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

**ANNEX I**

to the Commission Implementing Decision on the financing of the annual action plan in favour of the Republic of Nigeria (Part 1)

**EU Support to the Rule of Law and Anti-Corruption in Nigeria Phase II**

**ANNUAL PLAN**

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

**1. SYNOPSIS**

**1.1 Action Summary Table**

<b>1. Title CRIS/OPSYS business reference Basic Act</b>	EU Support to the Rule of Law and Anti-Corruption in Nigeria Phase II (RoLAC II) OPSYS number: ACT- 61641 Financed under the Neighbourhood, Development and International Cooperation Instrument ( <u>NDICI-Global Europe</u> )
<b>2. Team Europe Initiative</b>	No
<b>3. Zone benefiting from the action</b>	The action shall be carried out in West Africa, Nigeria
<b>4. Programming document</b>	Nigeria Multi-Annual Indicative Programme (MIP) of the NDICI 2021-2027
<b>5. Link with relevant MIP(s) objectives / expected results</b>	Priority area 2 of the MIP on Governance, Peace and Migration  Specific objective 1: Enhancing democracy, participatory governance and accountability, in particular the following results:  1. Increased accountability, transparency, inclusiveness (youth, women and people with disabilities) and effectiveness of the democratic and governance system, including through improved electoral processes and strengthened involvement of Civil Society Organisations. 2. Improved rule of law, fight against impunity and access to justice through a more independent, effective, responsive, transparent and gender sensitive justice sector. 3. People in all their diversity and with a specific attention to women equality and the most vulnerable groups have their rights promoted and better protected from all forms of violence (sexual and gender-based violence in particular) through legislation and effective enforcement.
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	Priority Area: Peace, Governance and Migration Sector : Rule of Law and Governance

<b>7. Sustainable Development Goals (SDGs)</b>	Main SDG (1 only): SDG 16 (Peace, Justice and strong institutions) Other significant SDGs (up to 9) and where appropriate, targets: SDG 5 (Gender Equality)			
<b>8 a) DAC code(s)</b>	15113 : Anti-corruption organisations and institutions 15125: Public procurement 15130 : Legal and judicial development 15131: Justice, law and order policy, planning and administration 15134 : Judicial Affairs 15137: Prisons 15150: Democratic participation and civil society			
<b>8 b) Main Delivery Channel</b>	47000 Other multilateral institutions			
<b>9. Targets</b>	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
<b>10. Markers (from DAC form)</b>	<b>General policy objective @</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. Internal markers and Tags</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Digitalisation @ digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

	digital governance		<input type="checkbox"/>	<input type="checkbox"/>
	digital entrepreneurship		<input type="checkbox"/>	<input type="checkbox"/>
	digital skills/literacy		<input type="checkbox"/>	<input type="checkbox"/>
	digital services		<input type="checkbox"/>	<input type="checkbox"/>
	Connectivity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	transport		<input type="checkbox"/>	<input type="checkbox"/>
	people2people		<input type="checkbox"/>	<input type="checkbox"/>
	energy		<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity		<input type="checkbox"/>	<input type="checkbox"/>
	Migration @ (methodology for tagging under development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities (methodology for marker and tagging under development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BUDGET INFORMATION</b>				
<b>12. Amounts concerned</b>	Budget line(s) (article, item): BGUE-B2023-14.020120-C1-INTPA Total estimated cost: EUR 30 000 000 Total amount of EU budget contribution EUR 30 000 000			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>13. Type of financing</b>	<b>Indirect management</b> with the entity(ies) to be selected in accordance with the criteria set out in section 4.4.1			

## 1.2 Summary of the Action

This action aligns with the objectives of the EU – Federal Republic of Nigeria Multi-Annual Indicative Programme (MIP) 2022-2027, in particular its second priority sector area focusing on Governance Peace and Migration. It aims to continue supporting the strengthening of rule of law and the fight against corruption, as well as reducing gender-based violence while promoting respect for human rights, ensuring inclusivity for all Nigerians and an enabling environment for the implementation of the global gateway.

The intervention is proposed for a period of five years, from 2023 to 2028, and will build on the achievements of the previous programme under the 11th EDF, by responding to the justice and governance challenges identified by the relevant Nigerian development and sector policies. The 11<sup>th</sup> EDF programme had a clear influence on the justice sector and anti-corruption reforms at the federal level and in states where it operated, leading to the adoption of best practices and replication in non-focal states. The programme contributed to tangible changes in policies, legislations and systems in the geographic and thematic scope under its influence. However, sustained efforts are needed to achieve the overall objective and consolidate the impact achieved. Impact in the criminal justice sector and access to justice have been recorded in critical areas, including the development and implementation of practice directions for the judiciary, the provision of prison case management systems that facilitated prison decongestion, digital courts in response to the COVID-19 pandemic, and the provision of shelters and sexual assault referral centres as well as a first national database of sex offenders. In the anti-corruption sector, the programme contributed to the adoption of a National Anti-corruption strategy to improve behavioural changes at both federal and state levels, namely in transparency of procurement processes, convictions of anti-corruption cases, and investigative reporting. There has also been progress in access to justice for vulnerable persons, including People with Disabilities (PWD).

This intervention seeks to further improve the justice sector and anti-corruption systems by reinforcing the above achievements and promoting effective enforcement of legal and policy framework with a focus on the implementation of the National Anti-corruption Strategy and the National Policy on Justice. It would also facilitate the replication of progress already achieved in new focal states to be determined at inception phase. In parallel, the action will promote citizens' protection and participation, to ensure accountability of the justice and anti-corruption sectors.

The intervention will align with the National Development Plan 2021-2025, the blueprint for Nigeria's economic recovery which seeks to create strong and sustainable governance structures, efficient institutions that promote citizens' protection while driving productivity for sustained growth.

The action will closely involve and assist coordinating bodies, established by law and representing both justice and anti-corruption institutions, in order to increase their participation in the development and management of the anti-corruption and justice reform agenda, as well as to ensure an integrated and coordinated implementation approach of the reform agenda. Moreover, the action includes the partnership of CSOs across all project outputs to enhance their buy-in, promote their engagement in sector reforms, and extend the benefits of the action at the grassroots level.

Likewise, the action will contribute to the realisation of the EU Gender Action Plan III (GAP III) 2021-2025, in particular to its thematic area of engagement "Promoting equal participation and leadership" and "Ensuring freedom from all forms of gender-based violence".

## 2. RATIONALE

### 2.1 Context

Six successive election terms have been held since the return of civil administration in 1999. In 2019, Muhammadu Buhari was re-elected for a second term. The National Assembly is currently carrying out its fifth amendment of the 1999 Constitution. Major recommendations were raised during public hearings held across the country and submissions of memoranda by various agencies, institutions, groups and individuals. These requested, among others, for the reform of the police, including financial autonomy for the judiciary and local governments, and enforcement of human rights and gender inclusiveness.

Despite progress achieved in strengthening its institutions, democracy and civic space, Nigeria still faces challenges in fulfilling its legal obligations and commitments. The World Justice Project Rule of Law 2021 Index ranks Nigeria 121 out of 139 countries. The country performs medium in the sectors of constraints on government powers, criminal and justice and scores much lower on fundamental rights, absence of corruption and order and security. The country ranks 123 out of 146 countries on the 2022 World Economic Forum's Global Gender Gap Index (GGGI), with slight changes and evolution since 2006. Gender disparity is apparent in many aspects of life in Nigeria observed in vastly differing outcomes in metrics such as employment, mortality rates, school drop-out rate and number of women occupying appointive and elective positions within government. These pre-existing inequalities have been exacerbated by the pandemic, which has negatively and disproportionately affected women, particularly with regard to access to health care, employment and experience of violence<sup>1</sup>.

The country is a signatory of several international conventions and treaties that establish its commitments to the human rights of men and women and to gender equality, such as The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, and the Optional Protocol in 2004. It is also a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights.

<sup>1</sup> EU Gender country profile Nigeria available at GCP Nigeria | Capacity4dev (europa.eu)

In recent years, progress has been recorded in the adoption of domestic legislation that has an impact on gender equality such as the Violence Against Persons Prohibition Act, 2015 (VAPP Act) and the Child Rights Act, 2003 (CRA) across the States of the country.

The European Union has been supporting the Nigerian justice and anti-corruption sectors since the 9<sup>th</sup> European Development Fund (EDF). Under the 11<sup>th</sup> EDF, the Rule of Law and Anti-Corruption (RoLAC) programme continued supporting multiple beneficiaries of the criminal justice and anti-corruption sectors through interventions in policy development and law reforms, institutional capacity building as well as civic engagements. Significant progress has been recorded within this period, with clear advancement in the legal framework guiding these sectors. The capacities of justice, anti-corruption actors and civil society, especially when strengthened within multi-stakeholder framework, have been significantly improved. EU support has also enabled programme beneficiaries to participate in the development of processes and tools, which have sharpened their technical skills to replicate them in other areas, and in few cases, served as platforms for peer learning. The support provided by the programme to the various coordinating committees, established by law or with ministerial mandate, to lead and oversee the implementation of criminal justice and access to justice reforms at the federal level and in the focal states, has helped justice actors (including CSO) to better understand the roles, challenges, and limitations of other partner institutions.

