, who have little or no access to the formal justice system.

Moreover, as 8 out of 10 Bangladeshis live in villages but most of the courts are located in urban centres, low-income people living in rural and remote areas have limited access to justice. Therefore, as they lack information or means to surmount the significant substantive and procedural barriers, they seek informal mechanisms (*shalish*) to redress their grievances. Traditional *shalish* refers to the gathering of local elders to solve local disputes. Other informal methods of solving disputes exist, such as NGO-organised community mediations and alternative dispute resolution (ADR). The NGO sends a notice to the parties involved and arranges a gathering in the presence of mediators, a lawyer, an NGO mediator, and a local government representative. ADR is a moderated version of the traditional *shalish*. There is no common state-formed law to follow, and therefore these are known as informal justice systems.

Another type of semi-formal justice system, the Village Courts, was first mentioned first in the legal act of the Government of Bangladesh under the Village Court Ordinance in 1976. The Village Courts are intended to increase access to the justice system in rural villages. The Village Court Act was enacted in 2006 but remained mostly on paper since the EU started funding its setting-up in 2009. Indeed, Village Courts were not functional due to a lack of skilled human resources and material at Union Parishads level, a lack of knowledge and skills of Village Court members, lack of people's awareness about Village Courts and limitations in existing Village Courts Act and Rules.

To activate Village Courts, the first of the project (2009-2015) piloted the activation of Village Courts in 351 Unions. During Phase II, the activation was extended to around 1 080 Union Councils out of a total of 4 500.

Village Courts have the competence to resolve small civil or criminal disputes, such as cases involving the recovery of possession of immovable property, the payment of wages to agriculture labor, minor theft, physical conflicts with no bloodshed, and other petty non-criminal offences. Village Courts are formed upon receiving a complaint and comprise five members: the chair of Union Parishad (UP) (the smallest rural

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<sup>12</sup> By comparison, EU countries have around 200 judges per million inhabitants and India had 19 judges per million inhabitant in 2019.

government unit) and four nominated Panel members. Two-panel members (one of whom must be members of the UP) are nominated by each party to the dispute. If a case includes a woman or a child, at least one of the members of the Village Court has to be a woman. No lawyer is allowed in the Village Courts and an appeal of the Village Courts' decision can only be made if the verdict was passed with a 3 to 2 majority.

The Village Courts are already delivering tangible results improving access to justice to the vulnerable population. For example, from July 2017 to January 2021, the Village Courts has processed 227,236 cases across the 1,080 UPs. Out of this amount, 83% of the cases were resolved and 94% enforced. In addition, the Village Courts have recovered USD 22 MLN as compensation provided to the applicants. Activated Village Courts take an average of 23 days to resolve a dispute, and court users spent only 161 takas (US \$ 2) on average as court fee, conveyance and food cost to get services from Village Courts<sup>13</sup>. Project supported Village Courts have recovered BDT 1,897.20 million (USD 22.45 million) as compensation from the respondents between July 2017 to March 2021. The applicants used this money for multiple purposes such as treatment, meeting family expenses, doing small business, land recovery, etc. About 96% of the Village Court users that participated in the recent independent survey were satisfied with village court services and a quick remedy<sup>14</sup>. These factors are the main indicators that measure the effectiveness and efficiency of any justice system.

Building on lessons learned, the proposed Action aims at improving access to justice, particularly for disadvantaged and marginalised groups living in vulnerable situations, by strengthening and scaling up Village Courts countrywide at the semi-formal level as well as by reducing the formal justice system case backlog through improved case management and coordination at global level.

This area offers a good entry point – and currently the best one – to contribute to the achievement of SDG 16 and the EU, in close cooperation with Germany, can lead a better-coordinated effort in the sector with well-defined objectives and results. Indeed, strengthening the justice system is an acknowledged priority for Bangladesh, as outlined in its new Five Year Plan (8<sup>th</sup> FYP), based on the recognition that effectiveness of the formal judicial institution, semi-formal judicial institution and access to justice is crucial for improving the state of rule of law in Bangladesh.

The Government's focus is to reduce the inflow of cases into the criminal justice system and help ordinary people access justice. On its basis, the Government intends to carry out targeted reforms to reduce the huge case backlog by 2025. As regards the formal justice system, the Government plans to continue increasing the ratio of judges per capita; increase resources for those District Courts which are particularly overburden; reduce pressure on district courts by filtering simple minor or vexatious cases which would allow the Courts to focus on important cases; review pending cases through Cases Coordination Committees; focusing on barriers to justice for women and children in particular to understand the reasons of the growth of pending cases in the Nari O Shishu courts and reduce it. As regards the informal and semi-formal justice system, the Government plans to scale up Village Courts and ensure their 100% coverage of all Unions under the 8<sup>th</sup> FYP. The Government recognises that this will require greater mobilisation of resources in order to enhance their capacities. It also stresses that the design of Village Courts needs to avoid limited duplication of judicial services with UPs. The Government is also committed to increase the awareness about Village Courts amongst citizens in rural communities, also in order to alleviate the problem of case backlogs in the formal judiciary.

