



**EN**

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

**ANNEX II**

to the Commission Implementing Decision on the financing of the annual action plan in favour of Mongolia for 2023

**Action Document for “Effective implementation of justice reforms in Mongolia”**

**ANNUAL PLAN**

This document constitutes the annual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23 of the NDICI-Global Europe Regulation.

## 1 SYNOPSIS

### 1.1 Action Summary Table

<b>1. Title CRIS/OPSYS business reference Basic Act</b>	Effective implementation of justice reforms in Mongolia OPSYS number: ACT-62009 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 Mongolia.
<b>4. Programming document</b>	Multi-Annual Indicative Programme (MIP) for Mongolia (2021-2027) <sup>1</sup>
<b>5. Link with relevant MIP(s) objectives / expected results</b>	MIP Priority area 2: Democratic and Economic development Specific objective 2.1: Effective implementation of justice reform. <ul style="list-style-type: none"> <li>- ER 2.1.1: Improved efficiency, credibility and quality of justice system;</li> <li>- ER 2.1.2: The institutional and performance capacity of the judiciary in Mongolia is strengthened, with a particular focus on the adoption of a human rights-based approach to law enforcement and the increase of gender balance;</li> <li>- ER 2.1.3: Enhanced enabling environment for civic society education, with particular focus on youth organisations.</li> </ul>
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	Priority area 2: Democratic and Economic development – Government & Civil Society-general (151)
<b>7. Sustainable Development Goals (SDGs)</b>	Main SDG: SDG 16: Promote peaceful and inclusive society for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Other significant SDGs (up to 9) and where appropriate, targets: SDG 5: Achieve gender equality and empower all women and girls

<sup>1</sup> C(2021) 9051 of 14.12.2021.

<b>8 a) DAC code(s)</b>	15130: legal and judicial development – 75% 15150: democratic participation and civil society – 25%				
<b>8 b) Main Delivery Channel</b>	13000 – Third Country Government (Delegated co-operation) 47000 – Other multilateral institutions				
<b>9. Targets</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 checked="" type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance				
<b>10. Markers (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"/>	
	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"/>	
	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"/>	
	<b>11. Internal markers and Tags:</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
		Digitalisation @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services		YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		
Connectivity @		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
digital connectivity		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>		

	energy transport health education and research	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
	Migration @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BUDGET INFORMATION</b>				
<b>12. Amounts concerned</b>	Budget line(s) (article, item): 14.020131 South and East Asia Total estimated cost: EUR 2 000 000 Total amount of EU budget contribution EUR 2 000 000			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>13. Type of financing</b>	<b>Direct management</b> through: - Twinning grants  <b>Indirect management</b> with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.2			

## 1.2 Summary of the Action

A comprehensive justice reform process is ongoing towards ensuring fairness in the judicial system and judicial independence in Mongolia. Within the framework of this reform, a package of Laws on Courts came into force in March 2021. The law initiators believe that this will enable the realisation of Article 7 of the Mongolian Constitution, which states that: “Everyone has the equal rights before the law and courts irrespective of their nationality, origin, language, race, age, gender, social origin and status, property, occupation, position, religion, sexual and gender orientation, expression, opinions and education.”

The “Judicial administration strategic plan” adopted in 2020 aims to protect human rights and freedom in Mongolia by: strengthening capacity; ensuring a responsible and ethical judiciary; improving transparency and accountability; improving judicial independence; facilitating citizen-centered judiciary services and improving their accessibility; promoting open and transparent judiciary and public relations. The judiciary institutions and courts at all levels are working on implementing these reforms, which could take a considerable time to show results. As reported by the Organisation for Economic Co-operation and Development (OECD), problems of corruption, political/executive influence, lack of judicial independence and of public trust in the judiciary in Mongolia persists<sup>2</sup>. However, the reform shows initial progress towards better accountability, while the selection of judges appear to be more transparent than before.

This EU action aims to support Mongolia in the implementation of its justice reforms to ensure an increasingly qualified, transparent, efficient and independent people-centered justice system in line with international human rights standards. The Action will be targeted at national level. The impact this Action will be seeking is to strengthen the independence of the judiciary so that it will be immune to corruption, will uphold human rights, rule of law and democracy, all factors that will increase trust of the citizens, while at the same time creating a more enabling environment for businesses and investors. The Action will also consider strengthening the institutional and performance capacity of the judiciary and creating a more enabling environment for civil society (including those working for gender equality and human rights) to enhance its key monitoring and oversight role, while at the same time it will pay special attention to the people’s justice needs and will offer tailored-based solutions to transform justice institutions and services to meet those needs.

<sup>2</sup> <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>

The different areas that this Action will be looking into are: i) ensuring greater independence of the judiciary, which also has a direct impact on the business environment; ii) better aligning Mongolian legislation with international commitments and further translating these commitments into domestic law; iii) supporting Mongolia in implementing recommendations from international treaty monitoring bodies, as well as the OSCE and the OSCE Office for Democratic Institutions and Human Rights (ODIHR); iv) advocating for a better business environment that will guarantee a level playing field and attract more green investments in the country; v) integrating a human-rights based and gender responsive approach in application of the law/enforcement of decisions and working for a judicial gender sector policy (in line with the EU Gender Action Plan III (GAP III)<sup>3</sup> objective on advancing equal participation and leadership); vi) strengthening capacity of duty bearers in the justice sector inter alia to improve legal drafting, implement international conventions at court level; vii) supporting the digitalisation of court system as means of increasing the equal accessibility, accountability and transparency of the justice system for all citizens.

The Action is following the priorities set under the EU Multi-Annual Indicative Programme for Mongolia (2021-2027), and specifically priority area 2 on “Democratic and Economic Development” (DAC code – 151). It aims to reach most of the expected results identified under specific objective 2.1: Effective implementation of justice reform. The priority areas that had been proposed in the MIP and that will be followed through this Action are aligned with the priorities set by Mongolia in its long term development plan Vision 2050 and the mutually agreed action points following the 2022 EU-Mongolia Joint Committee.

The priority areas are also based on the reported shortcomings<sup>4</sup> in the judiciary system: insufficient funding, political involvement and arbitrary decisions on the selection, appointment, and dismissal of judges. The proposed objectives aim to address these issues by improving the efficiency and credibility, performance and capacity of the justice system adopting a human rights-based and gender-sensitive approach. Supporting the rule of law in a region where democracy is rare is aligned with the EU’s global interests elaborated in the EU action plan on Human Rights and Democracy 2020-2024, as well as with the Human Rights and Democracy Country Strategy (2021-2024), and with SDG 16 to ‘provide access to justice for all and build effective, accountable and inclusive institutions at all levels’ and SDG 5 on ‘gender equality’ in alignment with GAP III).

## 2 RATIONALE

### 2.1 Context

Mongolia is a lower-middle-income resource-rich democracy of 3.3 million people landlocked between Russia and China. Traditionally, Mongolia tries to balance the dominance of these two neighbours by also cultivating close relations with “third neighbours”, including the European Union (EU). This “Third Neighbour Policy” is gaining geopolitical importance with the polarisation of relations between Russia/China and the other major players in the international community.

In the past thirty years, social and economic life in Mongolia have changed rapidly, and so has legislation. One of the key issues hindering Mongolia’s continued growth is the lack of capacity in the justice sector. Many challenges, such as inefficiency, irregularity, and weak accountability structures, are the result of outdated legal education, lack of trainings, and a lack of consistency in court decisions regarding the application of laws. These have proven to be counterproductive in the face of fast-changing legislation, international commitments, and steadily rising court cases. Moreover, these challenges have contributed to the erosion of public confidence in the legal system, and a widely held perception that the judiciary is corrupt and lacking in independence.

Corruption is widely perceived to have worsened in recent years, particularly with respect to state involvement in the mining sector through State Owned Enterprises. Mongolia fell 6 spots in Transparency International’s corruption index and was rated 116th out of 180 countries for the year 2022. Protests took place in December 2022/January 2023 and protesters called for accountability over alleged coal embezzlement by officials worth EUR

<sup>3</sup> The [Gender Action Plan III](#) is a Joint communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy which was welcomed through [EU Presidency Conclusions](#) of 16 December 2020. Drafting was led by European Commission in close consultation with EU Member States, EEAS, civil society organisations, partner governments, and international organisations (UN entities, International Finance Institutions among others). The different parties contributed to the drafting of the document through meetings and through responses to a survey conducted during the process

<sup>4</sup> <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>

12.5 billion. According to a study by the Mongolian Bar Association and Asia foundation in 2019<sup>5</sup>, 40% of respondents had the impression that citizens and business entities try to illegally influence the judicial and law enforcement officers. 38% of law enforcement officers and judicial officers answered that they are illegally influenced during the course of their action. This is a reflection of perception rather than reality. However it shows that independence of the judiciary is an important topic to address.

