



EN

THIS ACTION IS FUNDED BY THE EUROPEAN UNION

ANNEX I

to the Commission Implementing Decision on the financing of the special measure in favour of the people of Myanmar for 2024

Action Document for Protecting access to justice and fundamental rights for vulnerable groups in Myanmar

SPECIAL MEASURE

This document constitutes the annual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23(4) of the NDICI-Global Europe Regulation.

1 SYNOPSIS

1.1 Action Summary Table

1. Title CRIS/OPSYS business reference Basic Act	Protecting access to justice and fundamental rights for vulnerable groups in Myanmar OPSYS number: ACT-62474 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)
2. Team Europe Initiative	No
3. Zone benefiting from the action	The action shall be carried out in Myanmar
4. Programming document	Special measure in the absence of a MIP
5. Link with relevant MIP(s) objectives / expected results	N/A (no country MIP)
PRIORITY AREAS AND SECTOR INFORMATION	
6. Priority Area(s), sectors	Priority Area 1: Governance & Peace
7. Sustainable Development Goals (SDGs)	Main SDG: SDG 16 - Promote peaceful and inclusive societies for sustainable development. In particular target 16.3 “Promote the rule of law at the national and international levels and ensure equal access to justice for all”. Other significant SDGs and where appropriate, targets: SDG 5 “Gender Equality”, SDG 10 “Reduced Inequalities” & SDG 17 “Partnership for the Goals”.
8 a) DAC code(s)	15130 – Legal and judicial development (50%) 15160 – Human Rights (30%) 15150 – Democratic participation and civil society (10%)

	15220 – Civilian peace-building, conflict prevention and resolution (10%)			
8 b) Main Delivery Channel	Non-Governmental Organisations (NGOs) and Civil Society – 20000 Other public entities in donor country - 11004			
9. Targets	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
10. Markers (from DAC form)	General policy objective @	Not targeted	Significant objective	Principal objective
	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"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	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"/>
11. Internal markers and Tags:	Policy objectives	Not targeted	Significant objective	Principal objective
	Digitalisation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services	YES <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Connectivity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity energy	YES <input type="checkbox"/> <input type="checkbox"/>	NO <input type="checkbox"/> <input type="checkbox"/>	

	transport health education and research	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
	Migration @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
12. Amounts concerned	Budget line(s) (article, item): 14.020131 Total estimated cost: EUR 12 000 000 Total amount of EU budget contribution: EUR 12 000 000			
MANAGEMENT AND IMPLEMENTATION				
13. Type of financing	Direct management through: - Grants - Procurement Indirect management with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.1.			

1.2 Summary of the Action

Myanmar's access to justice has deteriorated significantly in the aftermath of the February 2021 military coup. Amidst the collapse of fundamental freedoms and democracy, access to formal justice institutions has become increasingly elusive, with courts controlled and used by the regime to crackdown on pro-democracy actors. Erosion of trust in state structures and the prevalence of socio-religious customs prompt many to either not seek redress for their grievances or to go to informal community-based mechanisms, though these pathways for justice also face challenges, in particular regarding unfair and/or discriminatory practices towards women, children and other marginalised groups. The newly empowered justice systems emerging in territories controlled by ethnic organizations (EOs) and the National Unity Government (NUG) further contribute to the complexity of the justice landscape, with varying capacities and commitment to rule of law principles.

In this environment, this action aims at improving equal access to justice and protecting fundamental rights for vulnerable groups. Working both on criminal and civil justice aspects, the action will strengthen citizen's legal empowerment and access to legal aid, so that Myanmar people, and in particular groups such as women or people arrested for political reasons, are better aware of their rights and of the services they can access to defend themselves in court. Activities will be focused on ensuring quality and availability of legal aid services for defendants facing charges under the formal system. The action will also support justice seekers intending to access justice through local, informal and community-based mechanisms, both by supporting their access to information and legal services, and by working on improving the capacities as well as the inclusivity, respect of human rights and fairness of selected mechanisms demonstrating commitment to rule of law principles. Finally, the action will support organisations working on crucial issues around protection of fundamental rights and the promotion of the rule of law, enabling them to deliver improved rights defence, dispute resolution and justice services to local communities, and to foster dialogue and shape conversations with communities and key stakeholders on topics related to justice, accountability, integrity, gender equality and human rights. Through this Action, the EU's main priorities are to uphold the rights of women and other vulnerable groups by ensuring they have access to justice mechanisms that take into account their specific needs; to continue to support the resilience of legal practitioners and networks offering legal aid and upholding the right to legal representation; and to contribute to community-based approaches to peacebuilding by equipping communities to resolve disputes at local level through non-violent means.

The programme will build on the progress from the first two phases of EU support to access to justice in Myanmar implemented since 2015, including the most recent one which was implemented through the post-Coup period, generating many lessons learnt on how to best support a sector with multi-layered challenges. This new action will focus on the most successful aspects of previous interventions, while also putting an emphasis on longer term sustainability and capacity-building of local actors to take over service provision and build greater financial resilience, to the extent possible under the current context. This new phase will also put a greater emphasis on youth engagement to empower the next generation of youth leaders and justice advocates and provide them with skills development in areas such as mediation and dispute resolution. All States/Regions of Myanmar may be targeted by this Action, but specific attention will be given to the States/Regions with existing EU-supported legal aid centres¹, as well as to ensuring a more balanced distribution of activities between different controlled areas.

Fully acknowledging access to justice is a sensitive topic under the current Myanmar context, the action will ensure do-no-harm and conflict sensitive approaches are used through the design of all its components, also ensuring due diligence is observed in the selection of the partners and target groups. The action will contribute to SDG 16 “Promote peaceful and inclusive societies for sustainable development”, SDG 5 “Gender equality”, SDG 10 “Reduced Inequalities” and SDG 17 “Partnership for the Goals”. It has a gender marker G1 and will contribute to the implementation of GAP III² in the country, and in particular to the thematic area of engagement 1 “Ensuring freedom from all forms of gender-based violence” and 4 “Promoting equal participation and leadership”, while also mainstreaming the thematic area 5 “Integrating the women, peace and security agenda”.

2 RATIONALE

2.1 Context

Three years after the February 2021 military coup, Myanmar remains trapped in conflict, political instability and a growing humanitarian crisis. The last months of 2023 were marked by an increase in the intensity of the conflict. A third of the population, 18.6 million, are now estimated to be in dire need of humanitarian assistance, with women, girls, persons with disabilities and stateless Rohingya people among those impacted the most. Development gains are under extreme threat, with poverty levels back to what they were 15 years ago. Meanwhile, humanitarian activities continue to be obstructed on the ground³, forcing already vulnerable communities, including over 3 million internally displaced persons (IDPs), into even more precarious conditions.

Collapse of fundamental freedoms, democracy and rule of law

Alongside social and economic rights, civic and political rights have been severely regressing in the country. The past three years of nation-wide conflict have been marked by repression of peace activists and pro-democracy actors, gross human rights violations including killings of civilians, torture and extra-judicial killings, suppression of freedom of expression and weaponization of the law against anyone expressing dissent. This dire situation is reflected in the country’s continuous fall in most of the human rights, democracy and rule of law world indexes. The country now ranks second to last in the World Justice Project (WJP) on respect of fundamental rights⁴, second to last also in the Democracy Index⁵ and maintains its position as the most violent country in the world for the second consecutive year according to the 2024 ACLED Conflict Index⁶. In this context, the need to deliver on accountability and justice demands in the post-conflict future is increasingly taking centre stage in pro-democracy

¹ Ayeyarwady Region, Bago Region, Yangon Region, Mandalay Region, Nay Pyi Taw Union Territory, Shan State, Kayin State, Mon State

² 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 endorsed by 24 Member States.

³ Myanmar Humanitarian Report, No. 34, UN OCHA, 10 November 2023 at

<https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-update-no-34-10-november-2023>

⁴ <https://worldjusticeproject.org/rule-of-law-index/country/2023/Myanmar/Fundamental%20Rights/>

⁵ Democracy Index established by the Economist Intelligence Unit, report available at :

<https://www.eiu.com/n/campaigns/democracy-index-2023/>

⁶ Conflict Index published annually by ACLED - Armed Conflict Location & Event Data (ACLED) Project, data available at :

<https://acleddata.com/conflict-index/>

discourse, with important opportunities to be seized in working with emerging coalitions of actors to build consensus on future transitional justice mechanisms.

Capture of formal justice institutions and weaponization of the law

Myanmar continues to witness a deterioration of its citizens' access to justice. Since the Coup, most justice institutions have either stopped functioning or have been co-opted by the regime or compromised to the point that they cannot provide justice for ordinary people. Threats, unwarranted arrests, abusive treatment and violence during arrests are commonplace. Particularly important is the situation of women activists that keep working under constant threat and distress for them and their families. The Assistance Association for Political Prisoners (AAPP) reports that in 2023 at least 550 people were killed in various ways after being detained. Prisons also suffer from serious overcrowding and prisoners lack access to basic services. The justice sector-wide institutional crisis has been exacerbated by the regime's revision of the legal framework in ways that enhance its power, diminish accountability, and provide legal cover for human rights violations. These revisions have included expanding the scope of criminal offenses, imposing more severe penalties, broadening immunities for security forces, and reviving special military courts. Since 2023, we observe a shift in the identity of those targeted by the regime. Whereas in the past a large number of the politically motivated cases consisted of individuals engaged in public protests, public display of dissent has now drastically reduced and the military seems to be targeting individuals it regards as more serious political threat. Aside from civilian courts, military tribunals continue to operate in the townships under martial law⁷ and hand down the harshest sentences. Out of all judicial processes, these are the most problematic, with a complete lack of access, transparency, legal representation and right of appeal.

Many lawyers are under surveillance and receive threats on a regular basis⁸. Recently introduced legislation now requires the disclosure on an annual basis of confidential and sensitive information by lawyers relating to case load and sources of incomes. Another recent amendment of the Legal Aid Law restricts access to legal aid for pre-trial detainees and non-citizens, places limits on the role of paralegals, and undermines the independence of legal aid bodies. Corruption and judicial subservience also continues to threaten effective and ethical representation as governmental justice actors increasingly demand petty bribes to perform routine functions such as hearing cases and copying files, while seeking larger sums to guarantee case outcomes.