Our successive interventions have also promoted the inclusion and mainstreaming of human rights and gender equality throughout the implementation of criminal legal provisions and procedures, the diverse responses brought to justice needs of vulnerable groups, the adequate legal representation of offenders and assistance to victims of Sexual and gender based violence. However, given the existing societal stigma and discrimination existing towards some vulnerable groups, there is a strong demand by relevant agencies and CSO to further advocate for gender and PWD's rights and further decentralise legal awareness and empowerment of victims at local government and grassroots levels.

Implementation and compliance with the Administration of Criminal Justice (ACJ) Laws was enhanced. Oversight visits to places of detention (as prescribed by the Laws) were being undertaken by magistrates and Divisional Police Officers (DPOs) in the programme's focal states, bringing succour to several hundred inmates who had been detained indefinitely without arraignment or bail. Hundreds were discharged or admitted to bail, and in a measure that demonstrated increasing openness to scrutiny and due process compliance, DPOs welcomed magistrates and Police Duty Solicitors during oversight visits. The support that state judiciaries began to give to the implementation of the visits, as well as a convergence of interests from actors like the Nigerian Bar Association (NBA) which set up several Police Duty Solicitor Schemes (PDSS) inspired hope that compliance with oversight visits will be sustained. Over 1000 oversight visits were made with 30,000 detainees interviewed and released on bail. In addition, and in support of the oversight process, 67 Divisional Police Stations complied with reporting obligations in the FCT, Anambra and Adamawa, as they sent their reports of arrests and detentions to Magistrates for review as prescribed by the law. Over a thousand confessional statements were digitally recorded in statement taking rooms (STRs) provided by the programme, in line with the relevant provisions of the ACJ Law towards protecting suspects against torture.

With EU support, there are now 32 Sexual Assault Referral Centres (SARCs) compared to 13 at the start of EU intervention. Over 32,000 survivors of sexual gender-based violence were assisted by SARCs. Arrests were made in 1485 SARC cases and 251 cases were charged to court, with 17 criminal convictions secured. Although the number of prosecutions and convictions remains low compared to the number of assaults reported to the SARCs, the data is a clear indication of how valuable SARCs are in enhancing justice outcomes for survivors. RoLAC sought to help address the low number of criminal convictions by advocating for special courts. As a result, ten High Courts and one Family Magistrate Court were specifically designated to adjudicate SGBV cases in the FCT and three RoLAC states (Adamawa, Edo and Anambra). The 11 designated judges and magistrates have jointly reviewed and agreed practice directions for the trial of SGBV cases. These were signed off in July 2022 by the Anambra and Edo Chief Judges (CJs) and are awaiting sign-off by CJs in FCT and Adamawa. This achievement will help to provide uniformity of practice across states that have designated SGBV Courts and provide clear direction that other states can follow.

With EU support, the Ministry of Youth and Social Development launched the Alternative Care Guidelines which provide the modalities for the use of shelters and orphanages as alternative care for children in conflict with the

law rather than putting them in custodial facilities. In Adamawa state, the Chief Judge issued a Practice Direction for adjudicating cases involving children in conflict with the Law and later designated two more juvenile courts in response to the recommendations from a RoLAC assessment of remand homes in the state. In Anambra state, the Family Court has continued to be utilised with cases involving juveniles being handled with the assistance of family court assessors trained by RoLAC.

In the anti-corruption sector, the programme contributed to the adoption of a National Anti-corruption strategy to improve behavioural changes at both federal and state levels, namely in transparency of procurement processes, convictions of anti-corruption cases, and investigative reporting. Improved inter-agency cooperation was reinforced through targeted strengthening of anti-corruption agencies (ACAs) institutional and operational capacities, particularly as remediation response to Nigeria's poor performance in the Mutual Evaluation Exercise of Financial Action Task Force (FATF). A key outcome of this was the development and adoption of a Standard Operating Procedure (SOP) for parallel investigation and exchange of intelligence among competent authorities, which was developed and adopted by 11 key anti-corruption agencies. The SOP has since been approved by the Attorney General of the Federation

There are still systemic bottlenecks, especially regarding transmission and processing of cases along the criminal justice chain. Data tracking and case management initiatives that enable ease of sharing and follow up on criminal cases have been developed, as well as procedures accelerating the treatment of criminal cases, by preserving the fair trial guarantees of offenders and increasing the application of alternative measures to detention. These initiatives are still perceived as new for a culture that remains punitive and requires further support to ensure long-term impact.

While some state governments targeted by the programme demonstrate sufficient budgetary investment in the justice and AC reform process, some gaps remain and some lack of ownership over reform process in which further investment from states is required.

EU intervention has largely and visibly changed the anti-corruption landscape in the focal states, promoting transparency and accountability in the public procurement space. However, established protocols and systems still need to be further concluded and embedded, with regard to full implementation of the national anti-corruption strategy, and results achieved within the public procurement space in the beneficiary agencies need to be consolidated, such as the establishment of anti-corruption transparency units in relevant government institutions.

Institutionalised and informal demand-side structures (coalitions, partnerships etc.) established by non-state actors ensure continuity of the programme results, favour empowerment of vulnerable groups on their rights, support prevention and monitoring of corrupt practices and foster advocacy on both justice and AC reforms. However, CSO engagement with justice institutions and anti-corruption agencies on law/policy decision making require further consolidation. Support for investigative journalism around criminal justice issues and support of the reporting/complaint aspect is just emerging, due to the difficulty to engage the Judiciary on transparency and integrity matters. Therefore confidence remains to be further strengthened.

This action will therefore address the foregoing as well as other Rule of Law and governance challenges identified by the relevant Nigerian development and sector policies and align with their priorities. Among them, the National Development Plan (NDP) 2021-2025 sets objectives and targets towards improving governance, institutions and national orientation by achieving strong public transparency, accountability and citizen engagement, as well as improving service quality by public institutions, ensuring respect for the law and improving level of governance in the country.

In the justice sector, the National Policy on Justice, the policy on prosecution and the National Legal Aid Strategy underline the priorities and objectives, which have been driving the justice sector reforms for the last five years. These policies are still valid to guide the justice institutions on the realisation of their mandate based on the relevant legal and policy framework described in the first section.

In the anti-corruption sector, the National Anti-Corruption Strategy is the reference policy for all AC, law enforcement and regulatory institutions. The Strategy is built around the pillars of Prevention, Public Engagement, Ethical Re-Oriented, Enforcement and Sanctions as well as Recovery and Management of Proceeds of Crime.

Other relevant policies will also be considered, among others:

- 1) the Open Government Partnership (OGP) with aim to improve economic growth and service delivery in governance,
- 2) the National Action Plan (NAP) on the Promotion and Protection of Human Rights, which ensures the promotion, protection and enforcement of human rights in Nigeria;

## 2.2 Problem Analysis

The justice and anti-corruption sectors present several structural and systemic challenges affecting their institutional and operational functions. The action will seek to address the problems identified below.

### Justice sector

Though Nigeria's legal framework in the justice sector is largely developed, its implementation remains challenging. The legislative setup on criminal justice - Administration of Criminal Justice Act (ACJA), Child's Right Act (CRA), Violence against Persons Prohibition Act (VAPP), and the Discrimination against Persons with Disabilities Act – has been adopted at federal level and in the focal states<sup>2</sup>. Yet, the communities and the justice institutions themselves are not fully aware of the new measures and their consequences on their daily practice. States' policies are yet to fully align with the new laws. The ACJA - after seven years of implementation, domestication or amendment processes in the states, still requires further enforcement support. The same is true for the other laws and for the Legal Aid Act of 2011, providing assistance to the most vulnerable groups in criminal and civil matters.

Efficiency, effectiveness, accountability and transparency of the criminal justice system remain key challenges. Most root causes and problems, underlined in the National Policy on Justice of 2017, that undermine the fair and speedy dispensation of justice services, remain valid today. The following could be highlighted: 1) lack of efficient workflow processes and effective information and case management systems within justice institutions (causing delays in judicial procedures and court backlogs); 2) limited technical capacities of the criminal chain actors (in terms of knowledge, skills, including IT skills); 3) high number of pre-trial detentions (two thirds of the overall prison population) and insufficient resort to alternative sentencing and mediation; and 4) unstructured cooperation mechanisms in the criminal chain.