On 27 March 2019, the Mongolian parliament adopted amendments to the Laws on Legal Status of Judges, Public Prosecutor's Office, and Anti-Corruption. These amendments eventually led to the arbitrary dismissal of a number of key justice actors (prosecutor-general, chief justices, judges). These developments also alarmed the UN Special Rapporteur on the situation of human rights defenders, who expressed concern that such changes would deeply undermine the separation of powers, would dangerously reduce the independence of the judiciary, erode the concept of checks and balances, and limit the capacity of the judiciary to combat corruption and impunity.

On 14 November 2019, the Parliament passed amendments to the Constitution, which led the Parliament to adopt on 15 January 2021, the revised Law on Courts,<sup>6</sup> in order to harmonise the law in relation to the constitutional amendments. The law replaces four separate laws: the Law on Courts (2012), the Law on Judicial Administration (2012), the Law on the Legal Status of Judges (2012), and the Law on Legal Status of Citizen Representatives of Court Trials (2012).

The revised Law on Courts, foresees among others that the Judicial General Council (JGC) is composed of 10 members (in the past 5), 5 non-judge members appointed by the Parliament, and 5 judge members elected from the Judicial General Assembly (in the past they were all appointed by the President). In addition, the Judicial Qualification Committee and the Judicial Ethics Committee were dissolved and superseded by the Judicial Disciplinary Committee (JDC), which aims to be an independent body responsible for the suspension, dismissal and other disciplinary action of a judge.

In relation to the appointment of judges, the President still has the power to appoint judges, but only following nominations from the JGC and the Parliament. However, appointment of Chief Justices of the first instance and appellate courts has been changed; previously, the President appointed Chief Justices of first instance and appellate courts, but now they are elected through secret ballot by the Council of Judges. As for the Chief Justice of the Supreme court he is still appointed by the President following nomination by the Supreme Court.

With regard to development policies of Mongolia, Vision 2050 that was adopted by the Parliament in 2020 constitutes the long-term development policy of Mongolia (divided in 3 phases). In this policy, as well as in other policy documents approved by the Parliament (e.g., Action plan 2021-2030 under Vision 2050, General Direction for the Development of Mongolia in 2021-2025, the Action Plan of the Government of Mongolia for 2020-2024), there are objectives and provisions outlined which underpin the importance of strengthening the independence of judiciary, fighting corruption and respecting human rights. For instance, few of these objectives/provision foresee: to build sustainable governance by balancing the separation of powers and the process of monitoring; reduce cases of corruption and misconduct by strengthening the national justice system; develop a multilateral partnership for promoting full respect for human rights and improving the regulatory framework; establish a citizen-centred judicial system by ensuring the impartiality of judges and the independence of the judiciary; launch ethics training programs for developing human resource capability of the judiciary sector; promote public trust by implementing programs for enhancing judicial transparency, accessibility; ensure the independence of judges and the judiciary, law reform that promotes human rights, the economy and the business environment, and strengthen justice and the rule of law.

The challenges lay in the implementation of these objectives/provisions by the relevant institutions, as well as in following up on recommendations linked to justice system (including numerous training recommendations) from international treaty monitoring bodies (eg Committee on the Elimination of Racial Discrimination, Human Rights Committee, Committee on the Rights of the Child, Committee Against Torture, Committee on the Elimination of Discrimination Against Women, Committee on Economic, Social and Cultural Rights, Committee on the Rights of Persons with Disabilities).

As Mongolia is looking to its “third neighbours” to expand cooperation also in maintaining democracy and lessen dependencies and influence from its two geographical neighbours, the EU could further consolidate its position as a key partner of reference in the country with this Action, and also as one of the largest donors present. Through

<sup>5</sup> Personal communication as the report is not public

<sup>6</sup> For an overview of the courts structure, see table below in Section 2.2. at the stakeholder outline.

the interactions the EU Delegation (EUDEL) has with the Government and the judicial authorities, Mongolia demonstrates the importance it attaches to strengthening links and exchanging experiences and best practices with EU and its Member States, and also showcases a clear interest to materialise the justice reforms in the country. The first-ever TAIEX mission in justice sector in Mongolia took place in March 2023, with experts from EU Member States (Austria, Estonia, Italy), working with the Supreme Court, JGC and JDC, focusing on digitalisation of judiciary (courts, systems, proceedings), as well as on accountability of judges, disciplinary measures and relations with media/public. In relation to the digitalisation agenda, there is a genuine effort from the judiciary branch to implement (they have set up a working group (WG) on Digitalisation and an Innovation and Digitalisation Committee), however, State budget does not match the ambitions, and a clear common strategy/action plan is not yet in place. The know-how of the EU and its Member States in these areas can really be of added value for Mongolian authorities in these processes.

The proposed Action, focusing on the effective implementation of the justice reforms, comes under the 2<sup>nd</sup> priority of the Multiannual Indicative Programme (MIP) 2021-2027 for Mongolia, on Democratic and Economic Development. It is in line with the overall EU Good Governance agenda (promoting EU core values and principles abroad), EU development policy frameworks and strategies (including the EU Consensus and the 2030 Agenda for Sustainable Development) as well as EU geostrategic and economic interests as enshrined in the EU Strategy for Cooperation in the Indo-Pacific region and the Global Gateway Strategy. It is also consistent with the overall EU Action Plan on Human Rights and Democracy 2021-2024 as well as the priorities outlined in the GAP III Country Level Implementation Plan (CLIP) and the new EU Human Rights and Democracy Country Strategy for Mongolia for the same period.

## 2.2 Problem Analysis

Short problem analysis: the proposed Action will focus on a limited number of interconnected problems which impede inclusive and efficient access to justice and the independent functioning of the judicial system.

### **Justice reforms and institutional strengthening:**

Since the 1990's, the Mongolian judiciary has undergone a comprehensive process of change, however political influence has severely affected the independence and impartiality of the judiciary. The second reform of the judiciary which started in 2020 aims to “ensure the independence of the judiciary promote human rights, strengthen the rule of law.” This would require a comprehensive (re-)training of legal personnel, including on updated Anti Money Laundering/Counter Financing of Terrorism (AML/CFT) legislation. Although some changes have been made to the regulatory framework these recent years, there are still legislative, policy and procedural gaps that need to be addressed, including strengthening the independence and oversight of the judiciary as well as improving relations with the public (media, civil society) whose perception of judiciary is deteriorating. Besides, the sector remains fragmented and lacks an overall strategic vision and planning (many institutions involved with limited coordination and systematic exchange of information).

### **Capacity of judges, lawyers, prosecutors:**

The UN Treaty Monitoring Bodies of the Human Rights Treaties that Mongolia has ratified, insist on the need for skills development programmes for judges, advocates and prosecutors, including on laws and procedures (especially incorporating a human-rights based and gender responsive approach in their practice) and on communicating clearly, openly and efficiently with the public. A lot of trainings have been delivered ad-hoc with support from donors, but there is neither a systematic approach followed nor it is at the top priority of the Government to secure this funding for the judiciary. Content and quality of higher education can also be linked to these emerging needs at practitioner's level.

The Government of Mongolia has prioritised **digitalisation** to enhance efficiency, transparency and improve case management as a means to increase public trust. The justice actors are tasked to deliver on an ambitious digitalisation reform which however is not reflected well in the budget allocated to the judiciary. Justice digitalisation is not part of the general e-governance strategy, and it is felt that the success of the digital reforms is solely left to the judiciary without enough resources and support. In addition, the absence of a comprehensive digitalisation strategy and roadmap, and also the tendency of the judicial bodies to work separately, create additional challenges.

### **Gender equality and women's rights:**

Mongolia ranks 70<sup>th</sup> of 146 countries in the World Economic Forum Global Gender GAP Index for 2022 but there are still persistent gender inequalities under each of GAP III's thematic areas.

In this regard, in its last report (2022), the CEDAW Committee called on Mongolia to adopt comprehensive anti-discrimination legislation to prohibit all discrimination against women and girls in public and private spheres.

As the United Nations Special Rapporteur on Violence against women has reported in its last mission to Mongolia (2021), the country has passed important legislation, especially in the last ten years, to promote gender equality and eliminate gender-based violence against women<sup>7</sup> and the establishment of the National Committee on Gender Equality (NCGE), which has an important role in promoting a coordinated and multi-sectorial policy agenda for women's rights and empowerment, represents a positive step further.

Furthermore, violence against LGBTI persons is under-reported and victims mistrust Government officials and service providers due to prevailing stereotypes and biases against this group. The UN Special Rapporteur highlights the urgent need for broader capacity building for all sectors involved in responding to these issues and providing services for victims, including for multidisciplinary teams and the justice system.<sup>8</sup>

In particular, in relation to the justice sector, women are well represented in the judiciary system, representing over 50% of all legal professionals, and around 60% of judges. However, it is desirable to include content related to gender equality (including gender stereotypes and biases) in the work and women's rights in the judicial training programmes while also focusing on improving the skills and knowledge of judges and employees of the judicial institutions in this regard.