Yet, in a post-coup context, and despite huge challenges to work on access to justice, support to legal aid and rights defense through state courts takes paramount importance, in first instance in order to protect individuals and groups targeted because of their engagement for democracy, but also because, as most citizens and civil society are searching for a new vision for Myanmar's future, there is the opportunity to lay the foundations for a future polity built from the bottom up with rule of law orientations and full recognition of the value of political accountability.

Previous EU funded justice interventions show that legal empowerment interventions which include basic concepts such as fairness, justice, laws as protection, and rights-based approaches do impact community attitudes. They also confirm that state capture of the judicial system is not complete. Local courts and police generally consider the Legal Aid centres as valuable actors to the extent that they continue to refer cases to them despite the overall collapse in the rule of law⁹.

Unmet justice needs and preference for informal and community-based dispute resolution mechanisms

The absence of civilian rule of law to address injustices and human rights violations, as well as violations of international humanitarian law, has entrenched impunity. Additionally, in this context, it also appears extremely difficult for ordinary citizens to resolve their grievances peacefully and effectively through the civil justice system¹⁰. Given the capture of the formal justice system by the regime, as well as factors pre-existing the military coup such as distrust of state structures, lack of legal awareness and pervasive socio-religious customs, people seeking justice are prompted to opt for the lowest level possible of community dispute resolution mechanisms to solve their justice needs. Even before the 2021 military Coup, people tended to see the role of the justice sectors and of the law as means to control people, rather than providing processes to protect people's right or resolve

⁷ 61 township across Myanmar out of a total of 330, as of March 2024

⁸ For a comprehensive overview of the threats faced by lawyers, see the report "A State of Collapse" (Report, September 2022) https://www.academia.edu/86369434/A_State_of_Collapse_The_Experience_of_Lawyers_Seeking_Justice_in_Post_coup_Myanmar

⁹ According to "My Justice II" 2023 annual report, 19% of Legal Aid centres' caseload were referred from courts and police

¹⁰ As suggested by the very low ranking (138/142) of Myanmar on the "Civil Justice" indicator of the WJP <https://worldjusticeproject.org/rule-of-law-index/country/2023/Myanmar/Civil%20Justice/>

disputes¹¹. In this context, the informal sector has become increasingly relevant. Community leaders are identified as the primary justice actors citizens go to for justice functions. This is particularly true for civil justice day-to-day issues, in particular family law (such as divorce, child custody and inheritance), land disputes, debts or drug related cases. More serious and criminal offences are usually referred to the formal system. Informal justice service provision is however also experiencing serious challenges and disruption given the ongoing conflict and general governance challenges. A breakdown in trust, prevailing insecurity and a vacuum in local administration in some areas, has meant that dispute and resolution and resolving justice issues has shifted more to family and personal relationships rather than justice actors.

Emerging justice systems

In parallel to the informal sector, justice systems of various ethnic and resistance actors in the territory they control is a reality on the ground which is gaining importance, especially over the past year. In non-SAC controlled areas, EOs and pro-democracy bodies' justice administration is fast evolving, with new actors now also delivering justice services, despite lacking clear policy and operational guidance. A notable development in 2022 was the NUG establishing for the first time a judiciary and a police force in territories it controls in Sagaing Region. But given the high levels of conflict, the NUG's ability to operate and deliver justice services remains to be demonstrated. Nonetheless, justice remains an important area of governance where NUG aims to assert its legitimacy.

Similarly, some EOs have either established new justice systems or taken steps to strengthen existing ones. As a result of the territorial gains achieved by EOs and resistance forces in 2023, a large proportion of the population now live under the rule of armed groups with varying capacities to govern. Whilst most groups recognise the importance of a functioning justice system in the territories that they control, not least to establish their own legitimacy, the highly fluid operating context and variable access to resources and expertise means that there are huge variations in the justice systems that are being established. In addition, the commitment of these groups to access to justice and rule of law principles is unclear, with evidence of the widespread use of the death penalty and inhumane treatment of prisoners. The depth and detail of information on each of these systems is not uniform, as research on some is more accessible than others. Despite some EO justice systems being relatively formalised, research shows that in practice they are built off village-level institutions which are recognised as the primary site for dispute resolution. The range of services offered is therefore similar to those offered through community justice mechanisms, although more advanced systems are also dealing with more serious criminal offences.

The fragmented Myanmar justice landscape is an operational reality, as such any support requires a differentiated approach while ensuring that any engagement embeds a number of safeguards for fairness and inclusivity, protects human rights, and encourages the development of common minimal standards to facilitate integration of these systems in the future.

Disproportionate impact of the context on women, poor and marginalised groups

Across all formal, informal and ethnic systems, some groups appear more vulnerable and disempowered in relations to justice. This includes in particular those from ethnic or religious minority groups, those with low level of education, rural inhabitants, persons with disabilities and women. Certain groups experience multiple justice issues more often, therefore compounding the effects of injustice. Moreover, these groups are also more careful when seeking justice because of increased risks of being stigmatized or discriminated, or even further violated.

Other groups, such as persons with disabilities might not be aware of all their rights and able to recognise these as injustices or to seek redress because of stigma, inaccessible processes and stronger dependency on their families and communities, which puts them at particular risk. Women and girls are particularly vulnerable. Following the Coup, an estimated 5,134 women have been subjected to arbitrary arrest, with documented systematic sexual abuse in detention and deprivation of medical care and hygiene products¹². More generally, gender-based crimes committed by all parties to the conflict are characterised by a complete lack of accountability. Justice systems, including traditional ones, are highly uneven in delivering justice to survivors of gender-based violence and crimes in general.

¹¹ A justice study conducted under the first phase of the EU-funded My Justice programme in 2018 among 3,565 respondents showed that only 16% of citizens think that laws are useful to settle disputes, and only 9% that laws are protecting the rights of people.

¹² As of 22 December 2023 (source: Trend analysis: Conflict-related sexual violence in Myanmar, Biannual assessment, Edition 2/2023 (1 July to 31 December))

2.2 Problem Analysis

This action aims to address several factors impeding citizens to claim or defend their rights and/or access fair, equal and inclusive justice and dispute resolution mechanisms to address their needs. It will also address some specific barriers that vulnerable groups, including women, persons with disabilities, older people, children and the poor are facing. These barriers can be analysed and divided into the following problem statements.

Low understanding of rights and where to seek assistance

A significant portion of the population in Myanmar lacks a comprehensive understanding of their legal rights and the options and avenues (both formal and informal) available to seek assistance when these rights are violated. This lack of legal awareness contributes to barriers in accessing justice, as individuals may not recognize when their rights have been infringed upon or know where and to whom turn to for help. Additionally, when people face disputes in their communities, disputants decide to take no action in nearly half of the cases. The main reasons given are that it would be a waste of time, too expensive, that the disputant does not want to upset the other party or that the disputant does not know whom to approach to solve the issue¹³.

The contributing factors of this issues are many, but include in particular the **complexity of the Myanmar legal system(s) and language barriers for ethnic minorities**. Myanmar's legal system is complex and multi-layered, with several formal, customary, and religious legal frameworks coexisting and judicial actors overlapping. Navigating systems is challenging for individuals without legal support. Myanmar's linguistic diversity also poses additional obstacles. This can also be an obstacle for persons with disabilities, some who would need information in accessible format or to be supported by a third person to access information.

If not addressed, lack of legal awareness contributes to the underreporting of rights violations, allowing perpetrators to act with impunity and perpetuating cycles of injustice. Additionally, it reinforces inequalities in access to justice, since individuals from marginalized communities, including women, children, youth, ethnic minorities, and persons with disabilities, are disproportionately affected, further widening existing inequalities.

Low quality, availability and accessibility of legal aid services

Legal aid services in Myanmar suffer from various shortcomings, including inadequate quality, limited availability, and poor accessibility. These deficiencies hinder individuals, particularly those from disadvantaged backgrounds, from accessing timely and effective legal assistance.

The contributing factors of this issue include the **resource constraints** legal aid organisations are facing in Myanmar, including insufficient funding, staffing shortages, and limited infrastructures. These limitations hinder their capacity to provide high-quality or sufficient legal assistance. **Geographical barriers** are also to be taken into account. Legal aid services are primarily concentrated in urban areas, leaving individuals in rural and remote regions with limited access to legal assistance. Additionally, certain marginalized groups, such as women, children, and persons with disabilities, require **specialized legal aid services tailored to their specific needs** and situations. However, the availability of such services is often lacking, leaving these groups underserved. Women are facing additional challenges when it comes to accessing legal support, including limited time away from family responsibilities and social customs implying that certain type of grievances, including sexual and gender-based violence, should be traditionally settled within the family circle or through the mediation of (often untrained) third parties trusted by the family rather than through legal mechanisms, trivialising the degree of criminalisation of such cases. The risk is aggravated for women with disabilities, particularly those who are deaf or have intellectual disabilities, who may be more dependent on their families, even for survival and also often are stigmatised in their communities.

If not addressed, the low quality, availability and accessibility of legal aid services leads to denial of justice, particularly for marginalized groups. This is particularly preoccupying in the cases of politically motivated arrests, where arrestees are more likely to lack access to competent legal advice and representation, due to the fear of reprisal of lawyers after representing such cases. Similarly to the issue of legal awareness, the unequal distribution of legal aid services perpetuates existing inequalities, disproportionately affecting those with limited financial resources or living in remote areas, further exacerbated by prevailing discriminatory social and gender norms.

¹³ Data extracted from surveys carried out under the EU-funded programme “Deepening Access to Justice in Myanmar (MyJustice II)”

Low capacity of ethnic, emerging, non-formal and community-based dispute resolution mechanisms to provide fair and inclusive justice

Due to the erosion of trust in SAC-controlled institutions, for cases where citizens do seek justice for their grievances, they usually opt for non-formal, traditional and community-based mechanisms, which represent the closest level possible to their communities. These mechanisms are now the primary source of justice for the Myanmar people. However, they are often rooted in traditional or customary practices, discriminatory norms, and conservative values, are lacking impartiality, transparency, accountability and inclusion. In these mechanisms, justice is mostly administered by village elders, local administrations and traditional and religious leaders, with low representation of women and youth, making them inadequate to respond to women and minorities' specific needs. Moreover, their capacity to handle complex legal issues and ensure the protection of fundamental rights is often questioned.