**Justice sector reforms** remain inadequate, undermining their pace and quality. As a result, the justice sector is characterised by unsatisfactory service delivery and court performance, as well as lack of data to support needs assessment of justice issues faced by citizens, in particular the most vulnerable groups (women, children, juveniles, Persons with Disabilities (PWD) and internally displaced persons). Accountability and transparency of the judicial system remain under-developed. Few judgements and court statistics are published. E-court hearings, digital information and case management systems used during the COVID pandemic to facilitate decongestion of courts and prisons have not been adopted. Although the judiciary has achieved some degree of financial independence, courts' autonomy and decisional independence in States is more open to debate. Political interference, corruption, uncertain career opportunity, and the limited continuous legal and judicial training organised (despite those offered by external experts), continue weakening public confidence in the justice system.

**Access to justice** remains a major concern, particularly for marginalized and vulnerable groups. In most states, people cannot afford high cost of litigation. In addition, cultural and traditional impediments continue to render access to justice difficult for groups who face social stigma, exploitation, violence, and discrimination. The incidence of Sexual and Gender Based Violence (SGBV) has strongly increased namely due to the insurgency in the Northeast<sup>3</sup>. Victims of SGBV also face constraints to have their rights recognised due to slow legal proceedings accentuated by the social pressure, which tends to deny the criminal nature of the acts. The number of cases prosecuted and adjudicated remains low. In addition, the legal aid service providers and response mechanisms responding to domestic and sexual violence remain institutionally fragile and under-resourced.

<sup>2</sup> Programme Phase I 11<sup>th</sup> EDF focal states include the Federal Capital Territory, Lagos, Adamawa, Anambra, Edo and Kano

<sup>3</sup> From forced and early marriages to physical, mental, or sexual assault, nearly 3 in 10 Nigerian women and girls have experienced physical violence by age 15 (Source: ROLAC reports).

Although some progress has been made under phase I of the programme in designating specialised SGBV courts, more progress is required in this area.

#### Anti-Corruption sector

Despite the major achievements registered in the anti-corruption sector, AC sector reforms are mainly concentrated at the federal level.

**Legal and systems gaps:** the 2021 Annual Non-Compliance Report of the Nigerian Auditor-General's Office identified major cross cutting gaps in Ministries Development and Agencies (MDAs), such as advances to officers not recovered, unspent balances on capital votes not returned to the treasury and contract awarded with irregularities. Some of the laws reviewed by the Law Review Team under the Federal Ministry of Justice (FMoJ) were enacted, whereas bills such as the Public Interest Disclosure Bill and the Witness Protection and Management Bill remain to be passed by the National Assembly and be implemented.

**Coordination and collaboration remain limited among AC Agencies (ACA)** and with other relevant stakeholders in the different sectors such as MDAs, CSOs and the private sector at federal and state levels. Building upon the existing coordination forum and based on tangible needs, more coordination could be sought around mutual agreements, joint exercises, exchange of experiences, referrals, capacity building and sharing of resources. However, there are no coordination platforms similar to Inter Agency Task Team (IATT) in the States, and no platform, which would interlink the ACAs across Federal and State levels.

**Recent Corruption Risk Assessment (CRA)** studies are absent in priority fields of public procurement, the extractive industries and the criminal justice system. Most of the ACA's preventive functions are not supported by up to date CRA or system studies. Most ACAs except Independent Corrupt Practices Commission (ICPC) reportedly lack experience and skills on CRA. CRA in the justice sector are very rare except an assessment of the technical capacity and integrity assessment of the justice system in three Nigerian States (Borno, Delta and Lagos) in 2008, which indicated a clear link between delay in judicial process and corruption.

**The ACAs prevention and law enforcement activities** are affected by lack of technical capacity, the delay in corruption trials and asset recovery decisions. Training centres of ACAs such as the Training Academies of Independent Corrupt Practices and other related crimes Commission (ICPC) and the Economic and Financial Crime Commissions (EFCC) may be useful to sustainably reach a larger number of staff and attain the desired level of capacity in the long term. Some ACAs request capacity building support to use Alternative Dispute Resolution (ADR) systems for settling selected categories of corruption cases. Almost all ACA also face issues in managing assets recovered.

**Internal oversight mechanisms** embedded within the MDAs across the public sector are instrumental in fighting corruption due to their accessibility and low cost involved in reporting. Independent and strong internal oversight mechanisms can be also used to refer cases to ACAs, where the cases reported are beyond the institution's powers or not resolved within the institution. CSOs reported difficulties in dialoguing with ACAs and the government, namely those working on budget and audit issues due to a lack of interest from the ACAs and the government.



Key beneficiary institutions and organisations (duty bearers) targeted under the first phase of the RoLAC are numerous and their individual support appeared to be resource intensive and time consuming. However, these institutions are all responsible to drive justice sector and anti-corruption reforms in a harmonised and integrated approach (according to the National Policy on Justice and the NACS). This action is therefore seeking to assist the programme stakeholders in a more holistic manner, by rationalising the planning and decision-making process of the intervention over key common issues and shared priorities identified for each justice and AC sector or overlapping both sectors. These will be primarily addressed by existing coordinating bodies supporting their respective member institutions in the development of work plans. These key coordinating committees are as follows:

The **Federal Justice Sector Reform Coordination Committee (FJSRCC)**, has been vested by the Federal Ministry of Justice (FMOJ), namely under the National Policy on Justice (2017), to serve as coordinating body “for the continuous reform and improvement of justice administration” and “for the dissemination and implementation of the policy, along with other normal coordination functions”. The committee has the authority to drive the implementation and coordination of both justice and anti-corruption strategies, and prepare annual performance reports over the achievement of their results.

**Justice Sector Reform Teams (JSRT)** established at State levels, under the MoJ/Attorney General’s authority, are present in about 32 states. JSRTs serve as a forum for both coordination and strategic planning among criminal justice sector and related institutions (among others the MoJ, Judiciary, Police, Prison Service, Nigerian Bar Association, Legal Aid Council and Civil Society Organisations). They provide a platform for sharing experience, replication of best reform initiatives, effective resource utilisation and resolution of cross-institutional issues. As ACAs are not established in most states, JSRT also serve as platforms for coordinating governance and anti-corruption reform among anti-corruption sector institutions.

The **Administration of Criminal Justice Monitoring Committee (ACJMC)** is established by law, as a mechanism for inter-agency collaboration and oversight of the criminal justice sector, including for AC matters. The Committee is chaired by the Chief Judge of the High Court of the FCT and composed of the heads of the main criminal justice and human rights institutions (AG, Police, Nigerian Prison Service, Legal Aid Council, National Human Rights Commission and one CSO). The ACJMC’s functions are to ensure that criminal matters are dealt speedily; to reduce congestion of criminal cases in courts and ATP in prison custody; to ensure cooperation and coordination of agencies in the administration of justice; to collate, analyse and publish information on criminal justice administration and to submit quarterly reports to the Chief Justice of Nigeria. The role of this platform needs to be further technically assisted and optimally utilised by the actors of the criminal chain.

**Child Rights Implementation Committees (CRIC)**, are mandated under the Child Right Act (CRA), at federal, state and local government levels, among others, to initiate actions ensuring the observance of the rights and welfare of children as provided for in the CRA and other international / regional conventions and declarations; develop and recommend to the federal, State and Local Governments specific programmes that enhance the implementation of children’s rights; review and report on the state of implementation of children’s rights; coordinate the activities of Federal, State and Local Government institutions, organisations and other bodies concerned with the rights and welfare of children and collaborate with other CRIC. These advising, implementing and coordinating functions as well as their multidisciplinary composition constitute the appropriate platform, especially at local government level, for sensitising and addressing the rights of children, including those victims of SGBV.

The **Inter-Agency Task Team (IATT)** is a coordination platform for anti-corruption agencies of Nigeria with its secretariat established under the **Technical Unit for Governance and Anti-Corruption Reforms (TUGAR)**, serving as a one-stop shop for data on anti-corruption and governance across sectors and at national level. TUGAR is also the monitoring and evaluation committee of the National Anti-Corruption Strategy (NACS) and coordinates Nigeria’s reports to United Nations Convention Against Corruption (UNCAC). IATT includes 22 AC agencies and coordinates the AC sector’s activities by grouping the agencies into functional working groups on prevention, safe reporting, asset recovery, investigation and prosecution as well as research and policy. IATT and TUGAR are not established by a legislative act.

The action intends to support these coordinating bodies and institutions in line with their respective needs and responsibilities, by providing them further capacity building assistance and logistic support in areas of research,

legislative drafting, strategic planning, budgeting, management and coordination, to implement, monitor and review the justice and AC policies and reforms.

The criminal justice sector institutions described below, will be supported by these coordinating committees to identify their needs prior to the annual planning process of the intervention, in line with the priorities of the programme, and the sector strategic plans. The annual work plans will address common issues and shared solutions jointly identified by key stakeholders, to be addressed in support of the reforms. The detailed modalities on the role of the coordinating committees, the benefiting institutions and the IP in the development of the work plan will be developed in more detail and agreed at the inception phase.