For ensuing gender responsive justice, it is of great importance to improve their understanding, awareness and commitment for promoting gender equality & the rights of women in all their diversity and having gender-responsive training agenda. Whilst the reform process recognizes the need for gender-responsive approaches within the judicial sector, significant progress is still needed to achieve this goal. Notably, there is no mechanism in place to pursue a gender-responsive judicial sector policy. Further, whilst the National Statistical Office (NSO) is keen to collect gender-responsive statistics, the judicial sector's gender indicators are not yet in place and as yet there is no sex-disaggregated data available in the judicial statistics.

### **Human Rights:**

According to the last UPR (2020)<sup>9</sup> Mongolia needs to allocate adequate human and financial resources to the National Human Rights Commission to enable it to discharge its mandate effectively and independently in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights.

The Human Rights Committee recommended that Mongolia continue to take steps to protect the full independence and impartiality of the judiciary; guarantee that it was free to operate without interference; and ensure transparent and impartial processes for appointments to the judiciary.

It is also highlighted the persistence of discrimination against LGBTI people in the areas of employment, housing, health care and education, and the lack of recognition of same-sex couples.

The Committee on the Rights of Persons with Disabilities has expressed concern about the fragmented nature of the disability-relevant anti-discrimination legislation and the lack of coordination, including with organizations of persons with disabilities and ministries, to ensure the effective implementation of coherent domestic laws as part of a strategy to implement the UN Convention on the Rights of Persons with Disabilities.

### **Communication and transparency:**

The justice system in Mongolia has been surrounded by allegations of political interference, corruption, delays and inefficiencies, which has deeply affected public perception and the trust people put in the system, and which has led to the justice reforms. There has been some progress recently in terms of enhanced transparency, oversight and better communication with the public, but justice administration and the court system need more transparency (i.e. only the Supreme Court's hearings are publicly broadcasted on-line and recorded, but no proper summary of

<sup>7</sup> The Law on Gender Equality; Law on Combatting Domestic Violence; Law on Combatting Trafficking in Persons; Law on Child Protection; Law on Victim and Witness Protection; amendments to the Criminal Code and the new Labour Code, among others.

<sup>8</sup> Extract from <https://www.ohchr.org/en/statements/2021/12/united-nations-special-rapporteur-violence-against-women-its-causes-and>

<sup>9</sup> A/HRC/WG.6/36/MNG/2



court decisions is made available to the public). The recent scandal of the coal theft<sup>10</sup> has further affected the trust of the public to the rule of law in the country. In addition, people as rights holders also need to be more aware about their legal rights and how the justice system works.

### **Fight against corruption:**

Corruption remains a serious problem<sup>11</sup> in all areas of public life and efforts to tackle it lack commitment. Allegations and proven cases of corruption are common at the highest levels of public life. In 2022 Mongolia was ranked 116<sup>th</sup> out of 180 in the Transparency International corruption index falling six places from 2021. According to different reports, allegations of corruption and prosecutions are frequently directed at public figures for political reasons. Foreign owned business in Mongolia have expressed their concern on particular issues with corruption at the borders. This undermines public trust in Government and institutions, imposes costs on businesses and holds back investment. The OECD concluded in its report on the Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan in March 2019 that, “Anti-corruption laws and action plans are poorly implemented. The Independent Authority against Corruption has continued and somewhat stepped up its policy coordination and prevention work; however it lacked independence, resources and necessary support from state bodies to fully exercise its mandate.”

There is an ongoing movement against corruption and the Prime Minister L.Oyun-Erdene has declared 2023 the year of the fight against corruption. There are 5 operations that will be carried out. Operation Whistle (whistle blower), Broom (investigate officials living above their legal income and stop nepotism), Bird (bring back persons charged with corruption who left the country), Return (bring back money received through corruption to Mongolia), and glass (increase transparency). Two of the operations, Whistle and Bird, are already operational. The efforts appears genuine though it is unclear what effect they will have on general corruption at this point.

### **Shrinking space for civil society:**

Civic space in Mongolia is rated as ‘narrowed’ by the CIVICUS Monitor. Ongoing concerns raised by civil society include reports of harassment, intimidation and reprisals against human rights defenders, including those working to defend economic, social and cultural rights<sup>12</sup>.

Based on the findings of a survey conducted for the EU CSO Roadmap for Mongolia (2021-2025)<sup>13</sup>, CSOs consider that they can only influence the Mongolian authorities moderately, but their influence varies very much depending on the sector, as well as on the overall quality of the dialogue. More specifically, CSOs did not highlight particularly successful engagement with the Government on judiciary and rule of law reforms.

External observers perceive that there is a general trend of shrinking the civic space that could be connected to the activities of MoJHA. Civil society is sometimes presented as problem instigators rather than beneficial actors in society as they may disrupt development. The wish for Mongolia to remain off the Financial Action Task Force (FATF) grey list has led to the drafting of two criticized draft laws on Foundations and Associations, referred to as the NGO laws. The draft laws are not yet passed and the several development partners have sent letters to the Speaker of Parliament and the Minister of Justice and Home Affairs expressing their key concerns with the laws, reminding of the necessity to legislate in line with Mongolia’s international obligations, to not overly restrict civil society based on FATF recommendations and to consult civil society in the drafting of laws impacting civil society operations. Subsequently the process has been temporarily halted. A similar trend can also be noticed in regards to the media freedom as Mongolia dropped 20 steps in the Media Freedom Index in 2022.

Beyond building the capacity of institutions to increase their independence and effectiveness, there is a need to engage with and empower the population as a whole (including women and youth, in all their diversity), working jointly with civil society actors and the media to increase the public demand for accountability and to ensure that there is sufficient and safe civic space to hold the government, public institutions and their officials accountable.

In addition to the EU, some **development partners and international organisations** are already providing substantial support in some of these areas. In particular the US (through USAID), Germany (through the GIZ and Hans Seidel Foundation), Canada, International Development Law Organisation, Asia Foundation. There is no

<sup>10</sup> <https://www.aljazeera.com/economy/2023/1/25/after-anti-corruption-protests-mongolia-rethinks-coal-sales>

<sup>11</sup> <https://ganiintegrity.com/country-profiles/mongolia/>

<sup>12</sup> <https://monitor.civicus.org/explore/civil-society-raises-concerns-about-detention-of-activist-and-restrictive-social-media-law-as-anti-corruption-protests-erupt-in-mongolia/>

<sup>13</sup> [https://www.eas.europa.eu/sites/default/files/eu\\_roadmap\\_for\\_engagement\\_with\\_civil\\_society\\_in\\_mongolia\\_2021-2025\\_-\\_public\\_version.pdf](https://www.eas.europa.eu/sites/default/files/eu_roadmap_for_engagement_with_civil_society_in_mongolia_2021-2025_-_public_version.pdf)



specific coordination mechanism in place between the development partners/international organisation and also with the justice actors. However, due to the small number of stakeholders looking into this sector, there is a good opportunity for informal way of coordinating to avoid duplications, ensure complementarity and maximum effectiveness of the donor funding. This coordination is not led by the Government. Some of the development partners who have been working in the field for a long period are also of the perception that there needs to be more ownership from the authorities for the reforms (translated also in the State budget allocated for the judicial reforms), and not depend solely on donor funding for key aspects of the reform (digitalisation, trainings, legal education).

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

### Executive

The **Ministry of Justice and Home Affairs (MOJHA)** of Mongolia is one of the key stakeholders of this Action as it has the mandate to uphold the principles of fairness and rule of law in Mongolia, and aims to create legal guarantees so that the government may ensure human rights and freedoms. The Ministry (under which there are a number of agencies/institutions such as the National Legal Institute, the General Executive Agency of Court Decision, the National Police Agency) carries out activities such as developing legal policy (including its implementation and coordination), public administration, financing and investment, treaties and cooperation, and internal auditing (which includes monitoring and evaluating). The Ministry is the pen holder of key draft laws in general under discussion (eg investment law, NGO laws).

Coordination of MOJHA with other line Ministries, as the two newly-established Ministries (i.e **Ministry of Economy and Development** heading the Vision 2050 implementation, and the **Ministry of Digital Development and Communication** heading the digital/e-governance agenda of the Government), is also key and not currently fully in place

Below an overview of the structure of MOJHA:

Ministry of Justice and Home Affairs	General Archive Office of Mongolia
	National Institute of Law
	Legal Assistance Center
	General Authority for State Registration
	University of Internal Affairs of Mongolia
	General Executive Agency of Court Decision
	Immigration Agency of Mongolia
	National Office of Forensic Investigation

### Legislative

The Parliament has a number of dedicated Standing Committees on Justice, Legal as well as on Ethics and Disciplinary Responsibility, that can exert certain influence on legislative drafting and budget allocations which impacts the work of the judiciary.