In parallel to these informal mechanisms, and as a result of the territorial gains achieved by EOs and resistance forces in 2023, a large proportion of the population now live under the rule of new authorities or ethnic organisations that have established or newly administer their own justice systems. The variable institutional capacities, access to resources, experience managing such systems and availability of legal expertise means that there are important variations in the justice systems that are being established.

The contributing factors to these mechanisms' low capacity are in particular the **lack of legal standards**: Many community-based dispute resolution mechanisms operate outside the formal legal framework, relying on customary practices and traditions. This informality often results in a lack of clear legal standards and procedures, raising concerns about inconsistent decision-making and potential bias. **Limited access to legal representation** is also an issue under these systems. Vulnerable and marginalized individuals, particularly those from remote or underserved areas, may face barriers in accessing legal support services, and other services such as medical and psycho-social support usually located in urban centres. Alternative dispute resolution mechanisms may perpetuate **gender and social biases**, disadvantaging certain groups within society, such as women, ethnic minorities, and LGBTI persons. The Constitution does not include sexual orientation and gender identity as prohibited grounds for discrimination and there are no other laws that protect them from discrimination.¹⁴ This further erodes trust in these mechanisms and undermines their legitimacy. Finally, these mechanisms often **lack effective mechanisms for accountability and oversight**. Decisions made by community leaders or elders may not be subject to review or appeal, leaving room for abuse of power and miscarriages of justice.

If not addressed, the low capacity of these systems and mechanisms could lead to conflict escalation. In cases where disputes are not effectively resolved through informal channels, there is a risk of escalation into broader conflicts, further destabilizing communities and exacerbating tensions. Additionally, inequities in access to justice and fair dispute resolution deepen social divisions and perpetuate inequalities, particularly for marginalized groups who may face discrimination and exclusion within community-based systems. Another important effect is the exacerbation of gender-based violence. Limited capacity and lack of oversight in community-based dispute resolution mechanisms may result in gender-based biases and inadequate protection for survivors of violence. Without proper safeguards, these mechanisms may fail to address the needs of survivors and perpetuate cycles of abuse and discrimination.

Funding environment of organisations who are filling gaps in rights defence

In parallel to the political and societal problems highlighted in the previous paragraphs, an aggravating factor impeding important improvements in the sector is the very challenging funding environment for CSOs supporting dispute resolution, citizens' access to their fundamental freedoms and protection of human rights.

The funding environment for these organizations is characterized by various obstacles, including limited financial resources, donor restrictions, and regulatory constraints, which undermine their ability to effectively advocate for rule of law and human rights. Limitation in funding availability is particularly true for organisations specialised in providing legal aid services and mediation which suffered from a shift of donors' priorities after the Coup.

Specific areas where specialized organisations fill in gaps not covered by existing justice providers have been identified as of particular importance, either due to their political significance for the country in terms of

¹⁴ Country Level Implementation Plan (CLIP) for Myanmar

strengthening the foundations of a society based on the rule of law, lack of support from other donors or close link to strategic EU-funded programmes. These include, inter alia:

- **Transitional Justice:** Although the political situation in Myanmar does not allow yet the implementation of transitional justice processes, the topic is increasingly being discussed between justice CSOs and other relevant stakeholders. A central objective needing support is to work toward a greater consensus and a clearer vision across civil society on what a potential future transitional justice mechanism for Myanmar could look like, which will in turn lay the foundation for a more inclusive and democratic society.
- **Accountability:** To fight impunity in Myanmar, it is important to support efforts that collect, consolidate, preserve and analyse evidence of serious international crimes and violations to make sure such perpetrators will face justice. These efforts will be long-term investments in Myanmar's future accountability.
- **Labour rights in garment factories:** In 2023 alone, around 30 garment factories closed down. These factories predominantly employ women, and sometimes do not even provide compensation upon closure.¹⁵ In the post-coup Myanmar, although complicated, there is still a network of labour rights organisations processing grievances and monitoring labour rights situations in many of the textile and footwear factories still active in the country (around 800). Dispute resolution happens outside of the formal justice system. Support for these mechanisms is quintessential to ensure Myanmar's workers' rights are respected and to enshrine the principle of justice and rule of law in a practical way. This becomes even more important in the context of the garment industry given that it represents over 85% of all exports to the European Union market.
- **Business integrity and heightened due diligence standards:** Rising expectations from the EU, national governments, investors and consumers about corporate sustainability raise the bar for companies to be more accountable and ethical and to act as responsible corporate actors. This is particularly relevant in Myanmar given the opportunities to work with the private sector, to foster fair market conditions, and to promote ethical business practices as a contribution to building a culture of transparency and rule of law.
- **Land and environmental justice:** Land and environment violations, that were once better mitigated, resurface as the rule of law has become virtually non-existent. Land grabbing cases are on the rise and illegal logging and mining are increasingly causes for environmental concern.

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

Legal service providers. The 2021 military Coup has drastically affected **lawyers'** ability to perform their role. Although the Myanmar legal framework recognises the right to legal counsel, defence lawyers face significant obstacles to access clients or case documents. Lawyers' role, and especially legal aid lawyers, have also largely evolved in the past 3 years, increasingly taking on non-legal roles such as facilitating the communication of detainees with their family and delivering food and essentials to people in arbitrary detention. **Paralegals'** role is also becoming increasingly important. Historically at the forefront of legal awareness activities such as community legal education and case consultation, paralegals are increasingly taking on volunteer roles and support their local communities, and especially marginalized groups, with basic counselling, referral and mediation services. Serving as intermediaries, they mediate conflicts and foster dialogue, contributing not only to the immediate resolution of disputes but also to the overall cohesion and resilience of the community. However, the lack of professionalization and legal knowledge of paralegals also presents a risk for misinformation. For both lawyers and paralegals, the deterioration in quality and availability of legal education has meant that much of the legal justice sector actors are ill-equipped to make strategic interventions that challenge repressive or discriminatory laws or practices, or to engage with marginalised groups with specific needs.

Justice-focused actors and civil society organisations (CSOs). A number of specialised CSOs implementing legal empowerment programmes or providing legal services exist. They are however facing a series of challenges that have drastically impeded their work over the last 3 years. All organisations are facing shortage of funding, with donors' support that have collapsed due to re-prioritisation toward other aid sectors and humanitarian support. The evolution of the model of the Legal Aid centres is also important to note. While initially focusing on providing criminal justice services, they have now come to be seen as one-stop legal support centres at which the public can access a wide array of services including on civil justice, ranging from legal advice, legal representation, and social or material support.

Informal community-level justice systems and dispute resolution mechanisms. Although informal community-level justice systems and dispute resolution mechanisms have undergone important changes post-coup,

¹⁵ <https://english.dvb.no/nearly-30-garment-factories-closed-in-2023-central-bank-cracks-down-on-illegal-forex-businesses/>

they still serve as the main means of resolving disputes at the local level. The formal system and local administrators used to play equal roles in resolving disputes, however these roles have now diminished, following loss of trust in local administration actors. While community and religious leaders continue to play an important role in many communities, local mediators are becoming increasingly important too, in particular for disputes and petty offences, and disputants are more likely to try to resolve these conflicts through negotiation or other means with formal structures decreasing in importance. Although these systems provide an avenue for justice seekers with grievances who refuse to engage with the formal system, they are also problematic due to the deeply ingrained discrimination they can carry. These mechanisms are most of the time dominated by middle-aged and older men, although communities also often nominate women as negotiators, as they are considered less likely to escalate conflicts than men¹⁶. This reality calls for capacity-building of community-based dispute resolution mechanisms to ensure micro-level justice providers and mediators provide fair and gender sensitive support to solve local dispute and know which mechanisms to refer to for more serious offences and crimes.

Emerging and ethnic justice systems. Following the 2021 Coup, Myanmar has seen the emergence of a multiplicity of local level governance and justice mechanisms and systems, in addition to those that were already in place. Many areas in Myanmar are now in a legally plural environment. In places where they exist, people overwhelmingly trust the emerging legal mechanisms and justice systems more than the formal SAC's courts. The degree of formalisation and quality of the systems in place vary greatly across geographical areas, with some ethnic areas, like Rakhine and Kayin, having already established their own courts, some of them well before the 2021 military coup. However, these justice systems are facing significant challenges, including handling violations committed by their own resistance forces against civilians or against enemy combatants. It is still uncertain whether those justice systems will adopt or adhere to the principles of fair trial rights, due process, the right to appeal and the overall protection of rights. In parallel, new administrations provide judicial services in the areas under its control, in particular in Sagaing and Magway. Even though this justice system is still in its infancy and requires time to develop, courts are functional and active. Extreme caution needs to be exercised when considering these emerging systems. Nonetheless, support from trusted civil society actors represents an important opportunity to introduce norms and values which can improve the inclusivity, fairness and human rights compliance of such systems. Some of these systems have also pro-actively taken measures to ensure women's participation in their structures, and there is a widespread rhetorical commitment to no-discrimination and inclusivity. Based on current research, 3 ethnic areas appear to show the highest levels of inclusivity and willingness to engage with civil society for improving their systems' compliance with international standards of justice: Kayin, Kayah and Mon States.

Governmental justice actors/formal justice system. In line with the principle of non-engagement, this action will not benefit the de facto authorities-controlled justice institutions. It will however engage with the system in the sense that it will deliver legal aid to defendants trialled under the formal courts (including politically motivated cases). The objectives behind this form of engagement is multifold: first, through access to a defence lawyer, defendants have more chance to see the violations of their rights to a fair trial limited and to secure shorter sentences. Secondly, lawyers can document violations they witness, which might feed in the future transitional justice mechanisms. Additionally, protecting the rights of defendants within the formal system is a way to uphold rights to a fair trial¹⁷.