The **Federal Ministry of Justice (FMOJ)** and **State Ministries of Justice (MoJ)** are under the authority of the **Attorney General (AG)** and are Government's primary institutions for the administration of justice. The FMOJ has the mandate to promote and safeguards legal and constitutional principles, provide legal advice to the Government, support legislative drafting processes and facilitate responsive legal systems addressing public needs. The AG has also established the Monitoring and Evaluation Committee of the NACS with members from different sectors. **State ministries of justice** oversee coordination of the criminal justice system at state level, work with state level law reform commissions, undertake legal drafting and are largely responsible for prosecution and legal advice of criminal cases in state high courts. The **Directorate of Public Prosecutions (DPP)** is responsible for instituting prosecution against defendants. It plays an important role in enforcing criminal procedures such as bails, remand orders, plea-bargaining and non-custodial sentences, but also economic and corruption related offences, which still require to be more extensively and effectively implemented in compliance with ACJA and other criminal laws.

**The Nigerian Police** received significant technical and logistic support during RoLAC I, namely to support interview techniques of serious crimes in compliance with international human rights and curb the use torture to obtain confessions. Despite efforts to improve their procedures and practices, the NP continue to face a lot of structural, capacity and accountability issues, which need to be tackled through a more integrated approach.

**The Nigeria Correctional Service's (NCS)** has priorities to decongest correctional centres and implement non-custodial measures to reduce the number of awaiting trial persons (ATP). The NCS aims to strengthen the utilisation of technology such as mobile virtual court sessions to speed up trial, as well as to use tools to enhance coordination in the management of cases through the expansion of their Criminal Information Management System. NCS also plans to further develop and implement other non-custodial measures and rehabilitation programmes, as foreseen in the National Correctional Service Act of 2019.

**The National Agency for the Prohibition of Trafficking in Persons (NAPTIP)** is one of the agencies under the supervision of the Federal Ministry of Humanitarian Affairs Disaster Management and Social Development. It was created by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003 to protect all persons against human trafficking and violence against persons through a people centred approach. The Agency is also mandated under article 44 of the VAPP Act to administer the provisions of the Act and is responsible for promoting its implementation in collaboration with relevant stakeholders and faith-based organisations, namely with VAPP committees established under VAPP laws, in states where they have been enacted.

**The National Commission for Persons with Disabilities** is established by the Discrimination Against Persons with Disabilities Act of 2018 and mandated to ensure the realisation, monitoring and evaluation of government policy objectives on disability. The Commission receive complaints of PWD on the violation of their rights and on the support needed to increase the visibility of PWD, their accessibility to justice mechanisms, the enforcement of PDW laws and protection policies for PWD with a focus on women and mental disability issues. It is also mandated to coordinate and implement activities that guarantee full inclusion of PWD in the society in areas of education, social economic, civil rights and other related matters.

The **Judiciary** administers criminal justice based on three distinct legal systems: Common Law, Customary Law and Sharia Law (applicable in the 12 northern states). This intervention will mostly support judges, magistrates and judicial staff of High Courts, Magistrates' Courts at federal and state selected levels. These include specialised divisions, such as family courts, SGBV courts, Multi-Door courthouses and designated AC judges (or AC courts in the future). These courts require continuous support to dispense speedy and quality justice services.

**The Legal Aid Council (LACON)**, a parastatal of the FMOJ, is established in every state of the federation, with offices and legal aid centres. It organises the provision of services to indigent offenders charged for capital offences and to vulnerable groups in line with the National Legal Aid Strategy 2017-2022. LACON has limited funding and manpower to effectively deliver its mandate and respond to the high demand for legal aid services throughout the country. The Council therefore engages the services of NGOs, law clinics and pro bono lawyers from the National Bar Association (NBA). LACON monitors and reviews cases of awaiting trial inmates, has access to persons detained in prisons and police stations directly and/or through the **Police Duty Solicitor Scheme (PDSS)**, which provides free legal services to all suspects in custody in designated police stations of Nigeria.

The **National Bar Association (NBA)** remains a central player in enhancing access to justice, including for socially vulnerable people. The NBA advocates for the development of pro bono services and trains its lawyers to engage in this type of procedure with relative success, since pro bono lawyers generally are not reimbursed of their costs. The NBA has committed the deployment of PDSS at police stations and participates in the monitoring of places of detention with magistrates.

**The Ministries of Women Affairs and Social Development (MWASD) and the Ministries of Humanitarian Affairs and Social Development** at federal and state levels are promoting the development of women's and children's rights. Their services are highly motivated to implement reform measures but lack the resources to carry out more grassroot interventions.

The **National Judicial Institute** was not a partner beneficiary under the first phase. However, it delivers training courses for both state and federal officials, all categories of judicial officers and their supporting staff through continuous education. Its priority areas are to deliver training on virtual court proceedings and on emerging justice trends: case management, performance evaluation of judicial officers, peer-to-peer learning, joint training with police and correctional staff and sentencing guidelines. NJI will be supported by the action in the review and modernisation of its training curricula and for the organisation of regular training sessions. A majority of training courses developed and delivered under the action will be conducted through its facilities and trainers to ensure better institutionalisation of the legal and judicial training curricula and sustainable transfer of knowledge.

**The Anti-Corruption, Law Enforcement and Regulatory Agencies** targeted by the intervention all have a crucial role in promoting accountability, preventing and combating corruption. Beyond the streamlined institutional building and logistic support, which will be planned, led and monitored in cooperation with the relevant coordinating bodies, the intervention will respond to specialised technical assistance (TA) requests formulated by the institutions to operationalise the bills to be enacted and enable them to perform their mandates more effectively.

**The Code of Conduct Bureau (CCB)**, whose role is to enforce the code of conduct for public officers by examining their declarations and investigating complaints of non-compliance, requires technical and financial capacities to perform better in its law enforcement and asset registration activities. Similarly, **the Code of Conduct Tribunal (CCT)** which adjudicates cases brought by the CCB at federal and state levels, needs to enhance its delivery process, namely through support on e-filing, e-recording, virtual adjudication and evidence gathering.

**The ICPC** is mandated to prevent bribery and corruption related offences, conduct investigation of corruption cases, examine systems and procedures of public bodies to identify gaps in areas prone to corrupt practices and advise on mitigation remedies. It prosecutes cases in designated courts. It has conducted CRA in specific sectors and has developed Ethics and Integrity as well as ACTU efficiency indexes. These tasks, which could not be executed effectively due to lack of capacity, call for external support on areas such as digital skills, investigation of complex money laundering cases, digital assets investigation, transnational crimes, asset tracing, recovery and management, support to conduct systems studies produce public enlightenment campaigns and strengthen the coalition of CSOs working with them.

**The EFCC** has preventive, investigative, prosecutorial, facilitative, and coordination functions regarding economic and financial crimes. EFCC has adopted a Strategic Plan (2021-2025) in line with the NACS and needs support to implement it through its head office in Abuja and branch offices in the states. Based on its experience in law enforcement, it plans to develop a corruption prevention strategy.

**EFCC's Special Control Unit for Money Laundering (SCUML)**, in line with these responsibilities to monitor the compliance of Anti- Money Laundering/ Combating the Financing of Terrorism (AML/CFT) measures within Designated Non-Financial Institutions (DNFIs), aims to increase training of its staff and operators in awareness raising on AML and CFT and related specific thematic sectors, in addition to improve its reporting obligations to treaty bodies.

**The Nigerian Financial Intelligence Unit (NFIU)** is since 2018 an independent unit (previously under EFCC), with the functions of receiving, requesting, analysing and disseminating reports on money laundering, terrorist financing etc. to law enforcement, security, intelligence and other relevant stakeholders. NFIU shares information to 30 institutions including ACAs, and provides them with training on AML and other related offenses. In this framework, the unit requires to sustain its training methods for new recruits and other focal persons, and improve its strategic analysis in specific thematic areas (e.g. extractive industries, environment, virtual financial crimes, local intelligence sharing network).

**The Bureau of Public Procurement (BPP)** is the regulatory authority responsible for the monitoring and oversight of public procurement, harmonising the existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria. The BPP is implementing the Open Government Partnership activities and has launched E-Procurement. BPP requires further assistance to upgrade the National Open Contracting Portal (NOCOPO), review the Standard Bidding Documents, develop its strategic plan, conduct procurement audit/surveillance in selected MDA and regulatory oversight on the debarment procedure, as well as engage CSOs on monitoring procurement. Public Procurement Bureaus established in the states of Lagos, Edo and Adamawa have launched e-procurement, whereas Anambra's public procurement agency is preparing to start e-procurement.

The NEITI Act provides an institutional mechanism for transparency in the extractive industries, through revenue and expenditure tracking and monitoring of industry practices with an eye to ensuring remedial action, in collaboration with stakeholders.

The Inter Agency Task Team (IATT) and the Technical Unit on Anti-Corruption and Governance Reforms (TUGAR), which acts as its secretariat contributes to inter agency coordination.

**CSO** contributed to fight against corruption by simplifying and disseminating budget related information to the public, monitoring and tracking projects, advocating for more effective policies and laws, collaborating with relevant stakeholders and raising awareness among the community using media. **Media** participate in building capacities of journalists and CSOs to carry out investigative journalism.