### Judiciary

With the reforms in place, the **Judicial General Council (JGC)**<sup>14</sup> also has an important mandate to strengthen capacity in the justice sector, ensure a responsible/ethical judiciary, improve transparency and accountability, as

<sup>14</sup> A Memorandum of Understanding (MOU) was signed jointly by the Judicial General Council (JGC) and OSCE in July 2020. This MOU reflected on the cooperation towards strengthening capacities of judges and administrative staff, including the trainers of the JGC and employees in the short, mid and long-term trainings organized by the OSCE Academy, international professional conferences, seminars and roundtables. Additionally, as requested by the JGC, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) provided its

well as judicial independence, facilitate citizen-centred judiciary services and improve their accessibility, promote open and transparent judiciary and public relations. The JGC is heading the digitalisation efforts of the judiciary branch, leading the WG on digitalisation. With regard to its composition, the OSCE/ODIHR expressed its concern of the fact that five non-judge members are selected by the Parliament, so it has recommended that it should be clarified that the members of Parliament, as well as high-ranking civil servants with influence in the executive branch, should not be eligible to be elected as members of the JGC in order to avoid any perception of political influence and influence from the executive branch over the JGC.

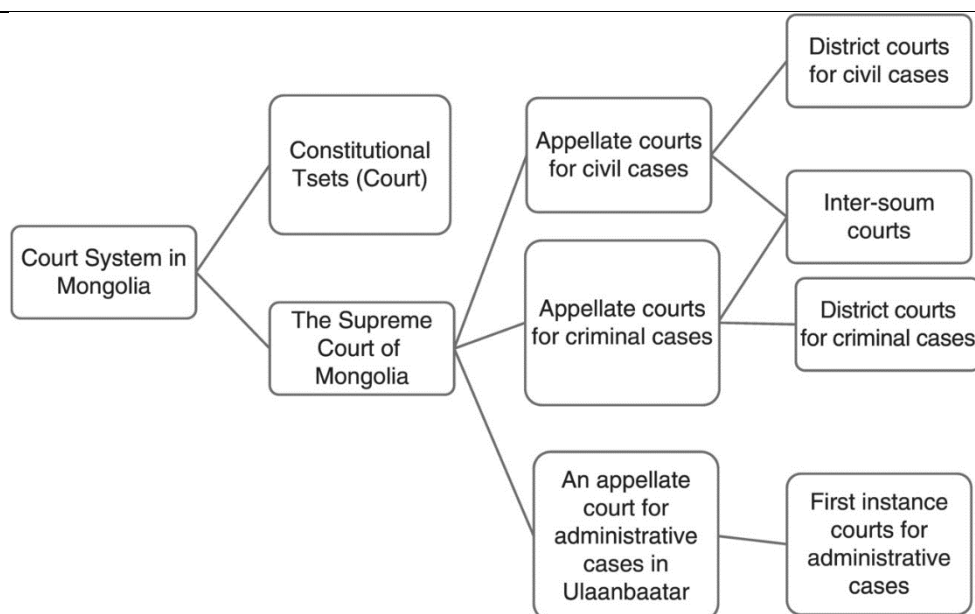
In addition, through the reforms, a new independent body was established, the **Judicial Disciplinary Committee (JDC)** which also becomes an important interlocutor for this Action. JDC is responsible for the suspension, dismissal and other disciplinary actions against judges. As a new institution it lacks capacity but has a significant role to play in ensuring independence of the judiciary as well. The opinion on the Law on Judiciary as prepared by OSCE/ODIHR raises a number of concerns in relation to the composition of the JDC (with judges/non-judges), the mixed roles (adjudicative, investigative, administrative), and the fact that independent experts can be involved in processing disciplinary cases files.

Furthermore, according to the legislation in place, the judicial system of Mongolia shall be organisationally independent and shall consist of three levels of ordinary courts: i) Supreme Court, ii) aimag and capital city courts (appellate courts), iii) soum or inter-soum and district courts (first instance courts). The **Constitutional Court** of Mongolia is the body which has full powers to exercise supreme supervision over the implementation of the Constitution, to render decisions on the breaches of its provisions, to settle constitutional disputes, and is the guarantor for the Constitution to be strictly observed.

In relation to the **Supreme Court**, the revised Law on Courts states that the Supreme Court “shall adjudicate matters concerning the rule of law, protection of human rights and freedoms transferred to it from the Constitutional Court and/or the state Prosecutor-General”. The OSCE/ODIHR 2020 Opinion noted that the actual meaning of this provision requires clarification regarding the types of cases referred to by the Constitutional Court and the Prosecutor General, or a cross-reference to the relevant legislation.

Following the revised Law on Courts, the **Judicial Training, Research and Information Institute** has been established under the Supreme Court. Its functions are to host trainings for judges; provide the courts and judges with research and information; provide the Supreme Court with research and information; propose development of laws; collect and analyse judicial statistics; inform and promote judicial reform activities; publish a peer-reviewed, legal periodical journal; provide courts with information; exchange, disseminate experience and collaborate with similar organisation; promote the advancement of judicial as well as legal fields. The Institute is composed of the Judicial Training Centre, Judicial Research Centre and Information Centre. This Institute is newly established and still requires significant capacity building. It nevertheless can play a key role in the effective implementation of the justice reforms.

Below is an overview of the court structure in Mongolia:



In order to ensure that the gender dimension is well incorporated, Gender focal points/Units of all these institutions will be also actively involved and consulted at all stages and coordination with the National Committee on Gender will be ensured. In Mongolia, **Civil Society Organisations (CSOs) as well as media** are essential for more accountable governance and freer societies and must be adequately resourced. Alongside strengthening government systems, there is also a need to make sure that CSOs can play their role to monitor and contribute to Government policies and laws. At the moment (2023) there is no robust system of participation and cooperation with CSOs. Their participation depends on individuals and proactiveness has been decreasing in recent years. CSOs can play a role in promoting an enabling environment allowing Mongolia CSOs and International NGOs to better contribute to the development and governance of Mongolia, as stated in the EU CSO Roadmap for Mongolia.

In this specific context, particular attention will be given to ensure a full and active involvement, at all stages, of those organisations representing the rights and interests of women in all their diversity as well as those persons living in vulnerable situations (i.e. youth, LGBTI people, persons living with disabilities, indigenous people, etc.) by helping them to link up with each other in order to exchange experiences and speak with a louder voice.

Concerning media, their capacity for investigative journalism and monitoring of government policies as well as judicial independence needs to be reinforced.

### 3 DESCRIPTION OF THE ACTION

#### 3.1 Objectives and Expected Outputs

The **Overall Objective** (Impact) of this action is **to enhance the Rule of Law and the citizens' trust in the State institutions.**

The **Specific Objectives** (Outcomes) of this action are to:

1. Increase efficiency, transparency, and inclusiveness of the justice system;
2. Strengthen institutional and performance capacity and independence of the justice actors;
3. Enhance participation of civil society and the media in accountability of the justice system.

The **Outputs** to be delivered by this action contributing to the corresponding Specific Objectives are:

**1.1** contributing to Outcome 1 (or Specific Objective 1): capacities of stakeholders in the justice sector are strengthened to integrate a human-rights based and gender responsive approach in the application of the law/enforcement of decisions, to implement recommendations from international bodies and to align legislation with international commitments of the country;

**1.2** contributing to Outcome 1 (or Specific Objective 1): increased accessibility to justice services across the country, especially for women and those groups living in the most vulnerable situations, with a people-centered approach.

**2.1** contributing to Outcome 2 (or Specific Objective 2): capacities of relevant judicial and legal trainings institutes are strengthened;

**2.2** contributing to Outcome 2 (or Specific Objective 2): enhanced framework of entry exams, performance evaluation, and disciplinary actions.

**3.1** contributing to Outcome 3 (or Specific Objective 3): strengthened relations between civil society organizations (including women's rights, youth, persons with disabilities and LGBTI organisations) and the justice system actors to promote dialogue and collaboration in the context of the justice reform process.

**3.2** contributing to Outcome 3 (or Specific Objective 3): improved relations and communication between media and courts/justice actors.

## 3.2 Indicative Activities

### Activities relating to Output 1.1

- Analyse existing training modules, conduct needs assessment (including from a human rights and gender perspective) taking also into consideration recommendations from international bodies.
- Based on needs assessment, support the development and delivery of training programs for justice sector duty bearers including on human rights-based and gender-responsive approaches to the law. Particular attention will be also paid to address discriminatory social and cultural norms as well as gender stereotypes and biases.
- Establish a human rights and gender responsive monitoring and evaluation system to track the integration of these approaches into law enforcement and decision-making.
- In collaboration with other stakeholders/duty bearers on the ground as well as relevant international actors, conduct a review of existing legislation (including identification of discriminatory clauses on gender and other grounds of exclusion) and identify areas where it can be aligned with international commitments and recommendations from international bodies, and provide recommendations for ways of alignment (legal support/expertise) and of prioritisation of the recommendations.