The final beneficiaries Rights holders of this action are **Myanmar's citizens**, and in particular those pertaining to poor, the most marginalised or vulnerable groups, including women and youth, and needing legal support, **both as defendants and justice seekers**. Myanmar citizens in general have seen reduced opportunities over the past 3 years to solve grievances, due to the general local governance vacuum. The overall justice seeking efforts have become much more challenging, in a context of increasing conflict. This action will work with the relevant stakeholders identified above in order to increase understanding, availability and accessibility of inclusive and fair justice processes for Myanmar citizens, while also empowering them to claim their rights and take action to protect fundamentals freedom. Civil society organisations, including youth and women groups, ethnic minority groups and representatives of the most marginalised populations will be engaged in various processes of this action, including in consultation mechanisms and capacity building activities.

¹⁶ UN Women Gender Alert 22 "Local Governance and Gender", February 2024

¹⁷ As positive example, previous EU-programmes have seen that formal justice actors now understand that legal aid lawyers will refuse to take part in corruption to secure more positive outcomes for their clients and have stopped asking for bribes in these cases.

3 DESCRIPTION OF THE ACTION

3.1 Objectives and Expected Outputs

The Overall Objective of this action is to **strengthen the foundations of a society based on the rule of law and improve equal access to justice and fundamental human** rights for vulnerable groups affected by conflict.

The Specific(s) Objective(s) of this action are to

- 1. Improve access to legal services and community justice and dispute resolution mechanisms at local level**
- 2. Empower women, youth and communities to use and promote accessible legal information and awareness on rights**
- 3. Enable specialised civil society organisations to address gaps in the defence of fundamental rights**

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): Increased access to quality legal aid and ancillary services, in particular for women, poor and at-risk groups.
- 1.2 Contributing to Outcome 1 (or Specific Objective 1): Strengthened rights-based and gender responsive approaches under justice and dispute resolution mechanisms used at community level.
- 2.1 Contributing to Outcome 2 (or Specific Objective 2): Empowered new generation of justice advocates through skills development and dialogue on issues relating to rights, community cohesion, and conflict and dispute resolution.
- 2.2 Contributing to Outcome 2 (or Specific Objective 2): Increased public engagement on issues related to equal access to justice and increased access to legal information on individuals' rights, legal processes and avenues for access to justice, in particular for women, youth and the most vulnerable groups.
- 3.1 Contributing to Outcome 3 (or Specific Objective 3): Enhanced capacity of CSOs to support citizen's access to fundamental rights, gender equality, promote accountability, uphold principles of justice and embed genuine belief in the rule of law in society for all.
- 3.2 Contributing to Outcome 3 (or Specific Objective 3): Available data-based evidence, analysis and monitoring tools to inform adaptive, conflict sensitive and rights-based civil society programmes.

3.2 Indicative Activities

Activities related to Output 1.1:

- Financial support and sustainability planning for networks, legal aid centres, lawyers and paralegals;
- Leadership and management strengthening for networks, legal aid centres, lawyers and paralegals;
- Continued strengthening and expansion of the Community of Practice of legal aid lawyers developed through previous actions;
- Trainings and development of professional standards for networks, legal aid centres, lawyers and paralegals, including related to civil cases and working with alternative dispute resolution mechanisms;
- Development of holistic approaches to support, including referral to non-legal services and provision of material support delivery to political and vulnerable groups arrestees and detainees.

Activities related to Output 1.2:

- Capacity-building to promote fairer and more gender-sensitive processes and embedding skills and rights knowledge in justice and dispute resolution mechanisms at community level;
- Research and documentation on ethnic justice mechanisms and processes in non-state-controlled areas and on processes potentially applicable to advance peace and reconciliation, including transitional justice;
- Policy dialogue on and support to the harmonisation of legal standards under various legal mechanisms and systems.

Activities related to Output 2.1:

- Dialogue and public engagement activities targeting in particular youth, women and at risks and vulnerable groups (such as persons with disabilities and ethnic groups) while ensuring do-no harm principles;
- Direct engagement, collaboration, support and small grants to youth groups;
- Development of online learning tools and mentoring activities targeting youth and women to equip them with the soft skills required to become active citizens and justice advocates;
- Internships and mentoring schemes for students and young professional aiming to work as lawyers, paralegals or community volunteers;
- Network building among diverse stakeholders (legal professionals, civil society organisations, artists, youth groups, media etc.) engaged in promoting equal access to justice and human rights.

Activities related to Output 2.2:

- Awareness raising campaigns on citizens' rights and avenues to seek justice, ensuring that people and in particular women and vulnerable and at-risk groups are aware of available legal resources, procedures, and possible options for seeking justice through formal and informal mechanisms;
- Development of policy briefs, good practice and other legal information products and knowledge management.

Activities related to Output 3.1:

- Direct support to CSOs working on legal support, protection of fundamental rights with a legal perspective and/or specific sectors of interest related to people-centred justice, effective grievance mechanisms in factories, business integrity, transitional justice, rule of law for all and accountability, in synergy with other EU-funded programmes (e.g. promotion of labour rights, access to justice for survivors of gender-based violence, legal protection of migrant worker and IDPs, legal support to political prisoners and human rights defenders, the global thematic programme "Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations", etc.).

Activities related to Output 3.2:

- Production of gender equality and disability inclusion analysis, research and data driven evidence to feed into the identification of evidence-based and conflict sensitive approaches and programmes supporting CSOs' work.

3.3 Mainstreaming

Environmental Protection & Climate Change

Experts warned that the 2021 military takeover has exacerbated already severe climate risks in Myanmar¹⁸. While the anticipated activities are focused on access to justice and not expected to have significant environmental consequences, a case-by-case assessment will be conducted when designing and implementing activities to ensure environmental considerations are addressed appropriately. Protection of natural resources will be mainstreamed as much as possible into activities, and with a particular attention when activities related to access to justice are touching upon the theme of land disputes. Land and environmental rights are one of the focus considered for the direct management component of this action, with a potential grant focusing on empowering Myanmar citizens to take legal actions regarding land and environment rights violations.

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).

¹⁸ UN OHCHC, [Military coup has exacerbated already severe climate risks in Myanmar: UN experts](#), 27 November 2023

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 women and girls are one of the main target groups for this action, and that a gender perspective is applied throughout all its components. Specific Objectives 1 and 2 of this action will focus in particular at improving equal access of women and other marginalised groups to legal support and legal information and to ensure that the service offered by legal aid providers are adapted to their specific needs. Access to justice for survivors/victims of gender-based violence will be central in the implementation of this action, but women and girls' specific needs will also be analysed and taken into account for type of grievances, including land disputes, labour rights infringements or politically motivated cases, ensuring legal aid services are gender-sensitive. Specific Objective 1 will also address gender bias in the justice systems and in particular in alternative systems and dispute resolution mechanisms. Finally, this action will support and build the capacity of many legal providers, in particular legal aid lawyers and paralegals. Training will be gender sensitive, and particular attention will also be given to the needs of female lawyers and paralegals, who face specific challenges in the exercise of their duties.

To support gender mainstreaming through this action, a gender sector analysis has been produced and will also feed the further design of the activities. Following good practices already in place with previous phases of the EU support to justice, most indicators will be disaggregated at least by sex and specific attention will be given to the monitoring of the gender equality outcomes of the action.

Human Rights

A conflict sensitive and human rights-based approach will minimize the risk of exacerbating conflict dynamics and risks of doing harm, including for implementing partners and other stakeholders involved, such as the law practitioners providing legal services. The proposed action will take a legal empowerment approach to ensure that right holders are empowered to claim their rights as per their needs and priorities, including fair trial rights, women's rights, children's rights, LGBTI rights, workers' rights, etc. It will focus in particular on vulnerable communities and groups particularly at risks, including political prisoners, those affected by the ongoing conflict and/or targeted by the de facto authorities for their activism, women as well as other groups often victim of rights violations, such as factory workers. It will ensure support to gender-sensitive knowledge, attitudes and practices in the legal support community. A human rights-based approach will be applied throughout this Action according to the EU's Action Plan on Human Rights and Democracy 2020-2024.

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. Although there is no specific objective focusing on access to persons with disabilities, they are often over-represented among the population living in poverty. Women with disabilities face double discrimination and are often subjected to stigma when it comes to GBV and when reporting crimes and offences and are overall more at risk because they may be more dependent on their family, even for survival in a conflict situation. Thus the action will strive to ensure that their specific needs are incorporated in the design of the activities, that physical and information and communication accessibility is considered, to ensure equal access to justice services, and in particular that legal aid and legal awareness raising activities are adapted to the specific needs of people with disabilities.

Reduction of inequalities

Myanmar has long been characterized by significant levels of inequality (including gender inequalities) across various dimensions, including access to resources, education, and basic services. Disparities are observed between urban and rural areas, with urban centres generally experiencing higher levels of development and greater access to resources. Insufficient social protection mechanisms strongly contribute to the challenges faced. According to the latest data, the bottom 50% of the population share 2.7% of the national wealth and 12.2% of national income,

while the top 10% share 67.5% of the national wealth and 51.1% of the national income¹⁹. These situation is reflected in the justice sector, with socio-economically disadvantaged groups disproportionately affected by poverty and lower level of education, which limits their ability to access legal services and navigate the complex justice landscape. Additionally, discrimination based on ethnicity, gender, religion, or socio-economic status undermines the rights of disadvantaged groups, leading to unequal treatment within the justice system.

This action will mainstream the reduction of inequalities in the justice sector by focusing its efforts and activities on reaching women, poor and marginalised and at-risks groups specifically, and working on some specific barriers they are facing, such as the lack of legal education. The impact of the action on these groups will be monitored as much as possible through disaggregated indicators, and will be a key point of focus for evaluations.

