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This action is funded by the European Union

ANNEX 1

**of the Commission Decision on the financing of the Annual Action Programme 2019 –
part 1 in favour of the Republic of Mozambique**

Action Document for "Support to fight corruption in Mozambique"

1. Title/basic act/ CRIS number	Support to fight corruption in Mozambique CRIS number: MZ/FED/039-688 financed under the 11 th European Development Fund (EDF)	
2. Zone benefiting from the action/location	Republic of Mozambique The action shall be carried out at the following location: Republic of Mozambique - whole country	
3. Programming document	National Indicative Programme (NIP) 2014-2020 for Mozambique	
4. Sustainable Development Goals (SDGs)	SDG 16: Peace, Justice and Strong Institutions - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. SDG 5: Gender equality - Achieve gender equality and empower all women and girls. SDG 17: Partnerships for the Goals - Strengthen the means of implementation and revitalise the global partnership for sustainable development.	
5. Sector of intervention/ thematic area	Good Governance and Development	DEV. Assistance: YES
6. Amounts concerned	Total estimated cost: EUR 10 500 000 Total amount of EDF contribution EUR 10 000 000 This action is co-financed in joint co-financing by: Spanish Agency for International Development Cooperation (AECID) for an amount of EUR 500 000	
7. Aid modalities and implementation modalities	Project Modality Direct management through: – Procurement Indirect management with the Spanish Agency for International Development Cooperation (AECID) and International and Ibero-American Foundation for Administration and Public Policies (FIAPP)	

	as co-delegated partner			
8 a) DAC codes	15113 - Anti-corruption organisations and institutions -40 % 15130 - Legal and judicial development -35 % 15150 - Democratic participation and civil society – 25 %			
b) Main Delivery Channel	13000 - Third Country Government (Delegated Co-operation)			
9. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and Women's and Girl's Empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Global Public Goods and Challenges (GPGC) thematic flagships	Not relevant			

SUMMARY

The 11th European Development Fund (EDF) National Indicative Programme (NIP) for Mozambique foresees support to Public Finance Management and Governance measures, including Rule of Law, under the first focal sector "Good Governance and Development" (GGD).

It is crucial to support specific initiatives to fight corruption in the country, taking into account that the level of corruption in Mozambique is perceived as endemic and undermining development. As identified in the Growth and Jobs Compact and highlighted in the National European Economic Partnership Agreement (EPA) Implementation Plan, rampant corruption is undermining initiatives of economic development, being a major barrier to creating a favourable business environment. Moreover, supporting mechanisms to denounce, investigate, judge and sanction corruption will contribute to pave the way to build credible institutions, reinforcing trust and state legitimacy. The proposed programme will contribute to Specific Objectives 4 (*Foster domestic accountability and strengthen national control mechanisms to improve governance*) and 5 (*Strengthening the rule of law*) of the aforesaid first focal sector (GGD).

Considering that the fight against corruption is complex and requires a targeted multi-stakeholders approach, the programme foresees to prevent and fight corruption through the justice sector, which is a key player to ensure effective anti-corruption law enforcement. By

using the justice sector as the entry point, it is intended to demonstrate that diminishing corruption in Mozambique is possible. This can consequently create a "snowball effect" for other sectors. Judicial public institutions and professional associations, civil society and media will be jointly involved in the implementation of the programme.

The programme, with an implementation period of 60 months, aims to **reduce corruption in Mozambique**. The specific objective is that national mechanisms prevent, fight and monitor corruption systematically and efficiently, ensuring gender dimension.

To achieve these objectives two main components are proposed:

1. ***Strengthening judicial institutions*** to prevent and fight corruption and bring corruption cases to justice.

2. ***Supporting justice professional associations, civil society and media involvement*** in anti-corruption initiatives.