Therefore, the Action could build on the Government's strong commitment in this area. To do so, the proposed Action will have **two intertwined components** targeting both the formal as well as the semi-formal justice system, while building institutional linkages between both systems. On the one hand, it will continue to support the establishment and completion of the semi-formal dispute resolution mechanism in the form of Village Courts (component 1). On the other hand, it will continue the work already carried out in the area by GIZ by tackling the delay in the disposal of cases and the case backlog (component 2) through

<sup>13</sup> Village Courts Users Survey, conducted in November 2020

<sup>14</sup> See: M. Shanawez Hossain. Benefits and Costs of Operationalizing Village Courts in Bangladesh. BRAC Institute of Governance and Development.

a comprehensive approach: filtering and screening of the cases in every stage, diverting cases to other forums where appropriate, prioritise long pending cases for quick disposal and use of alternative dispute mechanism wherever applicable. Improved case management and coordination at the formal level will help to institutionalise and formalise Village Courts within the justice system and vice versa.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

For component 1:

Duty-bearers:

#### *Local Government Division (LGD)*

The Ministry of Local Government, Rural Development and Co-operatives (MLGRD&C) will continue to be the principal partner in the proposed action and will be consulted at all stages of the project cycle, in order to maximise the synergies between the proposed action and the decentralisation policy of GoB. At decentralised level, the LGD is represented by the Director of Local Government (DLG) at Division level and by the Deputy Director of Local Government (DDLG) at district level, who are responsible for supervising and monitoring the activities of local authorities, in particular the Union Parishads, where the Village Courts are based. The involvement of this Ministry will have an increased importance in this phase of the project in order to ensure that local governments' capacities are strengthened to provide Village Courts with the necessary human, material and financial resources which will enable them to remain sustainable in the long term.

#### *Union Parishads (Local Councils)*

UPs are the most important form of local government in rural areas and an important source of services for rural communities. Like the next-higher level, the Upazila (sub-district), they are directly elected, whereas the higher levels of local government (District and Division) represent deconcentrated central government. The UPs are, therefore, at the centre of the GoB commitment to decentralisation and will continue to have a key role in supporting Village Courts as effective, transparent, accessible and accountable judicial institutions.

#### *Ministry of Law Justice and Parliamentary Affairs*

This Ministry agrees that Village Courts should play a central role in access to justice for the poor. The Ministry's most important role in the project is to ensure continued relevance of the project to the needs of beneficiaries by amending the existing legislation to ensure appropriate competences for the Village Courts and their good coordination with the formal justice system through appropriate referral systems.

#### *The judiciary*

Judges and other court officials will continue to play a key role in providing legal training to Village Court members, including on human rights standards in relation to legal proceedings, and on women's rights and gender equality, advice on effective court management, referral of cases that fall within the jurisdiction of Village Courts as well as hearing appeals against decisions of Village Courts in certain cases.

#### *The police*

The police plays an important role as it is in charge of directing cases under its authority to the Village Courts or, alternatively, the formal justice systems. Problems were experienced during the first phases of the project as regards the legal basis for the police to refer cases to Village Courts. It will be important for the project to ensure that appropriate legal bases and instruments allow the Police to refer cases to Village Courts and that the police is aware and trained as regards the role of Village Courts.

#### *NGOs representing rights of rights-holders*



NGOs continue to play a vital role for the functioning of Village Courts. Notably, they provided assistants for a number of Village Courts. Village Courts supported by NGOs are seen to be more independent of local power holders. They are therefore seen to be key to the success of the scheme. While assistants should be progressively provided by local authorities, the risk is that in substituting them for government employees with other duties to attend to, the efficiency, independence and legitimacy of the VC will be affected, undermining the confidence of users and other justice service providers (such as magistracy and police). Therefore, continued involvement of NGOs while ensuring the sustainability of Village Courts is key. Moreover, NGOs have been in charge of legal awareness campaigns, training, monitoring and legal aid. Their role in monitoring the functioning of Village Courts could also be strengthened.

#### *Community based organisations (CBOs) representing rights of rights-holders*

In Bangladesh, the term 'Community Based Organisation' (CBO) includes social groups, associations, mass organisations, religious societies, local clubs, etc. These organisations are established either by community or interest groups initiatives. In rural areas, CBOs can play an effective role in legal awareness raising and bridging communities with the lowest echelon of the justice system.

#### *Right-holders*

Rural communities will continue to ultimately benefit from the activation of Village Courts, in particular the poor and women. The latter tend to be marginalised and deprived of their rights beyond their quality as members of a particular socio-economic group. They therefore constitute a specific sub-group among the final beneficiaries. Their participation as panel members of Village Courts could be further strengthened and the possible reasons hampering women's access to Village Courts further explored.

#### For component 2:

##### Duty bearers:

#### *Ministry of Law, Justice and Parliamentary Affairs*

This Ministry will be the principal partner in the proposed action and will be consulted at all stages of the project cycle, in order to maximise the synergies between the proposed action and the other actions taken by the Government in this area (strengthening the justice system is a priority of the 8<sup>th</sup> FYP).

#### *Ministry of Home Affairs (MoHA)*

This Ministry's most important role in the project is to ensure coordination between the activities carried out to increase the efficiency of the justice system and the prisons' system, as well as the police. In particular, legal aid and paralegals could work on providing better access to justice for people in pre-trial detention.

#### *The judiciary*

Judges and other court officials will play a primarily role in setting up, participating and overseeing case management and coordination systems. Moreover, they will have an important position in assessing the need for possible reforms of the criminal procedure to ensure efficient criminal proceedings and in providing training to other judges or other court officials. In particular, the Supreme Court has worked for a number of years on case management and on the filtering of cases. It would be important to use this experience in developing case management mechanisms for other courts. Moreover, Supreme Court's indications might be needed for judges to be able to filter cases or effectively applying case management best practices.