Democracy

The democratic transition in Myanmar has dramatically been halted by the 2021 military coup. While the current context prevent to engage with the current de facto authorities, the action remains committed to promoting citizen's participation and engagement as a fundamental principle of democracy and good governance. The action will incorporate democratic approaches throughout its activities, and some specific entry points are identified to promote democracy and good governance through some activities:

- Legal aid: Similarly to the previous phase of the EU support to Justice, it is expected that pro-democracy actors arrested by the regime will be one of the main target groups and beneficiaries of the free legal aid provided under Specific Objective 1.
- Awareness raising activities: The action will continue to use public awareness activities under Specific Objective 2 in a safe way to promote conversation about the importance of democracy and rule of law, in particular using art. This approach through art has been used in the past 3 years and resulted in very strong engagement, in particular of the youth. More generally, activities under this action will strive to create safe and inclusive spaces that promote meaningful and peaceful exchange, fostering an environment conducive to a positive and democratic future in the country.
- Mainstreaming democracy and good governance under the policy dialogue and capacity-building activities of Specific Objective 1: Principles of democracy, rule of law and good governance will be mainstreamed under specific objective 1 that aims at improving fairness and inclusion in parallel and alternative justice and dispute resolution mechanisms. In particular, improvement in transparency and accountability will be at the centre of this specific objective. It will also emphasize the importance of the rule of law as a cornerstone of democracy, ensuring that laws are applied fairly and consistently, and that legal procedures are accessible to all members of society, regardless of their background or status.
- Through grants on selected topics: Specific Objective 3 of this action will support CSOs working on selected topics of importance. Support to accountability processes and support to discussions around transitional justice are some of the identified priorities needing support. Through grants focusing on these thematic, the action will foster a culture of accountability within society, which is essential for the functioning of a democratic system, and will involve the participation of victims, civil society organizations, and other stakeholders in decision-making processes.

Conflict sensitivity, peace and resilience

Access to justice is a key element of both conflict prevention and peace building. A justice infrastructure upholding the rule of law is a critical condition to ensure peace, state and democracy-building and later smooth transition to post-conflict recovery efforts. Equal access to justice is also essential for resolving disputes that could, if not solved, lead to more local conflicts and loss of social cohesion. The action will seek to mainstream a dialogue on fundamental rights with the different stakeholders it engages with (communities, local justice systems and dispute mechanisms, civil society organisations) and ensure a movement towards change through legal support to people living in vulnerable situation and communities. It will aim to strengthen selected non-formal justice mechanisms, including in areas without central State services, to be better able to provide fair and effective remedies in response to community needs. Finally, it will aim at fostering dialogue and a clearer vision across civil society on what a potential future transitional justice mechanism for Myanmar could look like.

¹⁹ 2022 data from the World Inequality Database: <https://wid.world/country/myanmar/>

Additionally, Myanmar being a fragile and conflict country, all actions are implementing thorough risk management frameworks, conflict sensitive approaches and are placing a do no harm approach at the centre of their activities. Specific attention will be given to this action (see also under section 3.4). An updated Conflict Analysis Screening (CAS) exercise is being conducted, which identify justice-related issue as a topic for in-depth analysis, and other analysis tools such as the Conflict Analysis and Research (CAR) Facility will be mobilised to ensure conflict sensitivity is thoroughly mainstreamed. This action will also develop similar tools and approach as our previous access to justice programme, which include a management risk framework periodically updated by the partners and shared with the delegation.

Disaster Risk Reduction

Given the nature of this action and its focus on access to justice and promotion of fundamental freedoms, it does not directly focus on supporting DRR. It is however expected that some activities, especially those strengthening civil society and community-led dispute resolution, will contribute to boost the overall resilience of local communities. This, in turn, will enhance communities' capacity to respond to external shocks, including those caused by disasters and hazards.

Other considerations if relevant

3.4 Risks and Lessons Learnt

Category	Risks	Likelihood (H/M/L)	Impact (H/M/L)	Mitigating measures
1-to the external environment	Increasing armed conflicts and persistent inter-communal tensions lead to more limitation of access in affected areas, limiting both implementation and monitoring, and to increased risks for partners and beneficiaries rights holders	High	Medium	<p>Due diligence protocols will be put in place, including contingency plans in the event of security challenges.</p> <p>The programme will constantly monitor the political climate, local tensions and conflict and will strive to promote a culture of risk awareness within the programme team and amongst partners to ensure that risks are being identified, mitigated and escalated appropriately.</p> <p>A large part of the action will be implemented through grants and subgrants to local organisations that usually have more access to affected areas than international organisations. While it is likely that access restrictions will persist, engagement of a range of actors including CSOs, CBOs and ethnic organisations, women's organisations promoting human and civil rights will help to mitigate the impact of this risk. Selection of (gender-equal) staff from local communities for community-based activities will help mitigate possible movement restrictions. Local partners will also benefit from tailored capacity strengthening on monitoring, to be provided by the selected entrusted entity.</p> <p>Remote monitoring systems and strategies have been used in several EU-funded programmes in Myanmar in the recent years, producing a wealth of guidelines and lessons learnt from which we can draw strategic inputs. A dedicated strategy for this action will be developed by the entrusted entity to</p>

				ensure ongoing monitoring during temporary situations of reduced access. Specific attention will be given to past experience using remote monitoring approaches when selecting the entrusted entity.
4-to legality and regularity aspects and 1-to the external environment	The 2023 Organisation Registration Law is enforced in the most restrictive way, limiting the number of possible local partners, and civil society implementing partners are prevented from implementing activities due to measures implemented by the de facto authorities	High	Medium	<p>The EU is closely monitoring the situation regarding the application of the 2023 Organisation Registration Law, including through the technical assistance under the EU-CSO Partnership.</p> <p>Close communication with partners in ongoing with local partners to understand their stance and strategies regarding registration under the current context. The previous phase of the EU Justice programme has already worked closely with partners, including lawyers, in 2023 and 2024 to help them navigate these institutional threats and requirements posed by recent laws. Several partners under the previous phase have already made the choice to register under the Directorate of Investment and Company Administration (DICA) as non-profit companies, subject to less scrutiny than CSOs. It is expected that the work supporting partners to adapt to the current context will continue under this new phase.</p> <p>Should the implementation of the action be restricted by the application of the new law, alternate modalities will be sought, such as direct implementation by the entrusted entity, community led activities with the entity's technical support and partnering with organisations with registrations in third countries.</p>
1-to the external environment	The banking crisis continues and makes payment to implementing partners in line with current EU procedures increasingly difficult or impossible	Medium	Medium	<p>Experience working under the current context will be a selection criteria for the entrusted entity implementing the first two specific objectives of this action. It is expected that the entity has experience identifying appropriate channels to transfer payments and support local implementing partners. Similarly, organisations implementing the third specific objective of this action will be selected (among other criteria) on their capacity to deliver subgrants to local partners.</p> <p>Clear guidelines and information should be communicated to all partners on the EU rules regarding transfers, to avoid future ineligibility of costs, while also continuously assessing the feasibility of using alternative financial services when needed.</p>
1-to the external environment and 2-to	Limited participation from communities and/or specific vulnerable groups	Low	Medium	The programme's design shall ensure that cultural, availability and access issues are considered when developing activities. The use whenever possible of

planning, processes and systems	hinder effective inclusion and implementation of the activities, or worsen inequality of access to the services proposed			local partners will help ensure activities are tailored to the social realities in each of the action's locations. When designing the programme, the partners will have to ensure conflict -and gender-sensitive, and do-no-harm assessments and analysis are completed. Previous experience in these approaches are part of the selection criteria for the entrusted entities and the implementing partners of all specific objectives. The action shall promote gender mainstreaming and the inclusion and participation of youth and other groups living in vulnerable situations throughout.
3-to people and the organisation	Weak capacity of local actors, including local civil society organisations and justice providers impacts the quality and effectiveness of the action	Low	Medium	This action will have a strong component of capacity-building for implementing partners and local organisations involved in implementation. It will combine technical support and tailored trainings based on a needs assessment during the inception period of the action. Additionally, implementing partners at local level will be carefully selected, based on capacity and past experience working on similar activities.
1-to the external environment	The post-Coup crisis of confidence in all types of justice providers increasingly prevents everyday justice issues and grievances from being addressed, and the importance of addressing everyday justice issues may no longer be recognized by the public in the face of widespread human rights	High	Low	<p>The first specific objective of the action will work on strengthening alternative non-formal justice mechanisms including community-based dispute resolution to offer inclusive gender-sensitive and human rights compliant options to the public.</p> <p>In addition, legal awareness activities will continue to promote dialogue around the principles of justice which will support all forms of justice seeking and will serve to defend the foundations of access to justice. Public engagement activities will raise awareness of, and emphasise the importance of addressing, everyday injustices.</p> <p>The action will proactively engage with marginalised and vulnerable groups to understand and respond to their specific justice needs</p>
3-to people and the organisation	The action engages with justice systems and/or alternative dispute resolution mechanisms at community level that are not inclusive nor fully compliant with a human-rights based and gendersensitive approach, thus empowering systems with the potential to cause harm or increase inequality	Low	High	The action will build on previous phases of the programme and on research carried out on emerging justice systems to gain a clear understanding of the systems being implemented and identify potential opportunities to strengthen access to justice within the systems mature enough to guarantee human rights compliance. Before engaging with any system or mechanism, the programme shall carry out due diligence and provide a comprehensive assessment of the justice system/mechanism commitment to inclusion and respect for human rights and gender equality as well as its capacity to comply to them. The programme will work closely with partners and internal and external stakeholders to assess the risks involved in engagement with

				<p>ethnic justice systems and adopt a strict ‘do no harm’ approach. Based on current assessments, 3 of the emerging ethnic justice systems appear to be more advance in their compliance with human rights and inclusion standards (Karenni, Karen, Mon), although no direct support is yet envisaged.</p> <p>Where appropriate, the programme will explore policy dialogue opportunities as well as advocacy and legal awareness activities directed towards ethnic justice systems, implemented by local civil society organisations.</p>
--	--	--	--	---

Previous EU support and complementarity:

The EU has been engaged in the justice sector in Myanmar since 2015 through two consecutive programmes:

- “My Justice” (DCI-ASIE/2015/359-042), implemented from 2015 to 2019 by the British Council, was focused on building citizen’s skills with the knowledge, confidence, and opportunities to resolve conflicts fairly. The programme made significant progress in delivering interventions on legal and rights awareness, improving justice service provision, strengthening community-based dispute resolution, and sharing evidence to inform better justice policy. My Justice activities were delivered in partnership with over 50 local, international, and service provision organisations, in close coordination with the government’s Justice Sector Coordinating Body, in six Regions/States²⁰.
- “Deepening Access to Justice in Myanmar” (“My Justice II”, ACA/2019/412-755) implemented from 2020 to 2024 by the British Council, with the overall objective to improve access to justice for women, the poor, and people living in vulnerable situations in 12 Regions/States of Myanmar²¹. My Justice II has been implemented in the context of significant contextual changes and challenges, including the COVID-19 pandemic and the 2021 coup. These events changed many circumstances of the implementation, though they did not change the underlying needs that the programme was designed to respond to: a fundamentally unfair justice system with disproportionate barriers for women and other marginalized groups. My Justice II and its partners have been effective in providing legal aid (including through support to several thousand of political detainees), legal awareness, support to informal and community-based legal systems and policy analysis and advocacy on emerging issues like transitional justice.
- Cumulatively, the two phases of the programme provided legal representation to over 22,000 individuals, as well as legal advice to 22,000 citizens. Around 3,000 influential figures such as community and religious leaders, CSOs representatives, youth and, before the Coup, local administrators, were trained in mediation and community-based dispute resolution. 150,000 individuals are using the legal app developed by the programme. Successive communication campaigns reached a cumulative audience of 127 million citizens and over 150,000 individuals benefitted from in-person community-based awareness raising activities.