### Activities relating to Output 1.2:

- Conduct an assessment of the feasibility of digitalisation improvements (including reference to accessibility gaps in terms of gender or disability issues, among others) in the context of Mongolia and identification the opportunities for effective implementation including with a selected number of development partners.
- Support the development of an inclusive digitisation plan for justice services, with special attention to the risk of increasing the digital divide and social exclusion, ensuring access to justice for vulnerable populations, data protection from both an organizational and technical perspective according to international standards, as well as a high level of cybersecurity of such digital systems.
- Conduct a needs assessment to identify the existing gender gaps and the needs and interest of women and those people living in the most vulnerable situations and based on findings about their needs and concerns, develop targeted outreach and support programs to ensure their equal access to comprehensive justice services and transform the justice institutions and services to meet those needs.

### Activities relating to Output 2.1:

- Conduct a training needs assessment (including on gender and human rights) and based on findings, and overview of already existing training programs, support the Judicial Training, Research and Information Institute to develop and deliver training programs for judges, prosecutors, lawyers, and other justice actors to improve their skills, knowledge, and expertise. As mentioned above, particular attention will be paid to address discriminatory social and cultural norms as well as gender stereotypes and biases.
- Establish partnerships between European institutions and relevant legal and judicial training institutes in Mongolia to support ongoing professional development, and facilitate connections with peer institutions from EU Member States.

- Capacity building in the justice sector inter alia to improve legal drafting, communication with the media and the public, and implementation of international conventions at court level.

#### **Activities relating to Output 2.2:**

- Conduct a review of existing entry exams, performance evaluation, and disciplinary frameworks and identify areas for improvement in collaboration with other partners looking into these areas.
- Peer-to-peer exchange with EU Member States on these areas (identified that they need improvement) to support alignment of the relevant framework with best practices and international standards.

#### **Activities relating to Output 3.1:**

In the context of the on-going justice reform process:

- Support the introduction of mechanisms for regular and inclusive dialogue and collaboration between civil society organisations (including women, youth, people living with disabilities and LGBTI organisations) and justice system actors.
- Provide training and material support to civil society organisations in all their diversity to enhance their capacity to engage in dialogue and advocacy with justice system actors to promote more transparency, human rights-based and gender-responsive approaches.

#### **Activities relating to Output 3.2:**

- Develop and deliver human-rights and gender responsive training programs for media professionals on the justice system and the role of the media in promoting transparency and accountability.
- Facilitate the establishment of regular communication channels between the media and courts/justice actors to facilitate information sharing, taking into consideration best practices/approaches in EU Member States.
- Develop and deliver training programmes for relevant civil society organisations (including women's rights, youth, persons with disabilities and LGBTI organisations) on effective mechanisms for responding and enacting accountability towards the judiciary actors.
- Develop guidelines and best practices for media reporting on the justice system to promote accuracy, fairness, non-discrimination and full respect of human rights, including women's rights.

### **3.3 Mainstreaming**

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

Environmental Protection and Climate change are mainly outside the scope of the proposed action. However, given the significance of the extractives industry in Mongolia, strengthening the judiciary is relevant also from an environmental standpoint as corrupt practices, in regards to, for instance, granting exploration/mining licences, could have a detrimental effect on the environment. In addition, certain environmental considerations will be taken into account when possible during the following stages of the design of the project. This might look at, for example, the positive effect of digitalisation in terms of decreased use of paper, the need for the correct disposal of material provided by the project such as paper forms and registers and, more generally, making sure that the activities performed during the project are environmentally sustainable (e.g. decrease of waste during trainings/events organised).

#### **Outcomes of the SEA screening** (relevant for budget support and strategic-level interventions)

The Strategic Environmental Assessment (SEA) screening concluded that no further action was required.

#### **Outcomes of the EIA (Environmental Impact Assessment) screening** (relevant for projects and/or specific interventions within a project)

The EIA (Environment Impact Assessment) screening classified the action as Category C (no need for further assessment).

#### **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).

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

As per the OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that ‘gender equality and empowerment of women and girls’ is a significant objective for the action. It is mainstreamed across the various components and at three specific outputs (1.1, 1.2, 3.1) that are specifically dedicated to ensure gender-responsive approach in the application of law/enforcement of decisions, to increase access to justice for women, and to strengthen partnerships of CSOs, including women’s rights organisations, with justice system actors. In order to ensure a more transformative impact of the Action, particular attention will be paid to ensure that the main roots causes of gender inequality, in particular regarding to the justice sector are well addressed and that the existing gender stereotypes and biases are taking into consideration.

This is in line with the priorities identified in the Country-Level Implementation Plan (CLIP) for Mongolia under the Gender Action Plan (GAP) III, and also with the gender sector analysis that was undertaken by EU.

In particular, the Action contributes to thematic areas of engagement: “Promoting equal participation and leadership” and “Ensuring freedom from all forms of gender-based violence”

### **Human Rights**

Adopting a human rights based approach (HRBA) in law enforcement and application of law in courts, is one of the outputs foreseen for this action. This HRBA could consists of assessing the adequacy of laws, policies and strategies addressing human rights, identifying the main human rights problems in the justice area, and identifying services and service providers that can promote and protect human rights. With HRBA this Action could then focus on reinforcing the prime actors as duty bearers, so that they can engage in dialogue, meet their responsibilities, and hold justice delivery mechanisms and state institutions accountable for their shortcomings with respect to human rights. These may include legal and institutional reforms, capacity building and awareness-raising regarding human rights within legal institutions, advocacy activities, education and empowerment of those people living in the most vulnerable situations, and developing services and legal assistance. The Action also envisages to upgrade the legal and institutional set-up in order to bring the Mongolian justice system more in line with international standards, including human rights standards, as well as to bring more gender sensitiveness in the sector.

The action will applied the five Human Rights Based Approach principles, paying particular attention to ensure that:

- It contributes to build the capacities of duty-bearers to fulfil human rights obligations and gender equality commitments.
- It raises awareness of rights holders, in particular women and those people living in the most vulnerable situations (youth, persons living with disabilities, LGBTI and indigenous people), about their human rights and strengthens their capacities to claim their rights on access to justice.
- It strengthens the meaningful participation and cooperation with those organisations representing the rights and interest of women and those people living in the most vulnerable situations across the different activities.
- The role of civil society and the media as watchdogs, service providers but also “connectors” between public institutions and the citizens, is also highlighted throughout the action.
- It incorporates a ‘do no harm’ approach to prevent harmful outcomes.
- It promotes transparency and equal access to information (including disaggregated data at least by sex, age and disability status).

### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. This implies that this Action does not foresee activities that are directly targeting persons with disabilities. However, given that one of the Outputs (i.e. 1.2) is to increase access to justice, the necessary considerations will be made to ensure inclusiveness of persons with disabilities in this process.

### **Reduction of inequalities**

Although reduction of inequalities is not a significant objective, this Action will strive to ensure that the bottom (poorest) 40 per cent or socio-economically disadvantaged individuals, households or groups, are integrated when the Action looks into elements such as access to justice, benefitting from the circuit court system, digital services, and accessing information.

### **Democracy**

The proposed action builds on the recent justice reforms commitments as far as democratic governance and the rule of law are concerned and as outlined also in the Vision 2050 of the country. An independent, efficient and accountable justice system are key elements to uphold rule of law and enhance citizens' trust to the country, hence all values attached to a democratic system will be continuously mainstreamed in this Action.

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

The main objective of the proposed action is to support the effective implementation of justice reforms in Mongolia, which would contribute to bring public institutions closer to the people, and improve the trust between citizens and the State institutions. The action touches upon some topics which could be seen as socially divisive and/or politically sensitive such as, for instance, the fight against corruption/public accountability, strengthening independence of judiciary (which is closely linked to politics/vested interests). Some activities under this action will actually aim at raising awareness, giving a voice and empowering Mongolian citizens (working in partnership with civil society at large and media) on these sensitive issues. This will require as well carefully designed politically-sensitive approaches when designing, implementing and monitoring these activities to ensure that it does not create any social tensions. This action will therefore be instrumental to address several dimensions of fragility (societal and political in particular).

### **Disaster Risk Reduction**

Not applicable

### **Other considerations if relevant**

The action will explore how to support the digitalisation agenda (digitalisation of courts, proceedings, justice system) attached to the judicial reforms.