**Right holders and end beneficiaries** targeted by the intervention are the Nigerian citizens, namely vulnerable and marginalised groups who need to be empowered on their legal rights and on their duties to hold institutions accountable for the effective implementation of the justice sector and AC reforms.

### 3 DESCRIPTION OF THE ACTION

#### 3.1 Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to contribute to the consolidation of Rule of Law and Good Governance reforms in the Federal Republic of Nigeria.

The Specific Objective (Outcomes) of this action is to help improve the justice and anti-corruption systems for enhanced social cohesion.

The Outputs to be delivered by this action contributing to the Specific Objective are:

1. Enhanced performance, quality and oversight of the criminal justice system and of justice services delivery

2. Improved access to justice for vulnerable women, children, juveniles, persons with disabilities and victims of sexual based gender violence
3. Increased transparency and accountability of anti-corruption systems and reforms through support to Anti-Corruption Agencies, improved public procurement systems, reinforced complaints' mechanisms and enhanced civil society and citizen's participation.

### 3.2 Indicative Activities

The planned indicative activities are grouped according to the outputs listed in section 3.1, providing a non-exhaustive overview of the tasks, services, goods and benefits that can be delivered by the intervention with the available resources. These activities will have to be further discussed between the Implementing Partner and beneficiary institutions, based on their strategic objectives and action plans during the implementation period.

#### **Activities related to output 1:**

- (i) Fostering cooperation and coordination among criminal justice sector institutions, including CSOs by supporting the implementation of the Administration of Criminal Justice (ACJ) Act and setting up and/or effective functioning of the Administration of Criminal Justice (ACJ) committee and of the Federal Justice Reform Coordinating Committee (FJSRCC) at the federal and state levels.
- (ii) Rationalising case management procedures through the continued implementation of practice directions, case management, protocols, and court bench books.
- (iii) Institutionalising training programmes within the Justice System using sustainable approaches.
- (iv) Promoting the use of diversion and non-custodial measures as well as rehabilitation and reintegration mechanisms for inmates including women, juveniles and people with disabilities in line with international standards and best practices notably by developing joint learning programmes between prosecutors, magistrates, judges, and lawyers on plea-bargaining, remand orders, non-custodial measures, and oversight of places of detention and by Supporting the development of pre-trial detention indicators to address prison congestion.

#### **Activities related to output 2:**

- (i) Supporting the adoption of legislations and procedures, where gaps in legislative, regulatory and procedural frameworks have been identified for the implementation of key provisions of the Violence Against Persons Prohibition Act (VAPP Act), Child Rights Act (CRA), and the Disability Act and corresponding state laws in target states
- (ii) Supporting the judiciary to develop rules of court/practice directives that are gender sensitive
- (iii) Enhancing access to diversions and Alternative Dispute Resolutions (ADR) mechanisms for women, juveniles and People with Disabilities (PWD).
- (iv) Improving prosecution of offenders and service provision for victims of Sexual and Gender Based Violence (SGBV) notably by developing forensic capacities; establishing Sexual Assault Referral Centres (SARCs), shelters, family courts, SGBV Courts, Witness Support Units and Police Gender / Family units ; and supporting the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in harmonising and strengthening the National Sexual Offenders Register and Service Providers Register.
- (v) Promote better coordination between legal aid providers and support the training and certification of paralegals for increased provision of services.

#### **Activities related to output 3:**

- (i) Supporting the enactment or amendment of targeted Anti- corruption (AC) legislation and the development and/or implementation of a second National Anti-Corruption Strategy (NACS) and other institutional strategic plans.
- (ii) Strengthening capacities of the Anti-Corruption Agencies (ACAs') training institutions and other ACA Units to effectively deliver joint capacity programmes for target ACA.
- (iii) Improving the public procurement system by support the development of a Procurement Performance Measurement System and strengthening institutional mechanisms between ACAs, law enforcement agencies and MDAs for coordination on investigation and prosecution of public procurement corruption cases.
- (iv) Supporting complaints mechanisms of the justice system including the Internal Complaint and Whistle Blowers' system for justice sector institutions proposed to be established under the Justice Sector Reform Action Plan of the Federal Ministry of Justice and the latter's Citizens' Complaints Department.

(v) Supporting specialised NGOs and media working in areas of audit and budget, through capacity-building and long-term grants to contribute to the fight against corruption by simplifying and disseminating budget and audit information to the public; monitoring and tracking government projects and investments (procurement); as well as effectively coordinate Nigeria's reporting obligations under United National Convention against Corruption and sensitise the general public.

### 3.3 Mainstreaming

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

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

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

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

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

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

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

The proposed action will not directly impact on climate change or biodiversity. It will indirectly address environmental law and issues in activities related to the extractive sector and while supporting the provision of automated systems and digital tools. Potential environmental damages or risks caused by activities supporting or upgrading the installation of electronic information and case management systems, will be conducted prior to their development.

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

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that gender equality is a significant objective.

The action has been and will adopt a gender-based and responsive approach throughout the design and implementation cycle when : 1) assisting beneficiary institutions to assess and review specific gender needs while developing and implementing strategic annual operational plans (including gender-responsive budgets); 2) reflecting gender-based perspective in management practices of the key justice and AC institutions, in training and capacity building activities of key stakeholders, namely those relating to investigation and litigation of specialised crimes (SGBV and AC crimes), 3) introducing gender equality in the drafting and review of the criminal law and regulatory framework, the development of internal policies and the implementation of non-custodial and rehabilitation measures; 4) enhancing the defence and protection of offenders and victims' rights, as well as expanding the provision of legal aid services to an increased number of vulnerable groups (including juveniles, PWD, elderly and other sexual minorities), and empowering them to seek redress in criminal law cases and corruption abuses, by facilitating their access to grievance mechanisms at senatorial and local government level. The action will also continue to support beneficiary institutions in collecting and analysing disaggregated data, based on sex, age, and other relevant geographical/social criteria in the conduct of assessment studies, legislative reforms and implementation and monitoring of policies. The action aligns with the objectives of the EU *Gender Equality Strategy* (2020-2025) and the Country Level Implementation Plan (CLIP) of the Gender Action Plan (GAP) III (2021-2025), to ensure that women and children are better protected from all forms of gender-based violence through legislation and effective enforcement, and have improved access to essential legal aid, GBV services and provision of adequate, quality and inclusive services by justice and relevant public services, including in fragile and crisis situations.

#### **Human Rights**

The action integrates a rights-based approach throughout its outcomes and outputs and promotes application of all human rights equally, increased accountability and transparency in AC and related public service systems, as well as inclusiveness and participation of all programme stakeholders in the planning and implementation process. The intervention aims to specifically : 1) strengthen the capacity of justice and AC institutions to perform inclusive and fair justice and public service delivery along national legal and policy requirements and mainstream human rights dimensions in legislative and strategic planning processes 2) promote

and apply rights-based practices in investigation and litigation procedures, implementation of alternative sanctions to detention and rehabilitation measures; 3) foster access to justice, legal assistance of vulnerable groups and protection of survivors of violence for reparation of crimes and serious violations of their rights at state and sub-state levels 4) promote locally-driven solutions to better respond to people's needs and demands for justice, and further support ownership of the action by national institutions and local actors, namely by increasing CSOs' initiatives to facilitate outreach to right-holders, empower the population on their legal rights and reinforce their advocacy and public engagement with justice, ACA and oversight bodies. Further, the action will align with the objectives of the Human Rights Strategy for Nigeria as well as the objectives laid out in the *EU Action Plan on Human Rights and Democracy* (2020-2024), and the 2021 EU Parliament "Resolution on human rights and corruption in third countries" calling to integrate the fight against corruption into its human rights agenda, and emphasising EU duties to protect AC associations, investigative journalists and whistle-blowers who expose corruption.

#### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D1. This implies that disability is targeted as a significant objective.

The intervention will continue to address the needs of the PWD, by enhancing the implementation of the Discrimination against Persons with Disabilities prohibition Act of 2018 and corresponding laws at state level. PWDs are among the final beneficiaries of the action, which aims to help them better assert and respect their rights. The action will also contribute to facilitate PWDs' accessibility to the judicial system, improving assessment of their legal needs, empowering them defending their rights and seeking protection with the adequate justice mechanisms.

#### **Democracy**

The Action contributes to deepening democratic institutions and strengthening governance systems and democratic institutions, by effectively supporting the implementation of the AC reform policies and strategic frameworks and providing citizens across Nigeria, in particular youth and women, the opportunities to increase their knowledge about corrupt practices and to seek adequate redress for economic abuses observed at community level. The action promotes joint initiatives and cooperation mechanisms between CSOs and AC institutions by strengthening institutional oversight mechanisms and increasing citizens' capacity to hold the government and Judiciary to account on the misuse of funds and related corruption offences.