The EU is currently the only donor in Myanmar with a substantial, coordinated programme focusing at improving legal service providers capacity to deliver inclusive support and that includes as a strong focus of the programme a component on the building of a Community of Practice for lawyers and paralegals. The only other donor with large-scale support for the sector is USAID, which is implementing since 2018 a programme focusing on delivering grants to local CSOs working on legal aid, human trafficking, gender-based violence and alternative dispute resolution mechanisms. This programme is implemented in particular in Rakhine, Chin, Kachin and Kayah, which were not or only partially covered by the previous phases of the EU-funded My Justice, ensuring some complementarity. Most donors previously involved discontinued support due to competing priorities in post-coup Myanmar.

This Action will be implemented in complementarity to the two contracts being prepared under the Action ACT-62208 “Gender-based violence response, mitigation and prevention in Myanmar” which focus on service delivery, including legal services, for GBV survivors and on supporting women rights organisations operating in this sector. It will also be implemented in complementarity with two ECHO programmes in the sector, focusing on legal

²⁰ Yangon Region, Bago Region, Mandalay Region, Shan State, Kayin State and Mon State

²¹ Yangon Region, Bago Region, Mandalay Region, Sagaing Region, Magway Region, Ayeyarwady Region, Nayi Pyi Taw, Shan State, Kayin State, Mon State, Kachin State and Rakhine State

assistance to children and to displaced and stateless populations. Particular attention will be given to coordination and exchange of information between this Action and ECHO's programme, and in particular regarding possible case referrals and support to networking efforts of local CSOs and communities of practice. Finally, all activities related to fighting impunity will be designed in complementarity and implemented in coordination with the global thematic programme "Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations".

Lessons Learnt:

The main lessons learnt from the past EU-funded programmes in the sector are the following:

- Delivering in-person activities at community-level has become far more challenging post-2021 due to the increased scrutiny and suspicion from local authorities on justice-related activities. However this type of activity also present an **important positive potential for cascading information**. In the previous phase of the EU-funded justice programme, a follow-up survey with 125 community members who had received legal education sessions showed that these beneficiaries had shared back knowledge learned with over 900 people including neighbors, family and friends. This cascading approach needs to be further integrated in awareness raising activities to improve scalability and sustainability of the programme.
- Regarding support to political cases, partners have highlighted that the **success of legal aid programmes should not be assessed based only on how successful the trial outcomes are**, since under the current context there is limited scope for acquittals, but more based on the **holistic support** provided to detainees and their families, including material. Lawyers are also the witnesses of unfair trials and human rights violations and there are good monitoring systems in place to keep track of these violations, which will be essential documentation for possible future transitional justice processes.
- Previous programmes also highlighted the **importance of mediation at community-level**, and its essential role diffusing tensions which, if left unaddressed, can feed into and intensify broader conflict dynamics. However, the rights of marginalized groups and of women should be carefully considered in mediation activities, as communities tend to value conflict resolution and the avoidance of escalation over the provision of justice to the survivors/victims, leaving a potential for unfair outcomes, especially for less powerful social groups. Careful selection processes, trainings, provision of information and resources (including through dedicated apps) as well mentoring processes have all proven effective ways to ensure local mediators have the necessary knowledge to apply human rights-based approaches. Ensuring high quality and fair justice at the community level, as higher up in the formal system, requires justice providers to learn how to recognise their biases, and to know the limits of their skills and what the law requires, including when to escalate a dispute beyond the local level or refer people to legal assistance.
- Since 2021, people's perceptions on laws and the justice system have changed drastically. The view that laws have been used as tools for oppression is commonplace and the push for fairer and more inclusive justice systems is part of the discourse of strategic stakeholders in current discussions about what a future justice landscape could look like. Although the current context makes any work on access to justice very challenging, it also presents some opportunities that should not be overlooked. There is **ground to influence such discussions through policy dialogue and raise awareness and advocate for more inclusive and harmonised systems**, including through delivering interventions aiming at increasing the understanding of citizens and strategic stakeholders of concepts such as fairness, laws as protection, and rights-based approaches.
- Finally, a crucial aspect of the success of the EU access to justice programmes until now that has been highlighted by all CSOs partners is the **importance of maintaining a strong network of justice CSO actors and strengthening long-term relationships**. Facilitating strong networking of this kind not only enables cross-pollination of learning and sharing of best practices, resources, and information, but also encourages cross-sectoral collaboration to address interconnected challenges, such as the intersection of environmental issues with land rights, or how legal practices impact on the protection of sexual and gender-based violence survivors. Networking and coordination endeavours are important not only for the effective implementation of programme activities but also to promote the sustainability of services. Furthermore, under the current context characterised by high levels of threats for individuals and organisations working in the justice sector, CSOs and justice actors are **extremely reluctant to engage outside of their trusted circle**, also making it difficult for new actors to emerge. This needs to be careful taken into consideration when scoping for implementing partners.

3.5 The Intervention Logic

The underlying intervention logic for this action is that:

IF quality legal services are available and accessible for rights holders looking for support to address their justice needs and claim their rights;

AND alternative pathways delivering justice and resolving disputes have more harmonised legal standards and are more inclusive, rights-based and responsive to the specific needs of women, poor and the most vulnerable groups;

AND communities and rights holders, and in particular women, poor and vulnerable groups, have greater awareness of their rights, their options and pathways to claim them and access justice;

AND a new generation of young justice advocates is empowered with practical skills like mediation to support communities and rights holders' access to justice;

AND specialized civil society actors are enabled to support citizens' access to fundamental rights through conflict-sensitive programmes supported by data-based evidence and analysis;

THEN access to justice and fundamental rights for people living in poverty, women, persons with disabilities and other vulnerable groups affected by conflict and the lack of a legitimate government will be improved, with positive spill over effects on strengthening the foundations of a society based on the rule of law.

This is underpinned by the following statements at output level:

- **IF** legal services providers such as legal aid centres, lawyers and paralegals are reinforced through financial support and sustainability planning as well as capacity building and trainings to be responsive to the community's legal needs, and in particular those of women, poor and at-risk groups **THEN** they will be able to provide accessible, quality and adapted support to individuals seeking justice or in conflict with the law. And **IF** community justice systems and dispute resolution mechanisms are analysed and conflict-sensitive entry points are identified to improve the harmonisation of legal standards and the inclusion, gender responsiveness and protection of fundamental rights under these mechanisms; and **IF** civil society actors are empowered to support the positive transformation of those systems, **THEN** rights-based and gender inclusive processes and practices adapted to the needs of vulnerable justice seekers will be promoted under/toward these mechanisms. **IN TURN**, communities will be empowered and supported to solve their justice-related needs and grievances through available avenues, including through alternative and dispute resolution mechanisms implementing harmonised approaches and practices that will ultimately improve inclusiveness and protection of fundamental human and civil rights.
- **IF** legal awareness information is widely available in engaging formats easily understandable and focuses on practical information related to specific needs of women, poor and at-risk groups and concrete avenues to claim those rights, **THEN** individuals, and in particular vulnerable groups, will be better informed about their rights and the existence of accessible legal services that can help them and they will be more likely to seek support. And **IF** youth have access to tools and skills development providing concrete skills in areas such as mediation, human rights documentation, digital media, community cohesion, conflict and dispute resolution, gender equality and transitional justice, **THEN** the next generation of youth leaders and justice advocates will have the necessary knowledge and skills to support their communities in justice-related issues. **IN TURN**, the capacity of communities and rights holders to understand how and through which pathways to claim their rights, both as justice seekers or defendants, will be improved.
- **IF** specialised CSOs working on strategic issues related to the protection of Myanmar citizen's fundamental rights and the promotion of processes building better social cohesion, accountability and access to justice are supported financially to implement projects complementing other EU support, and **IF** analysis and data-driven evidence is produced and available **THEN** such projects will be better informed, adapted to the needs of rights holders and conflict sensitive. **IN TURN** civil society will be enabled to better support citizen's access to fundamental rights.

Assumptions for this action are:

- The political context does not deteriorate further, and legal aid providers are still able to operate despite the increased scrutiny introduced by new legislation in 2023.
- There is sufficient political will within the alternative and informal justice providers the action will engage with to champion change toward more rights-based and inclusive systems. Activities will only be undertaken after careful due diligence and with systems demonstrating willingness to improve compliance with rights-based processes, incorporating gender equality and disability inclusion. Supporting the strengthening of justice services will lead to them becoming more responsive to people's needs, and in particular vulnerable groups. Wider availability and better practices will lead to more people using them.