## **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>
(1) External environment	Significant changes in the Mongolia political landscape (after the 2024 elections) on rule of law-related commitments	Medium	High	<p>-Closely monitor political developments and use existing channels of dialogue (EU-Mongolia Joint Committee, Political Dialogue, Human Rights Dialogue) to advocate for upholding common values of democracy, rule of law and human rights.</p> <p>-Maintain regular and inclusive political dialogue with key executive, legislative and justice actors.</p> <p>-Encourage strong ownership of the action by the beneficiary public institutions.</p>



(1) External environment	Significant degradation of the macroeconomic/fiscal country situation, leading to major shifts in terms of reform priorities and budget available	Medium	Medium	Closely monitor economic developments/ and its possible impact on the action.
(2) Planning, processes and systems)	Lack of political will for a genuine reform.	Low	High	EU to increase high-level political dialogue with the Government. EU to continue using the GSP+ reporting mechanism and the EU- Mongolia Human Rights Dialogue and Joint Committee to: share best practices; support reforms in line with OSCE standards and Mongolia's international commitments; advocate for the translation of Mongolia's international commitments to practice
(3) People and the organisation	Discrimination practices in the judiciary sector often prevent citizens—especially women and those people living in the most vulnerable situations —from equal opportunities and full enjoyment of their rights.	Medium	Medium	EU to use the GSP+ reporting mechanism and the EU-Mongolia Human Rights Dialogue and Joint Committee to: share best practices; support reforms in line with OSCE standards and Mongolia's international commitments; advocate for the translation of Mongolia's international commitments to practice. Particular attention will be paid to build awareness of gender stereotypical language and behaviours and unconscious biases among judiciary officials.
(4) Legality and regularity aspects	The legislative and regulatory environment for CSOs and media may limit citizens' engagement in public affairs.	Medium	High	Enhance policy and political dialogue with the Government to promote civic participation and ensure an enabling and inclusive environment for civil society.
(4) Legality and regularity aspects	Corruption remains a prevalent risk, notably through close relationships between political, judiciary and	High	Medium	-Government has passed new laws and strong alignment between donor partners in PFM and judiciary reform, promoting transparency and accountability, should help reduce corruption opportunities. EU to keep monitoring the implementation of those.

	private sector circles.			-Maintain regular political and policy dialogue with government and other key stakeholders, including civil society, on the topics covered by the action
(5) Communication and information	Lack of Government led donor coordination in the sector leading to overlap and duplication	Low	Medium	-Advocate for the relevant authorities to proactively coordinate the support received from donors and ensure ownership.  -EU Delegation will continue maintaining an open channel of communication and exchange with all donors/partners and relevant project interventions in the sector to ensure complementarity of actions.

### Lessons Learnt:

This is the first time for the EU to engage in the justice sector in Mongolia as one of key sector under its 7-year strategy in Mongolia. Previously the EU has provided some small-scale support through a human rights and rule of law project and a project on increasing children's access to justice. In March 2023, EU also organised a 2-weeks TAIEX mission in Mongolia in cooperation with the Supreme Court of Mongolia, the Judicial General Council and the Judicial Disciplinary Committee, and with representative judges and advisors from Italy, Austria and Estonia. All participants focussed on digitalisation matters and accountability of judges/disciplinary actions. This Action therefore tries to build on the concise lessons learnt from these projects and also from other donor interventions.<sup>1516</sup>

Some of the key lessons learnt so far are: 1) justice landscape is very dynamic in Mongolia and progress in the reforms towards enhanced independence remains a big topic of discussion under close scrutiny by the public. This explains the need for close monitoring of political developments, flexibility/adaptability, constructive political dialogue and long-term engagement; 2) importance to maximize EU presence on the ground and engage in regular interactions with the key national stakeholders to build trust and ensure ownership of EU-funded initiatives; 3) the high value that the Government and the judiciary place in engaging in peer-to-peer relations with their counterparts in EU Member States; 4) the need to focus on gender equality within the justice sector as there are still significant gaps as far as gender-sensitive approach and awareness in the sector; 5) the importance to work at different levels of the justice chain (holistic approach) and to focus on a multi-stakeholders approach in terms of partners and beneficiaries, building partnerships not only with public institutions, but also with civil society organisations, private sector, the media and the local communities, as well as with other donors/partners or relevant projects to ensure complementarity of actions; 6) the opportunity to have a good government led coordination mechanism on the ground given the limited actors engaging in the sector; 7) the attention to be paid in a clear separation of powers between executive and judiciary since blurriness exacerbates citizens' lack of trust to rule of law.

<sup>15</sup> The draft report of this TAIEX mission is being finalised

<sup>16</sup> For instance, from projects implemented by GIZ, IDLO, Embassy of Canada.

### 3.5 The Intervention Logic

The underlying intervention logic for this action is that:

**IF** the society sees a strong and well-capacitated judiciary, that is independent and immune to political influence; **IF** they witness increased efficiency and transparency of the justice system that is open to all; **IF** there is active participation in the justice reform process by civil society actors and there is open communication with the media, **AND** Mongolian authorities from the executive, legislative and judiciary branches, are open and willing to review their national legislation to comply with international standards and recommendations **AND** they are keen to provide guarantees and dedicate financial resources to the reform of the judiciary **AND** they are genuinely committed to ensure a participatory process with maintaining an open dialogue with civil society and the media **THEN** we could see an enhancement of rule of law and citizens' trust to the State **BECAUSE** they will witness a well-functioning judiciary that is the pillar of democracy in the country and a key actor in fighting corruption.

In addition, **IF** there is a systemic and effective training programme for justice sector stakeholders on integrating human rights-based and gender-responsive approaches when implementing the law and enforcing court decisions, as well as on applying international conventions in their practice; **IF** there is a thorough review of existing legislation to align it with international commitments and recommendations from international bodies; **IF** there are efforts undertaken to reach out to more people including women in all their diversity and those living in the most vulnerable situations and increase their equal access to justice **AND** there is willingness from the justice sector stakeholders to learn and adopt such approaches and reviews in their practice, **AND** there is enough motivation to allocate resources for ensuring accessibility to justice for all **THEN** this can lead to increasing the efficiency, transparency, and inclusiveness of the justice system **BECAUSE** by aligning the legislation with international standards and recommendations, respecting human rights and ensuring access to justice for all, a more credible, effective and people-centered justice system is created, a system that citizens can have access to and trust.

Furthermore, **IF** there is a well-established Judicial Training, Research and Information Institute that can develop and deliver training programs for judges, prosecutors, lawyers, and other justice actors to improve their skills, knowledge, and expertise; **IF** there is a closer review of existing frameworks covering the whole career of a judge –from entry exam to retirement/disciplinary action- to align with international standards and include guarantees for the impartiality and independence of the judges, **AND** there is a common and lasting understanding from all branches of power that a strengthened and well-capacitated training and research institute is needed, as well as a thorough look at frameworks governing the career of a judge to increase their quality and alignment with international best practices, **THEN** the institutional and performance capacity and independence of the justice actors will be strengthened **BECAUSE** justice actors will be equipped with all necessary skills and tools to make informed and impartial decisions and to protect themselves from external influences.

Finally, **IF** there are well-established partnerships/communication channels with civil society and media; **IF** there is clear understanding of the justice system by the media and civil society, and conversely about the role of media and importance of civil society (including women, youth, people living with disabilities and LGBTI organisations) involvement in the reforms by the justice actors; **AND** there is genuine interest from all sides to collaborate, **THEN** we can see an enhanced participation of key duty bearers from the public in the justice reforms process which can increase public trust and confidence into the justice system **BECAUSE** they will be more actively involved, consulted and involved in the process.

### 3.6 Logical Framework Matrix

This indicative logframe 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	Assumptions
Impact	To enhance the Rule of Law and the citizens' trust in the State institutions.	<p>1. Score of Freedom House's Freedom in the World.*</p> <p>2. Score in Corruption Perceptions Index.*</p> <p>3. Human Rights and Rule of Law Country Score according to the Fragile State Index.*</p>	<p>1. 84/100 (2022)</p> <p>2. 33/100 (2022)</p> <p>3. 4.1/10 (overall score 51,6/120)-2022</p>	<p>1. 85/100 (2028)</p> <p>2. 35/100 (2028)</p> <p>3. 3.9/10 (overall score 50/120)-2026</p>	<p>1. Freedom House Freedom in the World Report.</p> <p>2. Transparency International Corruption Perceptions Index.</p> <p>3. Fragile State Index</p>	Not applicable
Outcome 1	1 Increased efficiency, transparency, and inclusiveness of the justice system.	<p>1.1 National legislation in the field of judiciary is in line with relevant OSCE/ODIHR recommendations.*</p> <p>1.2 National legislation in the field of judiciary is in place and/or amended in line with international standards.*</p> <p>1.3 Score in World Justice Index.</p> <p>1.4 Percentage of cases are overruled or where the sentence is reduced on appeal</p>	<p>1.1 National legislation partially in line with the OSCE/ODIHR recommendations (2023)</p> <p>1.2 UN Treaty monitoring bodies Recommendations report non-compliance (2020)</p> <p>1.3 0.54/1 (2022)</p> <p>1.4 Data will be centralised at inception stage</p>	<p>1.1 National legislation is in line with a majority of relevant OSCE/ODIHR recommendations (2028)</p> <p>1.2 Recommendations from UN Treaty Monitoring Bodies evidence alignment (2028)</p> <p>1.3 0.56/1 (2028)</p> <p>1.4 TBD following inception stage</p>	<p>1.1 Opinions of the OSCE-ODIHR.</p> <p>1.2 UN Treaty Monitoring bodies recommendations.</p> <p>1.3 World Justice Index.</p> <p>1.4 Public sector administrative data to be requested and analysed by the project at least twice during the implementation period</p>	Mongolian authorities from the executive, legislative and judiciary branches, in the context of the justice reforms, are open and willing to review their national legislation to comply with recommendations from international institutions and bodies.