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

The action will take forward the recommendations from the Conflict Analysis Screening (CAS) for Nigeria undertaken in 2021. It would strengthen the capacity of ministerial, judicial and AC institutions to be more resilient towards their limited financial and technical resource capacities and assist them in improving their workflow processes, management procedures and performance for them to adequately monitor their strategies and policies. They will be supported to structure their research, data collection systems, feasibility assessment, financial impact analysis, and baseline studies in order to ensure evidence-based regulatory and policy making decisions and reviews.

#### **Disaster Risk Reduction**

N/A

#### **Other considerations if relevant**

N/A

### **3.4 Risks and Lessons Learnt**

<b>Category</b>	<b>Risks</b>	<b>Likelihood (High/ Medium/ Low)</b>	<b>Impact (High/ Medium/ Low)</b>	<b>Mitigating measures</b>
External environment	The unstable security situation and conflicts in some of the states	<b>Medium</b>	<b>High</b>	Internal conflicts and violence in the North East, North West, the Middle Belt, the South East of Nigeria should be tackled by other EU



	affect the smooth functioning of the justice and governance sector institutions.			funded programmes. Security issues might impact the implementation of the RoLAC programme in Adamawa and will have to be discussed with key stakeholders before the start of the action. The assessment of the security situation and any related risks will be conducted by the Implementing Partner prior to staff deployment and start of activities in any state/ location
	Political changes and reduced governmental commitments on justice and AC reforms	<b>Medium</b>	<b>High</b>	Coming elections of 2023 might bring either positive or negative changes in the political landscape and potentially redistribute balance of powers at federal and state levels. The programme will most likely start after the elections and will therefore have to adapt to the new political environment, with eventually a prioritization of its coverage after the elections are undertaken.
	Lack of institutional knowledge management and capacity skills, exacerbated by the high turnover of personnel in some of the institutions targeted	<b>Medium</b>	<b>Medium</b>	Criminal justice institutions and ACAs targeted by the action will have to commit to replicate, cascade down and institutionalise the trainings received in their respective training units, institutes or academies. The action will develop a capacity building and skills training plan for the overall period and updated each year to ensure that transfer of knowledge is further embedded with the competent training entities. The action will also integrate a specific facility for CSOs to improve their institutional strengthening.
	Continuous rejection by the Parliament to adopt gender and equality bills and reluctance of targeted institutions to mainstream right-based and inclusion sensitive approaches in their policies and service delivery.	<b>Medium</b>	<b>Medium</b>	The intervention will apply a systemic rights-base and gender-sensitive approach in all programme activities and monitor targeted right-based and gender-based indicators, in cooperation with beneficiaries following adapted needs assessments. Moreover, CSO will be supported through grants to ensure sufficient public engagement is conducted with the relevant partner government institutions and the legislature to be more proactive in incorporating the needs of the most vulnerable groups in laws and policies.
	Public engagement and stakeholders' coordination during law and policy-making processes, implementation and review of sector strategies remain limited with CSOs	<b>High</b>	<b>Medium</b>	The action will support and regulate the organisation of consultation processes between institutions and CSOs on targeted thematic areas of common interest for both criminal justice institutions/ACAs and CSO, in relation to their mandate. Grants will be provided to joint initiatives of CSOs or CSO coalitions on specific aspects of the justice and anti-corruption sectors
	The digitalisation and automation process of the criminal justice institutions is not sustainable due to the lack of functional guarantees after the action ends.	<b>High</b>	<b>Medium</b>	Different initiatives of e-court hearings, e-court recording, and case / information management systems were already put in place and proved to be useful during the COVID pandemic. The intervention will engage the Federal Ministry of Finance, federal and state communication ministries, and public procurement agencies to incorporate in their plans specific activities and budget to ensure continuity of initiatives



				including by mainstreaming initiatives in their annual plans and budgets.
<p><b>Lessons Learnt:</b></p> <p>ROLAC II is based on the lessons learnt drawn from the first phase of the programme as well as on the findings of the mid-term and final evaluations of ROLAC I, conducted in 2020 and 2022 respectively, as well as the consultations organised with programme stakeholders to receive their feedback on the provisional formulation of the action.</p> <p>Where state governments have financially invested in the criminal justice sector and committed in advancing access to justice and protection of victims of violence (like in Lagos state), it is evident that legislative and policy frameworks have been enforced more effectively. This intervention shall therefore seek, with the support of EU Delegation's policy dialogue, to further request more contribution from the state governments to enable them perform their mandates.</p> <p>Examples of close cooperative partnerships between development partners have proven helpful to accelerate and consolidate reform outcomes, in both justice and AC sectors, while complementing each other's expertise in common areas of cooperation. The action therefore intends to further facilitate and strengthen coordination mechanisms among justice sector institutions, Anti-corruption institutions and between those institutions and other public departments, agencies and non-governmental actors to prioritise decisions and actions in both sectors, in alignment with federal/state sectors strategies and plans.</p> <p>Technical and soft skills assistance need to come with increased infrastructural and institutional funding support where these clearly enhance the achievement of intended reforms. Cross learning amongst the focal states through learning visits and engagement of resource persons among beneficiary institutions will be further encouraged and supported for the replication of good practices in other regional locations surrounding the selected states and across the programme components. Finally, this next phase will further bridge the Justice and Anti-corruption Sectors, to better support the entire criminal sector from detection, investigation, prosecution and adjudication as a holistic chain.</p>				

### 3.5 The Intervention Logic

The underlying intervention logic for this action is based on the main assumption that a holistic approach covering both demand and supply sides of service delivery and accountability prevails in the second phase of the RoLAC action, by enhancing CSO/citizens capacity to demand duty bearers to account for efficient delivery in the justice and governance sectors, while capacitating justice and anti-corruption institutions to adequately carry out their functions and responsibilities.

The intervention is anchored in the fundamental issues that hamper criminal justice reforms and fight against corruption in Nigeria. It addresses the root causes of the problems (not the symptoms) through a coordinated and sector wide approach; recognising the interconnectedness of the criminal justice chain and the importance of involving both the supply and demand side in criminal justice reforms and fight against corruption.

It seeks to support the effective implementation of key established laws, policies, plans, while ensuring that institutional capacity to effectively manage the anticipated reform/change is in place, and also enabling civil society to exercise its role of watchdog on criminal justice and anti-corruption. Experience shows that a well mobilised civil society is critical to push government to initiate desired reforms, and move towards increased accountability in governance. Civil society, and the public in general, also has a key role to contribute to changes in social norms and behaviour, altering the parameters of what is regarded as socially accepted/sanctioned behaviour. This is critical in Nigeria where the rule of law and democratic ethos are yet to be deeply entrenched.

The key pillars of interventions under this programme - criminal justice reform and fight against corruption – are complementary and mutually reinforcing. Corruption is both a cause and driver of the poor governance and performance of the criminal justice system. At the same time, a strong Nigerian criminal justice, able to dispense timely and effective justice would strengthen the fight against corruption, as incentives to engage in corrupt practices are reduced. Available research suggests that comprehensive criminal justice reform would go a long way in promoting the fight against corruption and other crimes.

If there is political will to implement justice sector reform initiatives; and if key legislations are effectively implemented and main justice sector institutions strengthened;

Then, the criminal justice system will dispense timely, fair and inclusive services, with a focus on the most vulnerable groups, including internally displaced persons;

If the government remains committed to anti-corruption reforms; and if anti-corruption institutions implement policies and strategies in a coordinated manner, enhancing the investigation, prosecution and adjudication of related crimes;

Then a coordinated and capacitated network of anti-corruption agencies will contribute to promoting accountability and transparency in public service delivery;

Thereby contributing to consolidating rule of law, good governance and anti-corruption reforms in the Federal Republic of Nigeria.