1 CONTEXT ANALYSIS

1.1 Context Description

Addressing corruption has become a priority for the Government of Mozambique, especially in the context of the economic crisis Mozambique is facing and the discovery of undisclosed debts in 2016¹. The latter resulted in the non-continuation of the International Monetary Fund (IMF) programme and the suspension of the General Budget Support (GBS) operations by all donors. Prevalence of corruption is an area of concern for the Government as high levels of corruption are negatively correlated with trust and state legitimacy. It affects inclusive growth, the protection of fundamental rights to liberty and to security, equal access to public services, fair trial guarantees and the right to equality before the courts (particularly for women and persons in vulnerable situation) and the effectiveness of poverty reduction programmes. Furthermore, corruption discourages foreign investment and may facilitate organised crime², which has seen an increase in Mozambique over the past years. Corruption reinforces fragility and increases the likelihood of conflict.

With regards to the **perception of corruption**, the **Transparency International Corruption Perception Index³ (CPI)** places Mozambique 153rd out of the 180 countries reviewed in 2017. Mozambique is down 22 positions when compared with its 2009 rating.

Corruption Perception Index - Transparency International -Mozambique Position									
YEAR	2009	2010	2011	2012	2013	2014	2015	2016	2017
Score	26	27	27	31	30	31	31	27	25
Position	131 st	116 th	120 th	123 rd	119 th	119 th	112 th	142 nd	153 rd
Countries	180	178	183	176	177	175	168	176	180

The study "**Cost of corruption⁴**" reveals that economic losses caused by corruption in both the public and private sector are estimated, in the worst-case scenario, to surpass USD 4.9 billion for the period between 2004 and 2014 or an average annual damage of circa USD 500

¹ The undisclosed debt included the borrowing by two state-owned enterprises, Proindicus and MAM, disclosed in April 2016, totaling USD 1.4 billion or 11 % of the 2015 Gross Domestic Product (GDP). Borrowing (USD 0.85 billion) from a third state-owned company, Ematum, was discovered at an early stage in 2014.

² In terms of state security, low levels of judicial integrity, measured largely by the World Bank's "rule of law" indicators are found to correlate strongly with high levels of organised crime, including terrorist activities.

³ The CPI measures the perceived levels of public sector corruption. The score ranges from 0 (most corrupt) to 100 (least corrupt).

⁴ CIP & CMI. (2016). *The costs of corruption to the Mozambican economy: Why it is important to fight corruption in a climate of fiscal fragility?*

000 000. The **Worldwide Governance Indicators (WGI)**⁵ placed Mozambique 18th in the dimension *control of corruption* and 16th in the dimension *rule of law* in 2017. These trends have been worsening since 2010⁶. The indicator related to "Government effectiveness" also deteriorated in the last years, from 30th in 2011 to 18th in 2017. The 2017 **Ibrahim Index of African Governance (IIAG)**⁷ reinforces this statement giving Mozambique a score of 52.2 out of 100 and placing it in 23rd out of 54 African countries reviewed. Causes of corruption are multiple, from low salaries and significant illiterate rates to lack of controls and scarce effective sanctions. All sectors are affected, from access to basic social services, to private investments and extractive industries.

By sectors, the 2017 Transparency International **Global Corruption Barometer (GCB)**⁸ reveals that between 30 and 40 % of people paid a bribe when they came into contact with a public service in the last 12 months. The **2017 Africa Integrity Indicators** consider rule of law, access to information, openness and accountability and civil service integrity as weak. The 2016 **Attorney General's report** informs that, according to the statistical data and based on a preliminary assessment, the State lost more than EUR 6 500 000 to fraudulent actions while only 8 % of the amount was recovered.

Concerning **gender equality**, Mozambique ranks 15th out of the 54 African countries in the 2017 IIAG on the measure of **gender balance** with a score of 67.5 out of 100. In relation to women in the judiciary, Mozambique ranked 36th out of 54 African countries⁹, well above the African average. Worldwide, the 2017 World Economic Forum (WEF) Global Gender Gap Report¹⁰ ranks Mozambique 29th out of the 144 countries surveyed by WEF. It should be noted that women occupy several high-ranking positions in the Mozambican judiciary (the current Attorney-General and the Head of the Central Office for Combating Corruption are women). The Gender Profile for Mozambique (2016) identifies constraints and opportunities for the effective promotion of gender equality and the empowerment of women and girls. The profile considers that *"often, women and girls are unaware of their rights, and the judicial system is not prepared to deal with the fact that women face specific limitations to have access to justice. This is explained partly by the idea that "gender" is about women and not about equal rights and opportunities and equal sharing of power between men and women."*