#### *The police*

The malfunctioning of the police contributes to significant challenges faced by the judiciary. Therefore, the Action will also explore how to improve the cooperation between the police and the judiciary to improve the overall efficiency of the justice system and access to justice. This will be done taking into account complementarity with ongoing actions by other donors, which have been working on improving the functioning of the police already for a number of years.

#### *Lawyers and National Legal Aid Services Organization (NLASO)*

Lawyers could have an important role in participating to case management mechanisms to ensure that most important cases are given priorities and minor cases are dealt with by simplified procedures, by the informal justice system (including Village Courts), or ADRs. They could also be involved in providing trainings. The National Legal Aid Services Organisation, set up by the Government to provide legal aid services, will be instrumental to further expand legal aid services.

#### *Case Coordination Committees at the district level*

According to the 8<sup>th</sup> FYP, the introduction of Case Coordination Committees at district level has succeeded in bringing together key justice system actors on a regular basis to address local problems related to prison overcrowding and case congestion. Along with Police and Magistrates, they play an important role in joining up the justice system to ensure each service provider talks to the others and avoid operating in siloes. Therefore, they could provide a model for extending case coordination committees and best practices to deal with backlogs.

#### *NGOs representing rights of rights-holders*

NGOs could play an important role by participating in case management mechanisms to formulate practices that ensure the respect of the right to access courts in particular for the most vulnerable people. Their involvement in monitoring progress in case management mechanism would therefore be important. Moreover, they will have an important role to play in providing legal aid (including through paralegals), in particular to people in pre-trial detention.

#### *Right-holders*

The whole population of Bangladesh would ultimately benefit from a more efficient justice system. In particular, people in pre-trial detention could have their cases assessed more timely and therefore enjoy a strengthened right to freedom. Moreover, through a focus on improving efficiency of Nari O Shishu Courts (courts dealing with women and children rights), women and children could enjoy a strengthened right to access to court.

### 3. DESCRIPTION OF THE ACTION

#### 3.1. Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to promote Rule of Law and human rights in Bangladesh.

##### 1. The Specific Objectives of this action are:

##### 1.1. Specific Objective/Outcome 1 - for component 1 ('strengthening and scaling up Village Courts countrywide'):

Increased utilisation of local justice services by indigenous peoples and ethnic minorities, women, people living in poverty and other vulnerable groups

##### 1.2. Specific Objective/Outcome 2 – for component 1 ('strengthening and scaling up Village Courts countrywide'):

Improved and extended local justice services, including legal services and legal aid, in compliance with human rights standards;

##### 1.3. Specific Objective/Outcome 3 - for component 2 ('the reduction of case backlog in the formal judicial system'):

More efficient formal criminal justice system to the benefit of citizens, including vulnerable people, in full respect with the fundamental rights to access to justice and to a fair trial

2. The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

2.1. contributing to Specific Objective/Outcome 1:

Enhanced awareness of indigenous peoples and ethnic minorities, women, people living in poverty and other vulnerable groups about services of Village Courts;

Improved mechanisms for protection of human rights of women, children, minorities and vulnerable categories within the Village Court System;

2.2. contributing to Specific Objective/Outcome 2:

Increased management, administrative and technical capacities of Village Courts in all Union Parishads, to function autonomously at the end of the project;

Improved and systematised mechanisms for referral of cases from District Courts and police to Village Courts;

Enhanced capacity of national and local authorities, donors and NGOs to monitor Village Courts.

2.3. contributing to Specific Objective/Outcome 3:

Improved inter-institutional Case Management mechanisms at district and national levels.

Expanded range of justice services and legal aid for women and men in all their diversity, particularly those living in poverty and in vulnerable situations.

### 3.2 Indicative Activities

Indicative activities related to Output 1, Outcome 1: review the communication strategy to raise awareness about Village Courts using community-based means as well as telecommunications and partnership with NGOs, particularly NGOs representing women and groups living in vulnerable situations (LGBTIQ+, persons with disabilities, indigenous peoples, ethnic and religious minorities, so called low castes etc.).

Indicative activities related to Output 2, Outcome 1: mainstream gender equality and human rights protection in trainings to key stakeholders, support an increased participation of women among panel members, monitor that the procedures and decisions of Village Courts respect gender equality and human rights and are in line with international standards, human rights framework and HRBA principles: applying all human rights for all; meaningful and inclusive participation and access to decision-making; non-discrimination and equality; accountability and rule of law for all; and transparency and access to information supported by disaggregated data; ensure consultation and free, prior and informed consent of indigenous peoples and their customary authorities.

Indicative activities related to Output 1, Outcome 2: equip all UPs in Bangladesh with all necessary forms, furniture and *ejlas* (court bench); develop, update and provide training to all key actors; ensure that assistants for all Village Court are provided in a permanent manner.

Indicative activities related to Output 2, Outcome 2: train and sensitise judges and police members about the objectives and functioning of Village Courts, including on human rights; review the legal framework for the referral to Village Courts by formal courts and the police and possibly improve it to allow for an effective coordination.

Indicative activities related to Output 3, Outcome 2: facilitate policy-level dialogue on management of Village Courts with the Ministry of Local Government, including relevant NGOs; strengthen the consultation with the judiciary, national and local authorities on how to improve and streamline the monitoring of Village Courts activities, including support the collection of disaggregated data.

Indicative activities related to Output 1, Outcome 3: develop case management options elaborating guidelines with best practices and training for the case management in the Courts; establish and support Case Coordination Committees in districts; conduct training in the implementation of referrals.