### 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.

Results	Results chain (e): Main expected results (maximum 10)	Indicators (e): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
Impact	To consolidate Rule of Law and Anti-Corruption Reforms in the Federal Republic of Nigeria	1 WJP rank /score 2 GAP rank /score 3 IIAG Anti-corruption score/100 4 IIAG Accountability & Transparency score/100	1 0,41 in 2021 121 out of 139 2 0,627 in 2021 139 out of 156 3 29.5 in 2020 4 49,5 in 2020	1 Annual score and rank 2 Annual score and rank 3 Annual score 4 Annual score	1 World Justice Project Index 2 Gender Gap Report 3 Ibrahim Index of African Governance 4 IIAG	<i>Not applicable</i>
Outcome 1	Improved justice and anti-corruption systems for enhanced social cohesion.	1.1 Extent to which dispensation of justice at federal level and state level is more timely, effective and transparent as assessed by independent experts	1.1 To be determined with partners during inception	1.1 To be determined with partners during inception for every year from baseline	1.1 Log frame and experts' assessment reports	Sustained political will and commitment of Federal /States government to implement and finance reform initiatives
		1.2 Extent to which access to justice for women, children and PWD has improved at federal and in selected focal states as assessed by independent experts	1.2 To be determined with partners during inception	1.2 To be determined with partners during inception for every year from baseline	1.2 Log frame and experts assessment reports	Strong commitment of Federal / States Governments and relevant sector institutions to continue promoting and enforcing legal and policy frameworks that ensure access to justice for the most vulnerable groups
		1.3.1 Level of compliance of MDAs with the Ethics and Integrity Compliance Score Board 1.3.2 Number of local governments at focal states benefitting from implementation of AC reforms	1.3.1 Of the total MDAs assessed in the 2021 EIC Score Board. 40.8% non-compliant, 30% partially compliant and 0% fully compliant 1.3.2 No local governments directly benefitting from AC reforms	1.3.1 Attain 75% compliance out of the total MDAs to be randomly assessed by the Ethics and Integrity Compliance after 5 years 1.3.2 AC reforms benefiting at minimum 25% of the total number of local governments in focal states	1.3.1 Annual Ethics and Integrity Compliance Score Boards from 2023-2027 1.3.2 Reports of ACAs and MDAs at state and local government levels	Awareness and drivers of AC reforms are led at local and grassroots levels, with CSO continuous commitment in AC sector

<b>Output 1 Related to Outcome 1</b>	1.1 Strategic and operational initiatives of criminal justice sector institutions enforcing the relevant criminal law provisions and policies are strengthened, ensuring speedy and inclusive dispensation of justice	1.1.1 Number of 5-years strategies and costed action plans jointly developed and monitored with justice sector coordinating bodies at federal and state level 1.1.2 Average time on remand of Awaiting Trial Persons (ATPs) disaggregated by gender, age, social groups in states supported by the action	1.1.1 National Policy on Justice at FCT Draft strategies in Adamawa and Anambra 1.1.2 RoLAC baseline mid -2022	1.1.1 Strategies existing at Federal level and in all targeted focal states  1.1.2 TBD at inception phase with partners	1.1.1 Copies of strategies, plans and budgets 1.1.2 NCS statistical data	Criminal justice institutions receive further investment and financial support by the Nigerian Government to deliver their mandate effectively and deliver timely and quality justice services
	1.2 Cooperation and coordination among criminal justice sector institutions, including CSOs are fostered for effective justice service delivery, including rights and gender-oriented measures	1.2.1 Number of thematic coordination meetings held by coordinating bodies per year at federal/state level 1.2.2 Number and type of joint / multistakeholder initiatives and projects, led by criminal justice actors per year, in states targeted by the action	1.2.1 No baseline 1.2.2 No baseline	1.2.1 Target TBD per year 1.2.2 Target TBD per year	1.2.1 Minutes of meetings from coordinating bodies 1.2.2 Reports from JSRT and ACJMC	Justice sector coordination committees that are not established by law, are progressively being institutionalised and are granted resources by the federal/state governments to function effectively
	1.3 The use of diversion and non-custodial measures as well as rehabilitation and reintegration mechanisms for inmates (incl. women, juveniles and PWDs) is increased and implemented in line with international standards and best practices	1.3.1 Number of persons benefitting from diversion and non-custodial measures each year in selected states of the action (disaggregated by sex and age) 1.3.2 Number and type of rehabilitation programmes and after care services executed in selected states of the action (disaggregated by sex and age)	1.3.1 30.000 NCM at national level end of 2021 1.3.2 No baseline	1.3.1 Target TBD with partners during inception 1.3.2 Target TBD with partners during inception	1.3.1 High Courts, magistrates courts and NCS statistics  1.3.2 NCS reports	The Nigerian Correctional Service, the Judiciary, the MoJ, other governmental institutions and CSO continue promoting and applying non-custodial and restorative justice measures
<b>Output 2 Related to Outcome 2</b>	2.1 Legal, policy, institutional and operational frameworks for victims of violence, children and PWD are	2.1.1 Number of legislations, policies, and procedures developed and implemented to support protection measures of	2.1.1 No baseline	2.1.1 Target TBD by partners per year	2.1.1 RoLAC Annual reports and experts' assessment Reports	Continuous cooperation and engagement of governmental institutions, competent national agencies,

	further implemented, with fostered inclusive systems and practices	<p>victims of violence, children and PWD with the support of the action at federal and state levels</p> <p>2.1.2 Number of sector consultation processes in which CSOs are convened by justice sector institutions per year and per state</p>	2.1.2 No baseline	2.1.2 Target TBD by partners per year	2.12 CSO reports	coordinating committees and CSO to improve legal and policy frameworks ensuring fair and equal access to justice to the most vulnerable groups
	2.2 Response referral mechanisms, including SARCs, multi-sectorial counselling services, shelters for vulnerable groups are strengthened	2.2.1 Number of SARCs, shelters and counselling services put in place and functioning with the support of the action per year and per state targeted by the action	2.2.1 No baseline	2.2.1 Target TBD by partners per year	2.2.1 RoLAC Annual experts' assessment reports	Relevant ministries, agencies and service providers remain committed to offer assistance and protection to victims of violence
	2.3. Provision of legal aid and protection services to indigent persons is coordinated and increased	<p>2.3.1 Number of persons receiving legal aid and other assistance services by LACON, SARC and CSO partners in focal states targeted by the intervention per year (disaggregated by sex/age)</p> <p>2.3.2. Number of ATP receiving legal assistance in focal states targeted by the intervention per year (disaggregated by sex/age)</p>	<p>2.3.1 Baseline to be set at inception</p> <p>2.3.2 Baseline to be set at inception</p>	<p>2.3.1 Target TBD by partners per year</p> <p>2.3.2 Target TBD by partners per year</p>	<p>2.3.1 LACON and SARC statistics, CSO reports</p> <p>2.3.2. NCS statistics</p>	Governmental legal aid service providers and other legal practitioners continue to jointly support and implement the legal aid strategy for rights empowerment and legal assistance of the most vulnerable groups
<b>Output 3 Related to Outcome 3</b>	3.1 Legal framework and policy measures of ACAs in prevention, law enforcement, asset management and recovery functions are enhanced, with the cooperation of CSO	3.1.1 Level of compliance with UNCAC obligations in adopting laws , policies and practices identified as essential for AC reforms in Nigeria,	3.1.1 Nigeria rated as partially fulfilling AC legislative and policy frameworks under 2019 UNCAC Country Review	3.1.1 Full compliance with obligations stated under Article 5(1) and (3) of UNCAC	3.1.1 UNCAC Country Review for Nigeria; AC laws, policies and practices adopted, Performance reports of ACAs,	UNCAC country review will take place after a substantial part of ROLAC II is implemented

	advocating for the fight against corruption					
	3.2 Effectiveness and transparency of public procurement, financial and fiscal systems are improved with the cooperation of CSO specialised in audit and budget control	3.2.1 Number of MDAs compliant with e-procurement rules and number of tiers of government utilising e-procurement systems 3.2.2 Number of IEC materials, simplified audit reports with infographics disseminated to the community,	3.2.1 E-procurement to be or started at federal and state levels in pilot MDAs 3.2.2 No IEC materials disseminated and simplified audit reports accessible online	3.2.1 Public procurement agencies capable to expand e-procurement across all MDAs and the three tiers of government 3.2.2 Producing IEC materials and simplified audit reports online and through media	3.2.1 Reports of Public Procurement agencies at federal and state levels 3.2.2 Reports of beneficiary MDAs	CSOs will get essential support from key institutions mainly Public Accounts Committees and Auditor-General's Office.
	3.3. Coordination and collaboration amongst the ACAs and between the ACAs, MDAs, CSO, media and private sector are consolidated	3.3.1 Establishment of a quarterly information exchange and referral system among ACAs at federal level 3.3.2 Establishment of a formal and structured coordination and collaboration mechanism among ACAs at federal and state levels 3.3.3 Number of joint initiatives developed and functioning with MDAs, CSOs, media and private sector	3.3.1 IATT/TUGAR led thematic area working group 3.3.2 No regular coordination platform exists between ACAs at federal and state levels 3.3.3 no regular cooperation forum exists	3.3.2 A regular and functioning coordination system enabling information exchange referrals 3.3.2 A regular federal-state ACAs' platform created and functioning 3.3.3 Forums for regular collaboration created and functioning with MDAs, CSOs, media and private sector	3.3.1 Reports of TUGAR 3.3.2 RoLAC annual reports 3.3.3 MDAs, CSOs and media briefings	ACAs, MDAs, CSOs, media and the private sector will commit to cooperate on AC on operational level
	3.4 Reinforced or established ACTUs and AC internal oversight mechanisms (where needed) combined with strengthened citizens' information and participation mechanisms monitoring the implementation of AC reforms at state and sub- state level	3.4.1 Number of ACTUs established, supported by the intervention and number of internal oversight mechanisms supported through capacity building in MDAs by the intervention 3.4.2 Establishment and functioning of platforms for public engagement on crucial AC issues	3.4.1 Of the MDAs responding to ACTU effectiveness index 46% rated ACTUs as effective, while the rest 54% rated ACTUs as ineffective, dormant or non-existent 3.4.2 No regular public engagement platforms	3.4.1 Increase in the establishing of ACTUs in MDAs by 25% per annum, increasing effectiveness of ACTUs and internal oversight mechanisms by 5% per annum. 3.4.2 Establishing biannual consultations on public engagement and weekly media platforms	3.4.1 ACTUs effectiveness index, report by ICPC and individual MDAs on the number and performance of ACTUs and internal oversight mechanisms established and strengthened	MDAs will be responsive and remain committed to the establishment of ACTUs and the strengthening of internal oversight mechanisms

## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

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

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is **60 months** from the date of entry into force of the financing agreement.