⁵ Percentile rank among all countries, ranges from 0 (lowest) to 100 (highest) rank. Estimate ranges from approximately -2.5 (weak) to 2.5 (strong): -0.49 in 2014, -0.79 in 2015. It reports aggregate and individual governance indicators for over 200 jurisdictions for six dimensions of governance: (i) voice and accountability, (ii) political stability and absence of violence, (iii) government effectiveness, (iv) regulatory quality, (v) rule of law and (vi) control of corruption.

⁶ For the indicator "Control of corruption" a value of 18th in 2016, 21st in 2015, 27.88th in 2014. For "Rule of Law" the indicator has a value of 16th while it was 33rd in 2011.

⁷ The IIAG is a tool that measures and monitors governance performance in African countries. It seeks to measure and monitor governance performance in African countries, assessing their progress over time. The IIAG focuses on measuring outputs and outcomes of policy, rather than declarations of intent, de jure statutes and levels of expenditure.

⁸ The GCB asks citizens about their direct personal experience of bribery in their daily lives, their perceptions of corruption challenges in their own countries and their willingness to act against corruption.

⁹ Gender balance is understood by the IIAG as the extent to which the government promotes equal access for men and women to human capital development opportunities and productive and economic resources and provides equal status and protection under the law.

¹⁰ The Global Gender Gap Index examines the gap between men and women in four fundamental categories: economic participation and opportunity, educational attainment, health and survival and political empowerment.

1.2 Policy Framework (Global, EU)

The 2014-2020 NIP for Mozambique defines as strategic objective to "promote the deepening of the democratic system, transparency, accountability and the rule of law." The first focal sector "Good Governance and Development" considers "fight against corruption" as one of the key elements. Both the Growth and Jobs Compact and the National EPA Implementation Plan (NEIP) for Mozambique pinpoint the alarming levels of corruption as undermining economic development and a major barrier to creating a favourable business environment. This programme is also relevant for the *United Nations 2030 Agenda for Sustainable Development*. It contributes primarily to *SDG 16: Peace, Justice and Strong Institutions* – promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels., *SDG 5: Gender equality* - Achieve gender equality and empower all women and girls' and also promotes progress towards *SDG 17: Partnerships for the Goals* – Strengthening the means of implementation and revitalising the global partnership for sustainable development.

Furthermore, the programme is in line with the *2017 New European Consensus on Development: "Our world, our Dignity, Our Future"*¹¹. It considers that shortcomings in governance and rule of law as well as the shrinking space for public participation pose a fundamental challenge to the effectiveness of development efforts. The document asserts that money laundering, corruption, illicit financial flows continue to derail sustainable development, disproportionately affecting developing countries¹². According to the *2012 EU Communication "The Roots of Democracy and Sustainable Development: Europe's engagement with Civil Society in external relations"*¹³, an empowered civil society is a crucial component of any democratic system and the participation of Civil Society Organisations (CSOs) in policy processes is key to ensuring inclusive and effective policies. Moreover, the programme is aligned to the *Joint Staff Working Document: Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020*¹⁴. (GAP II) It states that women participation can lessen corruption and provide for a different mix of policies and public goods. Finally, supporting the fight against corruption is also in line with priorities expressed in different policy framing documents related with Human Rights and Democracy. Corruption is considered a key obstacle to the enjoyment of fundamental rights and freedoms. Consequently, support to public institutions, private sector and civil society is deemed necessary.