		1.5 Number of pending cases in courts – first instance per 100 inhabitants (disaggregated by type of case: civil, commercial, administrative, and other)	1.5 Data will be centralised at inception stage as it is a constantly moving number	1.5 TBD following inception stage	1.5 <a href="http://www.shuukh.mn">www.shuukh.mn</a> (database where judiciary proceedings information are centralised)	
<b>Outcome 2</b>	2 Strengthened institutional and performance capacity and independence of the justice actors.	<p>2.1 % of the population who perceive the overall quality of justice dispensed as good or very good (disaggregated by sex, age and disability status).</p> <p>2.2 Share of budget allocated to the justice sector on the implemented budget.</p> <p>2.3 % of people who partly or fully agree that judges are able to make decisions without direct or indirect interference by Government or politicians (disaggregated by sex, age and disability status).</p>	<p>2.1 TBC following baseline survey (2023)</p> <p>2.2 1.62% (2023)</p> <p>2.3 TBC following baseline survey (2023)</p>	<p>2.1 TBD based on outcomes of baseline survey (2026)</p> <p>2.2 TBD during inception stage</p> <p>2.3 TBD based on outcomes of baseline survey (2028)</p>	<p>2.1 At least two rounds of public surveys as part of the project M&amp;E system.</p> <p>2.2 Government budget and report on execution.</p> <p>2.3 At least two rounds of public surveys as part of the project M&amp;E system.</p>	Mongolian authorities from the executive, legislative and judiciary branches have willingness to engage in the reform efforts, and provide the adequate number of resources, guarantees and attention to strengthen the capacity and independence of justice actors.
<b>Outcome 3</b>	3 Enhanced participation of civil society and the media in accountability of the justice system.	<p>3.1 Number of government policies developed or revised with civil society organisation participation through EU support. [GERF 2.29]**</p> <p>3.2 % of media representatives that feel that they are capable of holding the justice system accountable (disaggregated by sex, age).</p>	<p>3.1 0 (2023)</p> <p>3.2 TBC following baseline survey (2023)</p>	<p>3.1 At least 3 policies (2028)</p> <p>3.2 TBD based on outcomes of baseline survey (2028)</p>	<p>3.1 Reports from civil society organisations; websites of respective justice institutions; Country score according to the CIVICUS monitor; Live Enabling Environment Index (EEI) rating.</p> <p>3.2 At least two rounds of public surveys as part of</p>	Mongolian authorities from the executive, legislative and judiciary branches are open and willing to engage with civil society and media, and perceive them as key actors in upholding rule of law and democracy in the country, and as a key interlocutor in connecting with the wider public.

		3.3. % of civil society organisations (including women's rights, youth, persons with disabilities and LGBTI organisations) that feel that they are capable of holding the justice system accountable.	3.3 TBC following baseline survey (2023)	3.3 TBD based on outcomes of baseline survey (2028)	the project M&E system.  3.3 At least two rounds of public surveys as part of the project M&E system.	
<b>Output 1 relating to Outcome 1</b>	1.1 Capacities of stakeholders in the justice sector are strengthened to integrate a human-rights based and gender responsive approach in application of the law/enforcement of decisions, to implement recommendations from international bodies and to align legislation with international commitments of the country.	1.1.1 Number of stakeholders in the justice sector trained on human-rights-based, gender-responsive approaches and incorporating international commitments in the application of the law/enforcement of decisions with EU support (disaggregated by sex, age).  1.1.2 Number of recommendations from international bodies that are successfully implemented by the justice sector with EU support.	1.1.1 0 (2023)  1.1.2 0 (2023)	1.1.1 TBD at the inception stage  1.1.2 TBD at the inception stage	1.1.1 Training attendance sheets and reports; pre- and post-training assessments.  1.1.2 Reports from OSCE/ODIHR and UN treaty monitoring bodies.	Justice sector stakeholders are willing and motivated to learn and adopt human rights and gender-responsive approaches in their work, as well as integrating international commitments in the application of law/enforcement of decisions.
<b>Output 2 relating to Outcome 1</b>	1.2 Increased accessibility to justice services across the country, especially for women and those groups living in the most vulnerable situations, with a people-centered approach.	1.2.1 % of individuals who reported increased satisfaction with the accessibility to justice services (disaggregated by sex, age, location, disability status).  1.2.2 Status of development a judicial gender responsive sector policy.	1.2.1 TBC following baseline survey (2023)  1.2.2 Strategy not in place (2023)	1.2.1 TBD based on outcomes of baseline survey (2028)  1.2.2 Strategy developed and implemented (2028)	1.2.1 At least two rounds of public surveys as part of the project M&E system  1.2.2 Respective strategy and reports/information provided by judicial institutions for its implementation.	The judiciary branch is willing and motivated to cooperate with stakeholders e.g., the National Committee on Gender Equality to develop a gender sector policy; The relevant authorities are keen to explore how to make justice services available and accessible to all citizens irrespective of their gender, origin, financial status, location.



<b>Output 1 relating to Outcome 2</b>	2.1 Capacities of relevant judicial and legal trainings institutes are strengthened.	2.1.1 Number of trainers trained (following the ToT approach) to improve skills, knowledge and expertise of judges, prosecutors, lawyers, and other justice actors with EU support (disaggregated by sex, age).	2.1.1 0 (2023)	2.1.1 TBD at the inception stage	2.1.1 Reports from the project; Training attendance sheets and reports; pre- and post-training assessments	Training institutes, eg. JTRII are recognised key in providing research input, legal knowledge/advice and trainings to justice actors.
<b>Output 2 relating to Outcome 2</b>	2.2 Enhanced framework of entry exams, performance evaluation, and disciplinary actions.	2.2.1 Status of framework for entry exams, performance evaluation and disciplinary actions.	2.2.1 Relevant frameworks are in place but not fully aligning with international standards and recommendations by international bodies (2023)	2.2.1 Relevant frameworks aligning with the majority of international standards and recommendations by international bodies (2028)	2.2.1 Reports from OSCE/ODIHR, UN treaty monitoring bodies.	The judiciary branch recognises the need for improvement of the relevant frameworks and are open to review them from the starting point of the career of the judge until the end including any necessary disciplinary actions.
<b>Output 1 relating to Outcome 3</b>	3.1 Strengthened relations between civil society organizations (including women's rights, youth and persons with disabilities organisations) and the justice system actors to promote dialogue and collaboration in the context of the justice reform process.	3.1.1 Number of CSOs supported by EU in organizing an advocacy event or publishing advocacy material on the justice sector's independence, impartiality or accountability (including budget tracking and other monitoring activities) disaggregated by type organisation.  3.1.3 Number of trainings provided to CSOs to enhance their capacity to engage in dialogue and advocacy with justice system actors with EU support (disaggregated by type of organisation).	3.1.1 0 (2023)  3.1.2 0 (2023)  3.1.3 0 (2023)	3.1.1 At least 3 CSOs (2028)  3.1.2 At least 3 trainings (2028)  3.1.3 At least 3 joint initiatives (2028)	3.1.1 Project M&E system – database of event participants (disaggregated by sex and location), reports or links to online advocacy material produced by CSOs with EU support.  3.1.2 Reports from the trainings with attendance and evaluation sheets; pre- and post-training assessments  3.1.3 Reports from CSOs on the joint initiatives	Justice system actors are committed and have the capacity to engage with civil society organizations and promoting partnership and collaboration in the justice reform process, and vice versa.

		3.1.4 Number of joint activities conducted by civil society organizations and justice system actors to promote dialogue and collaboration in the context of justice reforms in the country (disaggregated by type of organisation).			organised; websites of relevant justice institutions.	
<b>Output 2 relating to Outcome 3</b>	3.2 Improved relations and communication between media and courts/justice actors.	<p>3.2.1 Number of media training workshops conducted for justice system actors to improve their understanding of the role of the media and their ability to communicate effectively with journalists with EU support.</p> <p>3.2.2 Number of training sessions for media representatives on the justice system, its processes and procedures, and the importance of accurate reporting with EU support.</p>	<p>3.2.1 0 (2023)</p> <p>3.2.2 0 (2023)</p>	<p>3.2.1 At least 3 media training workshops (2028)</p> <p>3.2.2 At least 3 training sessions (2028)</p>	<p>3.2.1 Reports from workshops; pre- and post-training assessments</p> <p>3.2.2 Reports from training sessions; pre- and post-training assessments</p>	<p>The justice system actors who attend the training workshops demonstrate increased willingness to engage with the media in a transparent and constructive manner; The media representatives who attend the training sessions apply the knowledge and skills acquired during the training in their work and report accurately and responsibly on justice issues.</p>

## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with the partner country.

### 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 **60 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>17</sup>.