Indicative activities related to Output 2, Outcome 3: train, equip and support paralegals to deliver Paralegal Advisory Services within prisons and at legal service providers (e.g. courts, police stations, etc.).

### 3.3 Mainstreaming

#### **Environmental Protection & Climate Change**

**Outcomes of the EIA (Environmental Impact Assessment) screening** (relevant for projects and/or specific interventions within a project) concluded that no further action was required.

The EIA (Environment Impact Assessment) screening classified the action as Category C (not requiring an EIA).

**Outcome of the CRA (Climate Risk Assessment) screening** (relevant for projects and/or specific interventions within a project)

The Climate Risk Assessment (CRA) screening concluded that this action is no or low risk (no need for further assessment).

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#### **Gender equality and empowerment of women and girls**

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that gender equality is an important and deliberate objective, while the principal reason for undertaking the project is improving access to justice of the overall population including women and vulnerable individuals.

The proposed Action is based on gender-mainstreaming considerations and takes into account women's experience of accessing justice and identifies ways to make justice institutions responsive to women's needs, as well as preventing potential negative impacts on women's rights and gender equality.

In particular, improving women's participation in and access to Village Courts is included among the specific objectives and activities of the project in component 1. Moreover, improving the efficiency of *Nari O Shishu* courts (courts dealing with women and children cases) is part of the objectives of component 2, which will be implemented through dedicated activities.

#### **Human Rights**

Cross cutting issues as in particular human rights are fully integrated in the proposed action. Indigenous people and ethnic minorities, women, prisoners, the ultra-poor and other vulnerable groups are expected to be empowered to seek remedies for injustices at the end of the project. General human rights compliance and do no harm approaches of the action will be integrated and monitored, as well as conflict prevention effectiveness and the right to Free, Prior and Informed Consent for Indigenous Peoples. The action adopts a human rights based approach and its working principles (applying all human rights for all; meaningful and inclusive participation and access to decision-making; non-discrimination and equality; accountability and rule of law for all; and transparency and access to information supported by disaggregated data).

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#### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. This implies that access to justice and equal recognition before the law for persons with disabilities is a broad subject, and it

may be beyond the scope of this project to address all areas that relate to it. The formulation team will focus on identifying ways (such as educating communities and stakeholders) to ensure that persons with disabilities are able to (physically) access Village Courts, attend sessions, pursue litigation and are treated with equal respect and dignity in legal hearings.

### **Democracy**

The proposed action is expected to empower citizens by allowing them to have their rights better enforced by courts. This will strengthen the rule of law, which is closely linked to democracy. Better functioning courts also promote trust in institutions and encourage democratic participations. Moreover, by allowing for better access to justice, the length of pre-trial detention should be shortened, which will also allow citizens to fully participate to democratic life. More generally, a well-functioning judiciary is essential to sanction crimes that endanger democracy such as corruption and to review decisions taken by public institutions.

### **Conflict sensitivity, peace and resilience**

A well-functioning justice system is essential for a stable and resilient society as it channels conflict to agreed dispute-resolution mechanisms. If crimes are sanctioned in a more efficient manner, and according to human rights standards and non-discrimination, people will have trust in the courts to solve their problems, they will be less likely to recur to violence. Therefore, the proposed action will contribute to peace and resilience. A robust risk mitigation and do-no-harm assessment should be conducted in relation to possible negative impacts related to: lack of independence of the judiciary and human rights abuses by the police; respect for indigenous peoples' rights including FPIC; possible unintended negative impacts on women and gender equality.

### **Disaster Risk Reduction**

Disaster Risk Reduction will be mainstreamed in the subsequent phases of the formulation of the action. In particular, the action could take into account the resilience of the infrastructures used by the formal and informal justice system.

## **3.4 Risks and Lessons Learnt**

<b>Category</b>	<b>Risks</b>	<b>Likelihood (High/ Medium/ Low)</b>	<b>Impact (High/ Medium/ Low)</b>	<b>Mitigating measures</b>
External environment	Risk 1: Component 1 might reinforce gender inequalities, as the Village Courts system is dominated by patriarchal structures with discriminatory attitudes towards women and marginalized groups living in vulnerable situations that hampers their	<b>Medium</b>	<b>Medium</b>	As women applicants increase, the number of nominated panel members increase as well. However, as the prevailing view is that parties automatically nominate male representatives, more efforts should be put to change this mindset. An assessment of the cases and reasons hindering women's participation to Village Courts as panel members, as well as women's use of Village Courts could be conducted to support possible improvement as part of broader gender and human rights analysis. Moreover, an assessment of possible challenges to gender equalities in terms of the procedure used by Village Courts and their decisions could be conducted and possible mitigating measures proposed.