The programme is also in line with the EU policy on election observation in partner countries. The EU has deployed a number of Election Observation Missions (EOM) to Mozambique. The EOMs' longer-term objectives aim at improving the overall election framework and the context in which elections are held, strengthening the independence and accountability of state institutions and enhancing the resilience of partner countries through supporting good governance. The recommendations issued by EOMs can be instrumental in decreasing corruption during electoral processes and improving future elections and, more broadly, can be a crucial element in the deepening of democracy. Supporting partner countries to implement the recommendations of EOMs is a key priority of the EU in the context of its electoral observation and its support to democratic development in third countries.

¹¹ OJ C 210, 30.06.2017.

¹² OJ C 210, 30.06.2017, para. 50.

¹³ COM(2012) 492 final, 12.9.2012.

¹⁴ SWD(2015) 182 final of 21.9.2015

1.3 Public Policy Analysis of the partner country/region

At the policy making level, the *Government's Five-Year Programme (Programa Quinquenal do Governo – PQG) 2015-2019* includes "fighting against corruption" in its Pillar 1: Ensuring the democratic rule of law, good governance and decentralisation. To that end, the PQG defines two strategic goals relevant to the present Action Document: i) to improve the provision of public services and strengthen the integrity of the Public Administration and ii) to continue fighting against corruption, strengthening prevention and combating all types of crimes¹⁵. These strategic objectives align with those of the 2014-2020 NIP for Mozambique, in particular the strategic objective for the promotion of, among others, transparency, accountability and the rule of law. In order to implement the PQG, the Government has adopted its action plan 2016-2019, which develops the four first years of the *global strategy of reform and development of the public administration 2015-2025 (Estratégia de Reforma e Desenvolvimento da Administração Pública – ERDAP)*. This strategy defines the vision and strategic objectives for the public administration, including "reinforcement of integrity and fight against corruption in the public administration", in this way partially addressing SDG 16.5. Various activities¹⁶ faced challenges preventing effectiveness and impact of the plan. Moreover, due to the current economic crisis, a specific budget for implementing the activities has not been allocated, making the implementation dependant on external financing. Despite the Mozambican commitment to reach SDG 16.5, there is no specific strategy to fight corruption. Nevertheless, since 2017, fighting corruption is a **recurrent leitmotiv** in governmental speeches. The President of the Republic has affirmed in several occasions that "corruption is a cancer that undermines development" and requested all Ministries and public institutions to develop specific plans on anti-corruption in 2018. Unfortunately, the State Budget does not include specific budget to support these. At the end of 2018, the Government agreed to receive support from the IMF to develop a comprehensive diagnostic of governance and corruption challenges.

In the last years, Mozambique has amended its *legislation* to better prevent and combat corruption and to ensure better alignment with international standards. In this context, an "Anti-corruption Legislative Package" was presented including: i) a revised and consolidated Criminal Code (adopted 12/2015); ii) a revised Code of Criminal Procedure (under revision by the Parliament since 2015); iii) a Code of Conduct for Public Officials (adopted in 08/2014), iv) the Law on Public Probity (08/2014) and its decree (12/2014); v) legislation concerning the protection of victims, witnesses and whistle-blowers (adopted in 2014) and vi) revision and amendments to other laws (e.g. the Organic Law of the Prosecution Service, the Organic Law of the Judiciary). The adoption of the Law on Public Probity and the related decree introduced a revamped system on declaration of assets for public officials; established the Central Ethics Commission (Comissão Central de Ética Pública – CCEP); allowed for the creation of Ethics Commissions (Comissões de Ética Pública – CEP) in all Central Organs,

¹⁵ This strategic goal aims to strengthen the fight against corruption by improving efficiency and timeliness in the provision of justice services, the publication of relevant statistics and studies, and monitoring the implementation of anti-corruption legislation. The PQG also considers civil society as a key governance actor and defines that new efforts must be made to make the established formal dialogue mechanisms more effective

¹⁶ These include: elaboration of sectorial plans against corruption; awareness raising through public campaigns and large seminars; development of manuals; civic education; increase in transparency on corruption cases; development of an ethic code for civil servants; creation of public ethic commissions at the different institutions; maintain hotlines (*linhas verdes*) to denounce corruption; undertake surveys on corruption-related matters; increase the number of inspectors in the judiciary; trainings and capacity building; among others.

autonomous institutions and state-owned enterprises and created the Central Bureau for the Protection of the Victim (Gabinete Central de Proteção da Vítima – GCPV). Beyond the changes made by the Anti-Corruption Legislative Package, the Government developed further the Integrated Financial Management Information System (IFMIS), which is now accessible online (e-SISTAFE).