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

### 4.3 Implementation of the Budget Support Component

N/A

### 4.4 Implementation Modalities

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

#### 4.4.1 Indirect Management with a pillar assessed entity

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

An institution with the mandate to advance democracy worldwide, with expertise on democracy, access to justice and rule of law, as well as constitutionalism and anti-corruption. It must have experience with implementing multi-year capacity development projects around the world, with developed procedures to manage and sub-grant EU funds effectively.

#### **Exception to the non-retroactivity of costs**

The Commission authorises that the costs incurred may be recognised as eligible as of 2 January 2023, a date prior to the adoption of this Decision. It is crucial that the development of this intervention is informed by a rigorous review of the phase 1 evaluation, a political economy analysis of Nigeria, a security assessment, and an embedded transition plan with the current implementing partner (British Council).

To enable these key processes, it is fundamental that this preparatory work ensues from 2 January, 2023. This will facilitate a smooth handover of the project, facilitate the development of a successor program and also minimise a time-lag between the ROLAC phases.

### 4.5 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).



## 4.6 Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)
Implementation modalities – cf. section 4.4	<b>29 200 000</b>
<b>Outcome 1:</b> Enhanced performance, quality and oversight of the criminal justice system and justice services delivery, composed of	12 075 000
Indirect management - cf. section 4.4.1	12 075 000
<b>Outcome 2:</b> Improved access to justice for vulnerable women, children, juveniles, persons with disabilities and victims of sexual based gender violence, composed of	8 850 000
Indirect management- cf. section 4.4.1	8 850 000
<b>Outcome 3:</b> Increased transparency and accountability of anti-corruption systems and reforms	8 275 000
Indirect management - cf. section 4.4.1	8 275 000
<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	<b>300 000</b>
<b>Contingencies</b>	<b>500 000</b>
<b>Totals</b>	<b>30 000 000</b>

## 4.7 Organisational Set-up and Responsibilities

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.

The federal and state governance structures of the intervention are organised as follow:

### **At Federal Level:**

**Programme Steering Committee:** Programme Steering Committees (PSC) will be held once every year, co-chaired by the AG or the Permanent Secretary for FMOJ; the CJ of the FCT and Chair of the ACJMC; or the Chief Justice of the Federation or his representative. Its composition will be decided in the inception phase and will include the EU Delegation, representatives of key ministries and coordinating bodies involved in the action, as well as representatives of two CSOs engaged in both justice and AC sectors. The international director and national coordinator of the Implementing partner will also be present. The PSC will be responsible for providing strategic and policy guidance to the intervention, approve the strategic documents and policies of the project, as well as the annual workplans at the federal level, ensuring their compliance with the national sector strategies. It will also be responsible to oversee the overall implementation of the activities in line with the annual plans, review the programme annual reports and advise of any adjustment to be made within the framework of the designed outcomes and outputs.

### **Programme Technical Committee (PTC):**

The Programme Technical Committee will be held preferably every quarter to review the management of upcoming activities. They will allow careful planning and monitoring of the interventions to be implemented in cooperation with key coordinating bodies and focal persons of beneficiary institutions. This will be chaired by the Permanent Secretary of the Federal Ministry of Justice or his/her representative not below the rank of

a director; or the Chief Judge of the Federal Capital Territory (FCT) or his representative not below the rank of a serving Judge of the FCT; participants will be representatives of key stakeholders/beneficiaries and should not be below the rank of assistant directors. They will also include the national coordinator of the IP, as well as representatives of the state. The detailed Terms of Reference of the PTC will be developed at the inception phase.

**At State level:**

Each focal state shall establish the following:

**State Programme Steering Group (SPSG):** They will be chaired by the State Attorney General or their representatives, composed of the heads of the Justice Sector Reform Team (JSRT) and Administration of Criminal Justice Monitoring Committee (ACJMC), representatives of the Judiciary, other coordinating teams (e.g. representatives of key institutions and Civil Society Organisations (CSOs) involved in all 3 components. The SPSG will be responsible to provide strategic guidance to the intervention in the state and approve state annual work plans and progress reports. The SPSG will be organised in the first half of the action with the support of RoLAC to be progressively co-facilitated and fully taken over by the secretariats of the JSRT. Existing coordinating bodies and platforms at state level will be encouraged to share progress and lessons learnt throughout the intervention with the federal level and with other focal states. Peer to peer visit will be supported to disseminate and replicate good practices between focal states, and eventually neighbouring states if programme budget allows.

The intervention will be coordinated and managed as follow:

A Programme Coordination Unit (PCU) will be established in Abuja (Federal Capital Territory) and branch offices in focal states.

The PCU will be tasked to deliver technical assistance and capacity development to the justice and Anti-Corruption (AC) coordinating committees, beneficiary justice and Anti-Corruption institutions, as well as CSO to enable them to perform their respective mandates, coordinate, implement and monitor the national justice and AC reform agendas

The second phase of the RoLAC action considers deepening the justice sector reforms in the FCT and the same focal states of RoLAC I<sup>4</sup>.

The action also considers extending its operations, for the justice sector components in Plateau and Ekiti states, based on the criteria for selection of states assessed for the Rule of Law programming of the 11<sup>th</sup> EDF. This extension will be further discussed with national partners during inception and following the outcomes of the country's general elections. 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.

#### 4. 8 Pre-conditions

N/A

## 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

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<sup>4</sup> The RoLAC programme is currently implemented in the FCT, Lagos, Adamawa, Anambra, Kano and Edo.

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

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

Roles and responsibilities for data collection, analysis and monitoring: The Programme Coordination Unit will develop a monitoring system relying on a structured data collection process informing progress against indicators referred in the logframe matrix, on an annual basis. This system will rely on the information provided by institutions on the achievements several national and external sources, such as national statistics, data provided in the annual (performance) reports of the beneficiary institutions and coordinating bodies.

Baselines and targets will be established primarily based on the data collected during the first phase of the RoLAC and through other surveys and needs/capacity assessments at inception phase and during the first year of implementation. Detailed annual plans and a results framework will be developed every year in consultation with Programme Steering Committee (PSC) and Programme Technical Committee (PTC) representatives in order to allow alignment with the respective strategies and plans of the stakeholders and allow the coordinating bodies to be in charge of the reforms agendas to track the performance. Annual external experts' assessments, including surveys of programme stakeholders and beneficiaries, such as those carried out under RoLAC I, will be carried out to track the progress on programme outputs and will serve as end line data to verify the achievement on targets, allowing an annual update of the logframe.

This monitoring system will also integrate SDGs indicators and targets set by the Nigeria Government and includes systematic sex and age data disaggregation.

The implementing partner will develop with the National Judicial Institute and the other training schools/academies a learning mechanism that evaluates at short-term and mid-term intervals the transfer of knowledge and skills delivered to the beneficiary institutions and the changes occurred in their respective functions. Both monitoring and learning systems will allow progressive adjustments to the programme and enable a regular dissemination of results and lessons learnt to the partner institutions.

## 5.2 Evaluation

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

A mid-term evaluation will be carried out for problem solving and learning purposes, in particular with respect to assessment of the progress achieved and weaknesses observed and proceed with eventual adjustments of the intervention and / or the approach to be undertaken (including the rights-based and gender-based approach) during the second phase.

A final evaluation is envisaged will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the efficiency and effectiveness of the intervention as well as an early impact analysis of its results to guide future decision on the continuous support of the EU in the justice and AC sectors.

The Commission shall inform the implementing partner at least 30 days 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.

Evaluation services may be contracted under a framework contract.

### 5.3 Audit and Verifications

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

## 6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

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

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

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

## Appendix 1 REPORTING IN OPSYS

An Intervention<sup>5</sup> (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

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

The present Action identifies as

Action level		
<input type="checkbox"/>	Single action	Present action: all contracts in the present action

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<sup>5</sup> [Ares\(2021\)4450449](#) - For the purpose of consistency between terms in OPSYS, DG INTPA, DG NEAR and FPI have harmonised 5 key terms, including ‘action’ and ‘Intervention’ where an ‘action’ is the content (or part of the content) of a Commission Financing Decision and ‘Intervention’ is a coherent set of activities and results which constitutes an effective level for the operational follow-up by the EC of its operations on the ground. See more on the [concept of intervention](#).