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 (@): Main expected results (maximum 10)	Indicators (@): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
Impact	To strengthen the foundations of a society based on the rule of law and improve equal access to justice and fundamental rights for vulnerable groups affected by conflict	1. World Bank Worldwide Governance Indicators (WGI) Rule of Law Score (GERF 1.20), in percentile rank 2. World Justice Project indicator “Alternative dispute resolution mechanisms are accessible, impartial, and effective” score	1. 5.66 (2022) 2. 0.35 (2023)	1. Score improved - TBD (2027) 2. Score improved - TBD (2027)	1. Worldwide Governance Index Report 2. World Justice Project Report	Not applicable
Outcome 1	Improved access to legal services and community justice and dispute resolution mechanisms at local level	1.1. Number of people directly benefiting from legal aid interventions supported by the EU (GERF 2.25) 1.2 % of people at community level who think that ethnic and community level justice providers are fair and equitable in resolving disputes (disaggregated by sex, socio-economic status and type of justice mechanisms) 1.3 % of people in target communities who perceive improvement in ethnic and community justice mechanisms’ functioning and effectiveness to	1.1 33,804 (2020-2023) 1.2 85% (2023, in selected areas under previous actions) 1.3 86% (2023 in selected areas under	1.1 10,000 (2025-2027) 1.2 TBD at contracting stage 1.3 TBD at contracting stage	1.1 Progress reports 1.2 Surveys, monitoring and evaluation reports 1.3 Surveys, monitoring and evaluation reports	Inclusive and representative community-based mechanisms will improve access to justice for poor, women and vulnerable groups

		protect rights (disaggregated by sex and socio-economic status)	previous actions)			
Outcome 2	Empowered women, youth and communities using and promoting legal information and awareness on rights	2.1 Number and % of youth trained demonstrating the use of knowledge and skills learned in their communities (disaggregated by sex, age and disability status if feasible) 2.2 Number of people with access to public legal tools developed by the action to protect their safety and rights (disaggregated by sex)	2.1 0 2.2 107,836 (2023)	2.1 TBD at contracting stage 2.2 200,000	2.1 progress reports, mid-term and final evaluation 2.2 progress reports, data extracted from mobile app developed	Increased engagement from youth justice advocates and increased awareness and understanding of rights and justice services options by communities will lead to legal empowerment and then greater demand for capable, accountable and responsive justice services
Outcome 3	Enabled specialised civil society organisations addressing gaps in the defence of fundamental rights	3.1 Number of CSO coalitions and/or mechanisms (civil society organizations, women rights organizations, community-based organizations, civil society networks, consultation groups, etc.) established or strengthened that foster citizen and civil society engagement . 3.2 Number of policy dialogue, advocacy events and coordination mechanisms supported by the Action to improve coordination between donors, civil society and key stakeholders and sector harmonisation	3.1 0 (2024) 3.2 0 (2024)	3.1 TBD at contracting stage 3.2 6 (2027)	3.1 Reporting from events, meetings and minutes 3.2 Activity reports	Broader peace and security conditions do not hinder implementation. There is space for implementing partners to work without endangering their lives/freedom. The issues tackled under the support in direct management with CSO partners are relevant for citizen's access to fundamental rights and justice
Output 1 relating to Outcome 1	1.1 Increased access to quality legal aid and ancillary services, in particular for women, poor and at-risk groups	1.1.1 Number of legal service providers supported to deliver more inclusive and rights protective services, disaggregate by sex (disaggregated by age, disability and sex when possible) 1.1.2 Number of people who received legal representation in politically motivated cases through the action (disaggregated by sex)	1.1.1 3,687 (2,665 F – 1,022 M) (2020-2023) 1.1.2 2,370 (2021-2023) 1.1.3 28.5 days (range 21-51 days)	1.1.1 TBD at contracting stage 1.1.2 TBD at contracting stage 1.1.3 25 days	1.1.1 Progress and monitoring reports 1.1.2 Progress and monitoring reports, Legal Aid Centres records 1.1.3 Progress and monitoring reports, Legal Aid Centres records	Supporting the strengthening of justice services will lead to them becoming more responsive to people's needs, and in particular vulnerable groups. Wider availability and better practices will lead to more people using them. Legal Aid Centres are stable and well-funded. No interference by state justice system into legal aid providers' activity.

		1.1.3 Median number of days between arrest and representation for Legal Aid Centre clients				
Output 2 relating to Outcome 1	1.2 Strengthened rights-based and gender responsive approaches under justice and dispute resolution mechanisms used at community level	1.2.1 Number of alternative and community justice actors trained (disaggregated by sex and ethnicity) 1.2.2 % of trained justice actors who demonstrate improved knowledge of fair approaches and gender-sensitive and human rights responsive sensitive justice (disaggregated by sex and ethnicity)	1.2.1 638 (374 F, 231 M, 33 other) 1.2.2 80%	1.2.1 TBD at contracting stage 1.2.2 TBD at contracting stage	1.2.1 Progress and monitoring reports 1.2.2 Progress and monitoring reports, survey, evaluation	There is a will among service providers, to change behaviours and practice.
Output 1 relating to Outcome 2	2.1 Empowered new generation of justice advocates through skills development and dialogue on issues relating to rights, community cohesion, and conflict and dispute resolution	2.1.1 Number of youth accessing skills development activities through the action 2.1.2 Number of young lawyers and justice actors benefitting from internship and/or mentoring activities	2.1.1 0 (2024) 2.1.2 0 (2024)	1.1.1 TBD at contracting stage 1.1.2 TBD at contracting stage	2.1.1 Progress reports, data extracted from online platforms developed 2.1.2 Progress reports	The overall Myanmar context allows young people to feel safe and motivated enough to engage in skills building activities.
Output 2 relating to Outcome 2	2.2 Increased public engagement on issues related to access to justice and increased access to legal information on individuals' rights, legal processes and avenues for access to justice, in particular for women, youth and the most vulnerable groups	2.2.1 Number of people reached through public campaigns on legal aid (disaggregated by sex and socio-economic status if feasible) 2.2.2 Percentage of people reached by the programme who can recall key messages from legal awareness activities (disaggregated by sex and socio-economic status if feasible) 2.2.3 Percentage of people reached by the programme aware of individual rights on key thematic areas focused on by the project (disaggregated by sex and socio-economic status if feasible)	2.2.1 Average of 26.5 M annually (2020-2023) 2.2.2 58% (2023) 2.2.3 77% (2023)	2.2.1 Additional 12 M annually (2025-2027) 2.2.2 65% (2027) 2.2.3 80% (2027)	2.2.1 Activity reports, data extracted from social media 2.2.2 Progress and monitoring report, surveys, independent evaluation 2.2.3 Progress and monitoring report, surveys, independent evaluation	Partners are able to communicate safely through online and in-person campaigns. Knowledge lead to empowerment. Partners adopt participatory methods.

Output 1 relating to Outcome 3	3.1 Enhanced capacity of CSOs to support citizen's access to fundamental rights, promote accountability, uphold principles of justice and embed genuine belief in the rule of law in society for all	3.1.1 Number and description of CSO initiatives supported to work on fundamental rights and the promotion of processes building better social cohesion, accountability and access to justice (including number of women-led initiatives)	3.1.1 0 (2024)	3.1.1 5 (2027)	3.1.1 Projects reports	Increased funding allow CSOs partners to implement targeted actions and they can do so and operate despite the repressive security environment. If necessary, CSOs partners can implement strategic activities from neighbouring countries if the security situation does not allow for management of the projects directly from Myanmar.
Output 2 relating to Outcome 3	3.2 Available data-based evidence, analysis and monitoring tools to inform adaptive, conflict sensitive and rights-based civil society programmes	3.2.1 Number of research, data and knowledge products produced 3.2.2 Number of partners under this action demonstrating the use of conflict-sensitive approaches	3.2.1 0 (2024) 3.2.2 0 (2024)	3.2.1 TBD at contracting stage 3.2.2 TBD at contracting stage	3.2.1 Research, data and knowledge products produced 3.2.2 Partners internal monitoring and risk management tools adopting conflict sensitive approaches and methodologies	The context does not impede access to the information necessary to develop data-based evidence, analysis and research. The products produced have practical application directly supporting the EU-funded programmes.

4 IMPLEMENTATION ARRANGEMENTS

4.1 Financing Agreement

In order to implement this action, it is not 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 adoption by the Commission of this Financing Decision.

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 rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures²².

4.3.1 Indirect Management with an entrusted entity – Specific objectives 1&2

A part of this action may be implemented in indirect management with an entrusted entity, which will be selected by the Commission's services using the following criteria:

- Demonstrated experience of a minimum of 8 years managing programmes focusing on access to justice in Myanmar, including at least 2 years in the post-2021 Coup context, and with proven experience in at least half of the States and Regions of Myanmar ;
- Demonstrated experience in supporting legal aid services, in partnership with CSOs, including in conflict and/or crisis affected areas ;
- Demonstrated experience in capacity building for CSOs, and in particular local organisations working in the field of access to justice ;
- Established operational capacity in Myanmar and continued ability to operate in the country, including through the management of large amount of subgranting to CSOs on the ground ;
- Demonstrated experience in conflict-sensitive and human rights-based development programmes and in due diligence compliance.

The implementation by this entity entails the delivery of activities and outputs under Specific Objectives 1 **“Improve access to legal services and community justice and dispute resolution mechanisms”** and Specific Objective 2 **“Empower women, youth and communities to use and promote legal information and awareness on rights”** as outlined in Section 3.

The implementation by this entity(ies) entails the delivery of activities described in section 3 above and the achievement of the Objectives and Expected Outputs as outlined in same section 3.

4.3.2 Direct Management (Grants) – Specific objective 3

Grants: (direct management)

(a) Purpose of the grant(s)

²² 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.

The grant(s) will contribute to achieving Specific Objective 3: **“Enable specialised civil society organisations to address gaps in the defence of fundamental rights”**.

(b) Type of applicants targeted

In order to be eligible for a grant, the applicant(s) must:

- be a specific type of organisation such as: non-governmental organisation, international (inter-governmental) organisation, or other types of organisations active in areas of relevance to this Action.