	access to any justice, and may potentially cause double victimization.			
External environment	Risk 2: For components 1 and 2, lack of judicial independence of the justice system overall, and of Village Courts, might hinder the achievement of justice.	<b>Medium</b>	<b>High</b>	The possibility of enlarging the chairmanship of the Village Courts also to non-elected officials could be explored. A review of other possible procedural rules hindering the independence and impartiality of Village Courts and of the formal justice system could be considered. Processes of free, prior and informed consent in relation to the operation of Village Courts in indigenous areas should be promoted and supported.
People and the organisation	Risk 3: Component 1, the scope and scale of human, financial and technical resources provided by the Government to the Village Courts are not adequate to ensure their sustainability in the long term (the Village Courts remain dependant on donors' assistance)	<b>High</b>	<b>High</b>	The exiting strategy should be discussed with the Government since the start of Action and monitored through regular meeting of the Steering Committee. The expansion of Village Courts should proceed gradually ensuring the sustainability of already existing Village Courts.
Planning, processes and systems	Risk 4: For component 1, the quality of decisions of Village Courts is poor and does not sustainably improve, or is not compliant with human rights and anti-discrimination.	<b>Medium</b>	<b>Medium</b>	The monitoring of functioning of Village Courts could be strengthened and regularised. NGOs' participation in the monitoring mechanism could be strengthened, and should meaningfully include women and indigenous peoples. The role of the formal justice system in ensuring the overall quality of decisions, through training and other measures could be reviewed, as well as the involvement of the police.
People and the organisation	Risk 5: For component 1, lawyers resist to the setting up and functioning of Village Courts as alternative to the formal justice system and advice clients to use formal justice instead of Village Courts.	<b>High</b>	<b>Medium</b>	Advocacy towards lawyers could be strengthened to raise their awareness about the important role played by Village Courts. Lawyers could be further involved in the overall project in order to ensure a better buy-in from their side.

External environment	Risk 7: The evolution of the Covid-19 pandemic might hamper carrying out the activities of the project or affect the final beneficiaries' access to Village Courts.	High	High	The project will monitor the evolution of the Covid-19 pandemic to prepare the most appropriate contingency plans. Digital platforms will be used where necessary to provide trainings and to organise meetings of relevant stakeholders. The possibility for final beneficiaries to start proceedings and be heard in Village Courts in a virtual manner will be facilitated.
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#### Lessons Learnt:

Phase I and II of the Village Courts project has supported the Local Government Division in functionalising Village Courts in 1,079 UPs, capacity-building of VC's service providers (UP representatives and officials), reviewing legal framework, increasing awareness of the role and function of Village Courts, and strengthening GoB's monitoring capacity. In addition, it also helped to enhance the traditional justice system in three CHT districts and explored the possibility of Village Courts in CHT areas doing action research.

Evaluations and experience with Phase I and II of the project suggest that Village Courts have proven successful in providing access to justice for rural people in the UPs where they have been set up (see section 2.2 for specific results).

Key factors that determine this success include:

- the simple legal structure of Village Courts which is deemed key to gain acceptance;
- the courts are genuinely local (most are within a 3km radius of people's homes);
- income is no bar to accessing the courts (with BDT 2 and BDT 4 being court fees payable for criminal and civil cases);
- the enforcement rate is high because of the restorative nature of the proceedings and relatively low compensation awards made.

The following remain challenges to be addressed in the new Phase of the project:

- The position of **Village Court Assistant** is determinant for the effectiveness of Village Courts, given the other demands on a UP chairperson's time and the importance of transparent, well-kept records. Currently Village Court Assistants are either provided by NGOs or by local governments (UPs). People tend to trust NGOs' assistants more than local government's assistants because of their independence. However, NGOs assistants create challenges in terms of sustainability as Courts should ultimately be completely autonomous without the need for external support. So far, a total of 425 (Male 353 and Female 72) UP officials acting as assistants were recruited in 425 Unions out of 1,079 Unions under the project area so far. The recruitment of others in 375 UPs is under process, and the recruitment process of assistants in 141 UPs was postponed due to writ petitions pending in High Court, which is being contested by the Local Government Division;
- In terms of **independence**, challenges are posed by the fact that the UP chairman is politically appointed and might take politically-motivated decisions. An independent Court Assistant could therefore be important to ensure the legitimacy of Village Courts. Evaluations of previous Phases have suggested that the Assistant should be either independent of government or part of the government administration to ensure sustainability and increased government ownership during the scale-up phase.
- In terms of **procedure**, Village Courts should discuss their findings in open court and negotiate the compensation with the parties openly. However, there is evidence that this might not always happen going against the spirit of restorative justice and open dealings which ought to characterise the Village Courts. Moreover, simple and transparent procedures are essential for the success of Village Courts. The previous Phases worked on simplifying registers and forms. This work should continue.

- Evaluations indicated that the quality, duration and regularity of **trainings** should be reviewed. Moreover, trainings should be better institutionalised. This would be important for the quality of the decisions of Village Courts.
- **Women's involvement** in Village Court's decision-making process as panel members have increased to 18% in March 2021 from 2% in 2017. According to the report of Impact Study Measuring Impact in Promoting Gender Equality and Women's Empowerment, women now participate in the VC sessions as panel members, applicants, defendants, witnesses, and audience. However, gender mainstreaming should be strengthened to ensure increased participating on women as panel members and as court users. There is also a risk that Village Court decisions might reinforce gender inequalities by deciding according to patriarchal norms. Therefore, mitigating measures should be taken including by further integrating the Village Courts in the formal justice system and strengthening the training of Village Courts members.
- Village Courts have received 11,458 cases between July 2017 to March 2021 from district courts, demonstrating that this system contributes to reducing pending cases in the district courts. However, the **integration and coordination of Village Courts in the overall justice system** should continue to be reinforced. Training of judges and the directives of the Supreme Court are important in this regard.
- To successfully integrate the VC's demands, adequate **monitoring** and accountability structure for transparency need to ensure quality decisions. Such mechanism exist but are not as effective as needed for various reasons, including lack of knowledge on Village Courts, lack of structured and clear responsibilities. Ensuring that monitoring and reporting occur through the local government structure, including representatives of NGOs, will be essential for the next Phase.