#### 4.3.1 Direct Management (Grants)

##### **Grants: (direct management)**

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

The proposed Twinning modality of a grant nature will contribute to institution building based on partnership cooperation between the targeted public administration and accepted mandated bodies of Member States with the purpose of achieving all three objectives, especially specific objectives 1 and 2 and their respective outputs. These objectives are linked to the policy dialogue, planned and agreed reform process in the beneficiary country and capacity building of beneficiary administration enabling to put in place an effective mechanism to promote efficiency, transparency and accountability of the justice system as well as to improve relations with media and the public.

Secondment of a full-time Member State expert (Resident Twinning Advisor – RTA) and short-term expertise to a Beneficiary administration will enable to share best practice and know-how, to strengthen capacity and guide for key decisions supporting Mongolia to implement its policies.

##### **(b) Type of applicants targeted**

This action to be implemented in direct management with an (or a consortium of) EU Member State Agency in accordance with Article 62(1)(c) of Regulation (EU, Euratom) 2018/1046. Contracting Authority will circulate the Twinning Fiche, which constitutes the launch of the Call for Proposal, simultaneously to all Member States National Contact Points (Member State NCP) by e-mail (with a copy to the Twinning Coordination Team, specifying the deadline for the submission of proposals and the indicative date of the selection meeting). Member States shall prepare proposals based purely on the comparative advantage of their administrative system and the quality, experience and availability of public expertise required for the implementation of the project. Member State NCP shall submit proposals to the Contracting Authority and to the Twinning Coordination Team.

The part of the action under the budgetary envelope reserved for grants may, partially or totally and including where an entity is designated for receiving a grant without a call for proposals, be implemented in indirect management with an entity, which will be selected by the Commission's services using the criteria defined in Section 4.3.2.

<sup>17</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.

#### 4.3.2 Indirect Management with an entrusted entity

Specific objective 3 of the action may be implemented in indirect management with an entity(ies), which will be selected by the Commission's services using the following criteria:

1. technical expertise in the targeted sectors (justice/ rule of law, accountability, gender equality);
2. knowledge of the country context and experience in Mongolia;
3. Capability to ensure coordination and operating coherently at all levels with Mongolian public institutions as well as other organisations and stakeholders and donors dealing with these sectors (including civil society, associations, media, etc.);
4. Experience in promoting alignment of EU interests, policies and values in partner countries.

The implementation by this entity entails close collaboration with civil society, media and justice actors to increase mutual awareness, build partnerships.

In case of need, this entity could also potentially provide complementary support to the outputs of the other specific objectives.

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

If foreseen part of this Action cannot be implemented in direct management as specified in 4.3.1 due to circumstances outside of the Commission's control, it would be implemented in indirect management with an entrusted entity to be selected in accordance with the criteria envisaged in section 4.3.2 above. Indirect management will contribute to the achievement of all three specific objectives specified in 3.1.

In case, due to circumstances outside of the Commission's control, it is not possible to implement the action in indirect management with a pillar-assessed entity described under section 4.3.2, the alternative implementation modality will be direct management (procurement). Procurement (direct management) will contribute to the achievement specific objective 3 of the action specified in 3.1.

#### 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, subject to the following provisions.

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

Indicative Budget components	EU contribution (amount in EUR)
<b>Implementation modalities</b> – cf. section 4.3	
Grants (direct management) – Twinning grant cf. section 4.3.1	1 500 000
Indirect management with an entrusted entity - cf. section 4.3.2	500 000

<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	The financing of the evaluation may be covered by another measure constituting a Financing Decision
<b>Contingencies</b>	N/A
<b>Totals</b>	2 000 000

## 4.6 Organisational Set-up and Responsibilities

The implementation of a Twinning project is overseen by a Project Steering Committee, whose members are the Contracting Authority, the EUD (if applicable), the Member State Project Lead (PL), the junior Member State PL(s) (in case of consortium) and the Beneficiary PL, as well as the Resident Twinning Advisor (RTA) and the RTA counterpart.

Member State Component Leaders and Beneficiary Component Leader counterparts should participate in the debates on topics related to their competences.

Other relevant entities should be invited to the meetings, taking into consideration the broader reform picture in the partner country, aiming at ensuring coherence and coordination between the project and other actions, especially ongoing horizontal public administration reform efforts and sectorial activities that could have an impact on the project.

The Project Steering Committee convened by the RTA meets at quarterly intervals and is jointly chaired by the Member State PL and the Beneficiary PL. The main duties of the Project Steering Committee include verification of the progress and achievements vis-à-vis the results, ensuring good coordination among the actors, finalising the quarterly interim reports and discussing the updated work plan and any new CVs of experts implementing upcoming activities.

With regard to the part of the Action that may be implemented under indirect management with an entrusted entity(ies), a Project Steering Committee will be established and co-chaired by the EU, and the relevant Mongolian counterparts, and the selected implementing partner(s) will provide the secretariat. This committee, which may also be joined by other development partners, civil society and other beneficiaries if relevant, if contributing to the same overall objective, will meet a minimum of twice a year and will be instrumental to ensure policy dialogue and contribute to specific sector coordination and high-level strategic steering and oversight of the project. The final organisational set up will be confirmed and further detailed during the inception of the project.

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 and may sign or enter into joint declarations or statements, for the purpose of enhancing the visibility of the EU and its contribution to this action and ensuring effective coordination.

# 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 partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

The 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 will fall under the responsibility of the implementing partners.

In relation to Twinning, the Contracting Authority shall regularly review the implementation of the project amongst other through its participation in the Project Steering Committee meetings. When the EUD is not the Contracting Authority, the EUD shall coordinate with the Contracting Authority the monitoring approach as part of their agreements regarding monitoring.

Monitoring shall be based on the indicators defined during the Twinning project conception/proposal and/or defined in the initial and subsequent work plans and conducted in agreement between the Member State and Beneficiary country. Findings discussed during the quarterly Project Steering Committee meetings should also be considered. This might lead to adjustments of the (implementation) approach and/or trigger a reorientation of the whole project or, in extreme cases, its suspension or termination.

The implementation of Twinning projects may also be assessed by other monitoring activities performed either in the framework of the political dialogue, EU financial assistance monitoring committees and/or as part of a sector-level monitoring structures established in the Partner country.

Should the Contracting Authority and/or the EUD want to have input from the RTA, supporting its general monitoring practices and/or potential inputs in support of the political dialogue, the RTA should provide such input.

In the case of the part of action that may be in indirect management with an entrusted entity(ies), the entity(ies) will be responsible for conducting the baseline and endline surveys as well as regular monitoring and evaluation (M&E) and reporting of all project activities. In addition to its regular M&E functions, and when applicable, the entrusted entity will also be responsible for M&E, including financial monitoring and management of grants to CSOs and will include relevant details in the reports referred to above. To this end, the entrusted entity will ensure the inclusion of a full- or part-time M&E Officer in its project team.

All monitoring and reporting shall assess how the action is considering the principle of gender equality, human rights-based approach and rights of persons with disabilities including inclusion and diversity. Indicators shall be disaggregated at least by sex and age, and disability if possible.

## 5.2 Evaluation

Having regard to the nature of the Action, a mid-term may be carried out for this Action or its components via independent consultants contracted by the Commission.

The mid-term evaluation will be carried out for problem solving and learning purposes, in particular with respect to realign activities, to address any changes that have occurred, and to support determining what could be the follow-up actions that could be formulated.

Having regard to the nature of the action, a final evaluation will be carried out for this action or its components via independent consultants contracted by the Commission. Evaluation shall also assess to what extent the action is taking into account the human rights-based approach as well as how it contributes to gender equality and women's empowerment and disability inclusion. Expertise on human rights, disability and gender equality will be ensured in the evaluation teams

The Commission shall inform the implementing partner(s) at least one month in advance of the dates envisaged for the evaluation missions. The implementing partner(s) 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. 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. The financing of the evaluation may be covered by another measure constituting a Financing Decision.

### 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.

In line with the 2022 “[Communicating and Raising EU Visibility: Guidance for External Actions](#)”, 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 in principle 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.



## Appendix 1 REPORTING IN OPSYS

A Primary Intervention (project/programme) is a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Identifying the level of the primary intervention will allow for:

Articulating Actions or Contracts according to an expected chain of results and therefore allowing them to ensure efficient monitoring and reporting of performance;

Differentiating these Actions or Contracts from those that do not produce direct reportable development results, defined as support entities (i.e. audits, evaluations);

Having a complete and exhaustive mapping of all results-bearing Actions and Contracts.

Primary Interventions are identified during the design of each action by the responsible service (Delegation or Headquarters operational Unit).

The level of the Primary Intervention chosen can be modified (directly in OPSYS) and the modification does not constitute an amendment of the action document.

The intervention level for the present Action identifies as;

Contract level		
<input checked="" type="checkbox"/>	Single Contract 1	Twinning grant contract
<input checked="" type="checkbox"/>	Single Contract 2	Contribution Agreement with a pillar assessed entity(ies)