(c) Justification of a direct grant

Under the responsibility of the Commission’s authorising officer responsible, the grant may be awarded without a call for proposals to an entity or entities selected using the following criteria:

- Demonstrated experience of a minimum of 3 years managing projects focusing on access to justice and capacity-building of justice providers, including at least 2 years in the post-2021 Coup context;
- Relevant technical expertise in areas of relevance for this action, including (but not limited to) delivering justice-related services, producing research, enhancing social cohesion and accountability, promoting and protecting citizen’s (and in particular vulnerable groups) access to their fundamental rights in Myanmar;
- Demonstrated experience in conflict-sensitive and human rights-based development programmes and in due diligence compliance;

Under the responsibility of the Commission’s authorising officer responsible, the recourse to an award of a grant without a call for proposals can be justified pursuant to Article 198 (a) and (f) of the Financial Regulation because Myanmar is in a crisis situation referred to in Article 2(156) of the Financial Regulation at the date of the Financing Decision, and/or because of the nature of the action with regard to Article 27(3)(b) NDICI-Global Europe Regulation.

Since the military coup of February 2021, the situation in Myanmar remains highly volatile, with widespread unrest and conflict in various regions. The Myanmar Armed Forces continue conducting airstrikes against civilian populations and perpetrating major human rights violations. In this context a direct grant may be awarded, where appropriate, to ensure human security and to avoid possible threats to civil society actors.

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 4.3.4 below.

4.3.3 Direct Management (Procurement) – Specific Objective 3

The procurement will contribute to achieving Output 3.2 “Available data-based evidence, analysis and monitoring tools to inform adaptive, conflict sensitive and rights-based civil society programmes”, under Specific Objective 3 “Enable specialised civil society organisations to address gaps in the defence of fundamental rights” as described in section 3.

The call(s) for tenders will target the contracting of services related to analytical research, data collection and monitoring.

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

For Specific Objective 1 and Specific Objective 2

If the preferred implementation modality for these specific objectives (indirect management with an entrusted entity(ies), as specified in section 4.3.1) cannot be implemented due to circumstances outside of the Commission’s control, the modality can be replaced with direct management with award of grant(s):

(a) Purpose of the grant(s)

The objective and expected results of grant(s) will contribute to the achievement of specific objectives 1 and 2 of the action as defined in section 3.1 above.

(b) Type of applicants targeted

In order to be eligible for a grant, the applicant(s) must:

- be a specific type of organisation such as: non-governmental organisation, international (inter-governmental) organisation, or other types of organisations active in areas of relevance to this Action.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to an entity or entities selected using the following criteria:

- Demonstrated experience of a minimum of 5 years managing projects focusing on access to justice and protection of fundamental rights in Myanmar, including at least 2 years in the post-2021 Coup context;
- Demonstrated experience in supporting legal aid services, including in conflict and/or crisis affected areas;
- Demonstrated experience in capacity building for CSOs, and in particular local organisations working in the field of access to justice;
- Demonstrated experience in conflict-sensitive and human rights-based development programmes and in due diligence compliance;
- Established operational capacity in Myanmar and continued ability to operate in the country, including through the management of large amount of subgranting to CSOs on the ground;
- Ability to work with local and grassroots organisations established and operating in Myanmar.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals can be justified pursuant to Article 195(1)(a) and (f) of the Financial Regulation because the country is in a crisis situation referred to in Article 2(21) of the Financial Regulation at the date of the Financing Decision, and/or because of the nature of the action with regard to Article 27(3) (b) NDICI-Global Europe Regulation.

Since the military coup of February 2021, the situation in Myanmar remains highly volatile, with widespread unrest and conflict in various regions. The Myanmar Armed Forces continue conducting airstrikes against civilian populations and perpetrating major human rights violations. In this context a direct grant may be awarded, where appropriate, to ensure human security and to avoid possible threats to civil society actors.

For Specific Objective 3

If the preferred implementation modality for this specific objective (Direct management with award of grants and procurement), as specified in section 4.3.2 and 4.3.3) cannot be implemented due to circumstances outside of the Commission's control, the modality can be replaced with indirect management with an entity:

The entrusted entity will be selected by the Commission's services using the following criteria:

- Demonstrated experience of a minimum of 5 years managing programmes focusing on fundamental rights in Myanmar, including at least 2 years in the post-2021 Coup context;
- Relevant technical expertise in areas of relevance for this action, including (but not limited to) delivering justice-related services, producing research, enhancing social cohesion and accountability, promoting and protecting citizen's (and in particular vulnerable groups) access to their fundamental rights in Myanmar;
- Demonstrated experience in capacity building for CSOs, and in particular local organisations working in the field of relevance for this action;
- Established operational capacity in Myanmar and continued ability to operate in the country, including through the management of large amount of subgranting to CSOs on the ground;
- Demonstrated experience in conflict-sensitive and human rights-based development programmes and in due diligence compliance.

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)	Third-party contribution, in currency identified [(If not relevant please delete this column)]
Implementation modalities – cf. section 4.3		
Objective 1 “Improve access to legal services and community justice and dispute resolution mechanisms” and Objective 2 “Empower women, youth and communities to use and promote legal information and awareness on rights” composed of	7 500 000	
Indirect management with an entrusted entity - cf. section 4.3.1	7 500 000	N.A.
Objective 3 “Enable specialised civil society organisations to address gaps in the defence of fundamental rights” composed of	4 500 000	
Grants (direct management) – cf. section 4.3.2	4 300 000	N.A.
Procurement – cf. section 4.3.3	200 000	N.A.
Grants – total envelope under section 4.3.2	4 300 000	N.A.
Procurement – total envelope under section 4.3.3	200 000	N.A.
Evaluation – cf. section 5.2 Audit – cf. section 5.3	may be covered by another Decision ²³	N.A.
Contingencies	N.A.	N.A.
Totals	12 000 000	N.A.

4.6 Organisational Set-up and Responsibilities

A steering committee will be established and act as the oversight and advisory authority, with the mandate to provide strategic guidance on implementation and monitoring of the action, identify risks and opportunities, ensure overall coherence of implementation, complementarity and close coordination between the different primary interventions. The steering committee will be chaired by the EU and will comprise of Implementing Partners and key stakeholders as appropriate. Observers can be invited to attend the SC on a regular or an ad hoc basis. Given the current Myanmar context and non-engagement policy with the de facto authorities, no participation from the Myanmar authorities is foreseen for the time being.

The steering committee will meet regularly (indicatively, every 6 months) with ad hoc meetings if the situation requires, in particular to discuss possible implementation constraints in conflict areas. The secretariat function will be overseen by one of the Implementing Partners.

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.

4.7 Pre-conditions [Only for project modality]

Not applicable.

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 (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

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

Roles and responsibilities for data collection, analysis and monitoring:

Data collection and reporting: The implementing partners are responsible of collecting data and for implementing the necessary analysis in line with the logical framework. The specific requirements in terms of information and data collection methods are defined by the implementing partners. Regular data collection will be carried out by dedicated staff of the implementing partners, who will foresee adequate human resources and arrangements for this purpose. Specific attention will be given to disaggregated data, with a minima sex, location and disability status disaggregation of the indicators. Other criteria such as ethnic background and displacement/migratory status will be integrated, if relevant and feasible. Specific attention should also be given to the socio-economic status of the beneficiaries, to allow the assessment of the impact of the action on inequality. An endline assessment will be carried out at the end of the action to assess the final values of the action's indicators. The data collection and analysis will be under the responsibility of the implementing partner and their costs may be included in the budget.

Baseline/endline setting: Specific baselines and targets will be informed at contracting level. Data collection for setting/confirmation of baselines and targets will be conducted during the first four months of the action, and an endline survey will be conducted in the last six months of the action. Given the current context in Myanmar and the sensitivity of the sector being supported through this action, if reliable information necessary for some selected indicators is not published or available, proxy indicators can be identified and other secondary sources of information can be used.

Monitoring, evaluation, accountability and learning (MEAL) capacities: This action foresees providing support to and strengthen the MEAL capacities of local partners/CSOs to monitor progress. All implementing partners will put adequate resources in place to ensure appropriate monitoring and evaluation. At the end of the inception phase, implementing partners will be required to provide an overview of the MEAL systems in place. 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.

Knowledge management: As for previous programmes supporting access to justice in the country, knowledge production, management and dissemination will be a key aspect of the action. Implementing partners will be required to provide clear plans regarding knowledge management and dissemination, keeping into account the sensitivity of the Myanmar context and its security implications. Output 3.2 of the action will also specifically aim at producing analysis, research and data-driven evidence that will strengthen the relevance of the action.

Remote monitoring: Given the current context and its volatility, it is a risk that the ongoing conflict will limit further the possibility of direct monitoring from implementing partners on the ground. Mitigating measures and sound plans and procedures for remote monitoring will be established by the implementing partners from the inception period of the programme, to be immediately deployed should the situation requires it.

Stakeholder participation: Key stakeholders will be involved in the monitoring process and the reinforcement of their capacities to do so should be planned within the activities of the implementing partners for this purpose. Community consultations will be undertaken as part of the action to ensure context specific response. Reinforcing local CSOs' capacity to participate and engage in justice mechanisms will be an important component of the action.

5.2 Evaluation

Having regard to the importance of the action, a mid-term and/or final evaluation(s) may be carried out for this action or its components via independent consultants contracted by the Commission.

A mid-term evaluation may be carried out for problem solving and learning purposes, in particular with respect to monitoring the extent to which the action is transferring knowledge and management of the tools developed during its implementation to local partners, in order to ensure the sustainability of the results after the end of implementation.

A final evaluation may be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the impact of the current conflict on access to justice in Myanmar, as well as the fact that this action is tentatively the final phase of the ongoing EU support to the justice sector in Myanmar started in 2015. The final evaluation will assess progress not only towards expected results for this last phase, but also the impact of the EU support since the first phase of this programme, with a specific focus on the development of the capacities of local partners supported.

The evaluation(s) mentioned above will, if relevant, feature specific components to assess the impact of the action on the bottom (poorest) 40 per cent or socio-economically disadvantaged individuals, households or groups, as well as to specifically assess the impact on women and girls' and boys' access to justice.

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

The evaluation reports may be shared with the partners 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, apply the necessary adjustments.

The financing of the evaluation may be covered by another measure constituting a Financing Decision. All evaluations shall 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.

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.