### 3.5 The Intervention Logic

The underlying intervention logic for this action is:

IF potential users are made aware and understand the possibility and advantages of using Village Courts and are able to access their services when required, a greater awareness of human rights of women, children, minorities and vulnerable categories is built within the Village Court System, AND the Government's cooperation and ownership allows to set up well functioning and sustainable Village Courts in the whole country, THEN vulnerable groups will be empowered to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner, compliant with human rights, BECAUSE evidence suggests that, where Village Courts are set-up, local population trust their legitimacy and its aware of their role, Village Courts have proven successful in providing access to justice for rural people. Indeed, 70,923 individuals accessed Village Court services so far and obtained a quick remedy with high satisfaction during the current reporting period. About 97% of the Village Court users were satisfied with their services received. Moreover, activities under the previous Phases of the project allowed women's involvement in Village Court's decision-making process as panel members to increase to 18% in March 2021 from 2% in 2017. According to the report of Impact Study Measuring Impact in Promoting Gender Equality and Women's Empowerment, women now participate in the VC sessions as panel members, applicants, defendants, witnesses, and audience.

IF Village Courts will be set up in all UP, with the necessary human resources, knowledge and equipment, will be increasingly sustainable and will be able to continue functioning autonomously at the end of the project, Village Courts will be better integrated in the overall justice system, Village Courts will be better monitored and followed-up by national and local authorities, donors and NGOs, AND the population will be willing to use their services, THEN the capacities of local justice actors to meet the justice needs of the population and offer appropriate legal services will be improved, BECAUSE there is evidence that Village Courts are a speedy, inexpensive and effective way of resolving disputes.

IF Case Management mechanisms will be improved through inter-institutional solutions at district and national levels, a range of justice services for poor and vulnerable women and men will be increased AND case management mechanisms are made sustainable, used consistently and provide for effective solutions to deal with the backlog, THEN the formal criminal justice system will be made more efficient to the benefit of citizens, including vulnerable people. In particular, the significant backlog hampering the delivery of justice will be reduced and the disposition time of proceedings will be reduced while respecting the right to access to justice and the right to a fair trial, BECAUSE there is evidence that an effective and efficient case management mechanism are key to make courts more efficient and allow judges to deal with cases in a speedier manner. Moreover, the services offered to paralegals are important to allow the large amount of people in pre-trial detentions to ask for the consideration of their cases and avoid that this blocked in the system causing a prolongation of their pre-trail dentation.

IF indigenous peoples and ethnic minorities, women, people living in poverty and other vulnerable groups were empowered to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner, compliant with human rights standards, and minimise risk of politicisation, gender discrimination and discrimination against ethnic and religious minorities; the capacities of local justice actors to meet the justice needs of the population and offer appropriate legal services will be improved; the formal criminal justice system will be made more efficient to the benefit of citizens, including vulnerable people, AND these results are made sustainable thanks to the full ownership of the Government THEN this will contribute to the improvement of institutional governance, in particular to strengthen the access to and efficiency of the judiciary system in Bangladesh BECAUSE strengthening the functioning of the justice system, which is currently overloaded by 3.6 MIL cases, allowing people to access efficient ADRs, is a priority to allow the population in Bangladesh, in particular rural population and vulnerable people, to enjoy their rights and access justice.

### 3.6 Logical Framework Matrix

At action level, the indicative logframe should have a maximum of 10 expected results (Impact/Outcome(s)/Output(s)).

It constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions - no activities)

Results	Results chain (a): Main expected results (maximum 10)	Indicators (a): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data
<b>Impact</b>	To promote Rule of Law and human rights in Bangladesh.	1. Country score in the World Bank Worldwide Governance Indicator for Rule of Law	1. 28,4 (2018)	1. improvement over previous years (2025)	1. World Bank
<b>Outcome 1</b>	1. Increased utilisation of local justice services by indigenous peoples and ethnic minorities, women, people living in poverty and other vulnerable groups	1.1 Number of cases referred to/processed through alternative dispute resolution provided by the EU-funded intervention, disaggregated by sex, age, disability, group 1.2 % of people who say they would approach VC to resolve petty disputes, by sex, ethnicity, religion 1.3 Proportion of applications filed by women, ethnic minorities	1.1 234,407 cases (2021) 1.2 45% (2019) 1.3 29% (2020)	1.1 507,000 (2025) 1.2 to be determined during formulation mission at the beginning of 2022 (2025) 1.3 50% (2050)	1.1 Progress reports for the EU-funded intervention 1.2 Progress reports for the EU-funded intervention 1.3 Progress reports for the EU-funded intervention
<b>Outcome 2</b>	2. Improved and extended local justice services, including legal services and legal aid, in compliance with human rights standards;	2.1 number of well-functioning Village courts assisted by a permanent Village Court Assistant 2.2 Number of people directly benefiting from legal aid interventions supported by the EU, EURF 2.25	2.1 1080 UP – 24% of UPs (2021) 2.2 to be established	2.1 100% coverage (2025) 2.2 to be determined during formulation mission	2.1 Progress reports for the EU-funded intervention 2.2 Progress reports for the EU-funded intervention
<b>Outcome 3</b>	3. More efficient formal criminal justice system to the benefit of citizens, including vulnerable people, in full respect with the fundamental rights to access to justice and to a fair trial	3.1 Total backlog rate 3.2 Number of people in pre-trial detention	3.1 3,6 MIL in 2019 / 77% pending cases in Nari O Shishu Courts 3.2 to be established	3.1 to be determined during formulation mission(2025) 3.2 to be established	3.1. 8 FYP/Government data/ Justice Audit 3.2 Justice Audit