The 2017 annual communication of the *Public Prosecution Service (Procuradoria-Geral da República – PGR)*, to Parliament (Assembleia da República - AR) highlights that the number of corruption cases processed by the PGR increased over the last year (from 1 235 to 1 597). Despite the 4.4 % annual increase in the declarations of assets of civil servants, still about one third of the persons who are required to file their assets did not submit their declaration in 2017. Regarding the recovery of assets originating from crime, amounts are also slightly increasing, from EUR 360 000 recovered in 2015 to 670 000 in 2017. These figures only include national asset recoveries, as international recoveries remain challenging.

Mozambique is party to several **international conventions**, which deal with the prevention and combating of corruption: the *United Nations Convention against Corruption* was signed in 2004 and ratified in 2008. Mozambique is also party to the African Union Convention on Preventing and Combating Corruption and the Southern Africa Development Community Protocol against Corruption. The Government's response to the recommendations from last Universal Periodic Review (UPR) evaluation of January 2016 considers specific interventions concerning corruption and justice integrated in the programme.

1.4 Stakeholder analysis

The main **justice institutions** are the following:

- The *Supreme Court (Tribunal Supremo – TS)*, the highest court of the judiciary;
- The *Superior Councils of Judges (Conselho Superior da Magistratura Judicial – CSMJ)* and *Prosecutors (Conselho Superior da Magistratura do Ministério Público – CSMMP)*, which are responsible for the management and discipline of the judges and prosecutors and are tasked with conducting judicial inspection over judicial officials;
- The *Public Prosecution Service (Procuradoria-Geral da República – PGR)*, tasked with representing the State before courts, defend the interests proscribed by law, initiate criminal prosecution and control the legality;
- The *Central Office for Combating Corruption (Gabinete Central de Combate à Corrupção – GCCC)*, with powers to prevent, investigate and prosecute cases of corruption and related crimes under the supervision of the PGR;
- The *National Service for Criminal Investigation (Serviço Nacional de Investigação Criminal – SERNIC)*, responsible for the first procedural step of a criminal case;
- The *Judicial and Judiciary Training Centre (Centro de Formação Jurídica e Judiciária – CFJJ)* in charge of training of justice professionals.
- The *Constitutional Council (Conselho Constitucional – CC)* – ultimate arbiter in electoral matters.

The judiciary in Mozambique faces several challenges linked to financial and material dependence on the government. While the Constitution ensures separation of powers, justice institutions are not yet perceived as independent. Besides, transparency in appointing judges and prosecutors could be improved. Working conditions of legal practitioners are poor and judicial oversight insignificant (judicial inspections are limited and understaffed). Capacity is

also considered low¹⁷ due to lack of resources and proper competencies. Budget allocation for the justice sector is around 1 % of the total state budget with a negative decreasing trend over the last years. Moreover, the budget of the judiciary is managed through the Integrated Financial Management Information System (IFMIS) system of the Government implying full dependency of the judiciary on the executive branch for the availability of the budget¹⁸. Challenges with respect to the length of proceedings, backlog of cases and limited transparency (publication of information) remain considerable. Institutional strategies (PGR, GCCC, TS, CFJJ) have been defined but their implementation has not yet resulted in a substantial reduction of corruption. Moreover, Mozambique currently lacks a national risk assessment. In 2017 and 2018, several big corruption cases were prosecuted¹⁹, reversing the trend of prosecuting only petty corruption. Beginning 2019, PGR informed that there is an ongoing investigation involving the former Minister of Finances. The backlog of corruption cases is reducing year after year, but still represents more than 22 % of the current backlog. Staff from SERNIC deployed at the GCCC lack specific competences and resources, e.g., investigative equipment.