<b>Output 1 related to Outcome 1</b>	1.1.Enhanced awareness of indigenous peoples and ethnic minorities, women, people living in poverty and other vulnerable groups about services of Village Courts	1.1.1 Number of people reached through awareness campaigns on resolving petty disputes through Village Courts	1.1.1 to be established during base line survey	1.1.1 to be established	1.1.1 Database of beneficiaries/participants
<b>Output 2 related to Outcome 1</b>	1.2.Improved mechanisms for protection of human rights of women, children, minorities and vulnerable categories within the Village Court System	1.2.1. Percentage of women involved as panellists in VC decision making processes with support of the EU-funded intervention	1.2.1 12% (2018)	1.2.1 40% (2025)	1.2.1 Database of beneficiaries/participants
<b>Output 1 related to Outcome 2</b>	2.1. Increased management, administrative and technical capacities of Village Courts in all Union Parishads, to function autonomously at the end of the project	2.1.1 Number of Village Courts set up with support of the EU-funded intervention 2.1.2 Number of staff of Village Courts trained by the EU-funded intervention with increased knowledge and/or skills including on human rights and non discrimination, disaggregated by sex	2.1.1 1080 UP – 24% of UPs (2021)  2.1.2 to be established	2.1.1 100% coverage (2025) 2.1.2 to be established during ongoing formulation mission	2.1.1 Progress reports for the EU-funded intervention 2.1.2 Pre- and post-training tests
<b>Output 2 related to Outcome 2</b>	2.2. Improved and systematised mechanisms for referral of cases from District Courts and police to Village	2.2.1 Nb of cases referred by Courts and police to Village Courts	2.2.1 11,614 cases are transferred to VC	2.2.1 29,700 (2025)	2.2.1 Justice Audit, project data
<b>Output 3 related to Outcome 2</b>	2.3. Enhanced capacity of national and local authorities, donors and NGOs to monitor Village Courts	2.3.1 Number of meetings and consultations with NGOs monitoring the judicial system, gender equality and indigenous peoples' rights documented in reports and disseminated in different formats.	2.3.1 0 (2021)	2.3.1 to be established during ongoing formulation mission  2.3.2 to be established	2.3.1 Progress reports for the EU-funded intervention  2.3.2 Pre- and post-training tests

		2.3.2 Number of representatives of national and local authorities and CSOs trained by the EU-funded intervention with increased knowledge and/or skills monitoring of Village Courts, disaggregated by sex	2.3.2 to be established (2020)	during ongoing formulation mission	
<b>Output 1 related to Outcome 3</b>	3.1. Improved inter-institutional Case Management mechanisms at district and national levels.	3.1.1 number of cases assessed through case management mechanisms with support of the EU-funded intervention, disaggregated by sex, ethnicity, religion 3.1.2 Case Coordination Committees ensuring gender and ethnic representation are functional with support of the EU-funded intervention	3.1.1 To be established  3.1.2 26 case coordination committees	3.1.1 To be established  3.1.2 to be established during ongoing formulation mission	
<b>Output 2 related to Outcome 3</b>	3.2. Expanded range of justice services and legal aid for women and men in all their diversity, particularly those living in poverty and in vulnerable situations	3.2.1 Number of prisoners assisted through PAS (referred cases to DLAC or PNGOs, contact with family, courts and lawyers, present cases in CCCs, support appeal cases, etc.), with support of the EU-funded intervention disaggregated by sex, ethnicity, religion  3.2.2 Number of people assisted through PAS outside prisons (e.g. at DLAC offices, courts, police stations, etc.), with support of the EU-funded intervention, disaggregated by sex, ethnicity, religion  3.2.3 Number grievances resolved through mediation / RJ, with support of the EU-funded	To be established	To be established during ongoing formulation mission at the beginning of 2022	

		intervention, disaggregated by sex, ethnicity, religion			
		3.2.4 Extent to which EU-funded intervention contributed to implementation of the Communication strategy			

## 4. IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with the Government of Bangladesh.

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of entry into force of the financing agreement

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### 4.3 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>15</sup>.

#### 4.3.1 Indirect Management with pillar assessed entity(ies)

This action may be implemented in indirect management with (an) entity(ies), which will be selected by the Commission's services using the following criteria:

For component 1: entity(ies) with expertise in the local justice sector in Bangladesh, experience working with the Local Government Division, as well the necessary operational capacity to continue and further scale up (also geographically nationwide) the work already undertaken in previous phases of the project. The capacity to ensure continuity between phases will be crucial in the choice of the entity(ies).

The implementation by this entity(ies) entails achievement of outcomes 1 and 2.

For component 2: entity(ies) with a recognised expertise in the formal justice sector in Bangladesh, experience working with the Ministry of Law, Justice and Parliamentary Affairs, and with the capacity to build on the Rule of Law programme as well as on the findings of the Justice Audit.

The implementation by this entity(ies) entails achievement of outcome 3.

If negotiations with the implementing entity(ies) fail or due to exceptional circumstances, that part of the action may be implemented in direct management in accordance with the implementation modalities identified in section 4.3.2.

#### 4.3.2 Changes from indirect to direct management mode (and vice versa) due to exceptional circumstances (one alternative second option)

##### **Direct management - Grants:**

<sup>15</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

**(a) Purpose of the grant(s)**

The grants will contribute to achieving Specific objective/Outcomes 1, 2 & 3.

**(b) Type of applicants targeted**

Legal entities; Natural persons or groupings without legal personality<sup>16</sup>; Local authorities; Public bodies; International organisations; NGOs; Member State administrations or their mandated bodies (in case of twinning grants).

**Direct Management – Procurement:**

The procurement will contribute to achieving Specific objectives/Outcomes 1, 2 & 3.

#### 4.4. Scope of geographical eligibility for procurement and grants

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

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

#### 4.5. Indicative Budget

<b>Indicative Budget components</b>	<b>EU contribution (amount in EUR)</b>
<b>Implementation modalities</b> – cf. section 4.3.	
<b>Objective 1 and Objective 2</b>	
Indirect management with pillar assessed entity(ies) - cf. section 4.3.1	26 600 000
<b>Objective 3</b>	
Indirect management with pillar assessed entity(ies) - cf. section 4.3.1	10 600 000
<b>Evaluation</b> – cf. section 5.2	300 000
<b>Audit</b> – cf. section 5.3	
<b>Contingencies</b>	500 000
<b>Totals</b>	38 000 000

#### 4.7. Organisational Set-up and Responsibilities

The entrusted entities will implement the project. The entrusted entities will be responsible for development partner coordination, joint administration of the resources allocated by development partners, the mobilisation of additional resources and project assurance

The Government of Bangladesh, through the Economic Relations Division (ERD) in close collaboration with the Local Government Division (LGD) for component 1 and the Ministry of Law, Justice and

<sup>16</sup> Subject to the prior approval by the relevant services of the European Commission.



Parliamentary Affairs for component 2 will ensure coordination and oversight of project implementation including in a view to ensuring donor policies and procedures are adhered to, through the Project Steering Committee that will include the EU.

Gender equality, human rights and human rights-based approach expertise will be ensured during the implementation of the Action. They will also be integrated in relevant (capacity building) activities, documents (i.e. ToRs etc.), as minimum requirements of expertise.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

## 5. PERFORMANCE MEASUREMENT

### 5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partners shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring:

The project management unit and partner NGOs combine with the relevant Ministries to provide a decentralised M&E system which appears simple and practicable. Periodic visits are conducted by the relevant authorities whereby officers visit UP and checks the registers of Village Courts, as well as the work of case management mechanisms. Furthermore, the EU regularly fields Results-Oriented Monitoring (ROM) missions. The project formulation mission will further refine the performance monitoring system as well as its indicators (see Logframe).

The VC has also two inbuilt M&E mechanisms. The first is appeal. The figures on appeals continue to be low. This may reflect either that very few findings are appealable (unanimous or by 4:1), and it may also be because the parties do not wish to use the formal justice system. But it may also well signal general contentment with the way in which disputes are resolved. The second is public confidence that is best indicated by the caseload. A falloff in new cases and increase in non-payment of compensation orders would indicate that something is wrong.

For the backlog of cases, data produced by courts will enable to understand the effectiveness of case management mechanisms. Moreover, the average length of pre-trial detention will be an indicator of the effectiveness of paralegal advice.

Monitoring and evaluation will assess gender equality results and the implementation of the human rights based approach working principles (applying all human rights for all; meaningful and inclusive participation and access to decision-making; non-discrimination and equality; accountability and rule of law for all; and transparency and access to information supported by disaggregated data). Monitoring and evaluation will

be based on indicators that are disaggregated by sex, age and disability when applicable. In order to monitor development and equal access, data/indicators will be disaggregated even further when applicable (f.ex. by minority group or case).

## 5.2 Evaluation

Having regard to the importance of the action, a mid-term evaluation may be carried out for this action or its components via independent consultants contracted by the Commission. It will be carried out for problem solving and learning purposes, in particular with respect to decide on the necessary adjustments to the Action.

A final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision).

The Commission shall inform the implementing partner at least 2 months in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination<sup>17</sup>. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

## 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

# 6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.

<sup>17</sup> See best [practice of evaluation dissemination](#)

## APPENDIX 1 REPORTING IN OPSYS

An Intervention<sup>18</sup> (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

Primary Interventions are those contracts or groups of contracts bearing reportable results and respecting the following business rule: ‘a given contract can only contribute to one primary intervention and not more than one’. An individual contract that does not produce direct reportable results and cannot be logically grouped with other result reportable contracts is considered a ‘support entities’. The addition of all primary interventions and support entities is equivalent to the full development portfolio of the Institution.

The present action identifies as

<b>Option 1: Action level</b>		
<input checked="" type="checkbox"/>	Single action	Present action: all contracts in the present action CRIS number: 2021/043-317
<b>Option 2: Group of actions level</b>		
<input type="checkbox"/>	Group of actions	Actions reference (CRIS#/OPSYS#):
<b>Option 3: Contract level</b>		
<input checked="" type="checkbox"/>	Single Contract 1	Contribution agreement with international organisation, EUR 26 600 000
<input checked="" type="checkbox"/>	Single Contract 2	Contribution agreement with MS organisation, EUR 10 600 000
<input checked="" type="checkbox"/>	Single Contract 3	Procurement of services for evaluation(s), EUR 200 000
<input checked="" type="checkbox"/>	Single Contract 4	Procurement of services for audit, EUR 100 000

<sup>18</sup> [ARES \(2021\)4204912](#) - For the purpose of consistency between terms in OPSYS, DG INTPA, DG NEAR and FPI have harmonised 5 key terms, including ‘action’ and ‘Intervention’ where an ‘action’ is the content (or part of the content) of a Commission Financing Decision and ‘Intervention’ is a coherent set of activities and results which constitutes an effective level for the operational follow-up by the EC of its operations on the ground. See more on the [concept of intervention](#).