*The Supreme Court (TS)*²⁰ is the highest court in Mozambique, exercising its jurisdiction throughout the territory of the country. It is entrusted with ensuring the uniform application of the law and adequate administration of justice. It reviews appeals on points of law (and not on points of fact), from decisions rendered by the appeals courts (*Tribunais Superiores de Recurso*). Based in Maputo, it is composed of professional and elected judges appointed for an initial five-year term, with the possibility of successive reappointments. In its current composition, there are two women sitting in the chambers.

The general system of the *courts of justice* consists of community tribunals, provincial and district courts, other specialised courts and three appeals courts. The TS approved its Strategic Plan in 2016, but its implementation is hampered by insufficient resources to implement the foreseen activities. It defines integrity and efficiency as main values. The identified weaknesses in the diagnosis were, among others: insufficient number of magistrates²¹ and justice officials; absence of a structured training plan; no initial training for justice officials; limited provision of continuous training; insufficient skills of clerks in case and registry management; low level of motivation due to lack of means of work; low level of computerisation; lack of infrastructure and backlog of cases²², etc. The identified strengths referred to increased percentage of judges with a Bachelor's degree; initial training for all sitting judges; existence of the Statute of Judges; existence of court treasury for the different courts; existence of judicial administrators and willingness of human resources.

¹⁷ CIP & CMI. 2016 "The Costs of Corruption to the Mozambican Economy: Why it is Important to Fight Corruption in a Climate of Fiscal Fragility?" and other press articles.

¹⁸ The budget of PGR and TS is managed through the central system e-SISTAFE used for all the ministries.

¹⁹ For example, the former Minister and Director of an important Fund for the Agriculture have been arrested and senior public officials and managers of the state-owned airline for allegedly receiving USD 800 000 indicted.

²⁰ The Supreme Court consists of the President, Vice President, a minimum of seven professional judges and seventeen elected, with eight alternates. Its President and Vice-President are appointed by the President of the Republic and also become the President and Vice-President of the Superior Council of Judges. The nomination process of its members is not transparent and undermines the independence of the institution.

²¹ 1.3 judges for 100 000 inhabitants in 2017.

²² 45 % of processes finalised, 1.1 year on average to conclude a case.

The *Superior Council of Judges (CSMJ)*²³ has also developed a programme for the period 2018-2020 where they seek to improve integrity of the sector through trainings and increased judicial inspections. In fact, inspections are limited and the recruitment of new inspectors has been postponed since 2015. The *Public Prosecutors Service (PGR)* is hierarchically subordinate to the Attorney-General of the Republic. It represents the State and defends such interests as the law may determine. Prosecutors are entrusted by the Constitution with the control of the legality and duration of the detention. They also conduct criminal proceedings, exercise criminal authority and provide legal defence of minors and absent persons. The last Strategic Plan of the PGR ended in 2016 and they are currently evaluating its implementation. The Attorney-General has been a woman since 2012. The *Central Office for Combating Corruption (GCCC)*²⁴ comprises three Provincial Offices to Combat Corruption²⁵ and the Central Office in Maputo. The Director is accountable to the Attorney-General (who is nominated by the President of the Republic). The GCCC adopted a comprehensive Strategic Plan for 2018-2022 with the main objective of improving its performance and promoting a culture of transparency and integrity within State institutions and in the private sector. The GCCC is headed by a woman. The *Superior Council of Prosecutors* is the body responsible for managing and disciplining prosecutors. Its capacity to conduct inspections is around 2 % of the ongoing procedures. In 2017 there were 22 disciplinary processes against prosecutors and 28 against bailiffs and assistants.

The *Judicial and Judiciary Training Centre (CFJJ)* is a public institution with administrative autonomy, subordinated to the Ministry of Justice, Constitutional and Religious Affairs. Its mandate is to train judges, prosecutors, registrars, notaries, legal defenders and other relevant legal professions, to manage a legal and judicial documentation centre, to publish scholarly work and to promote legal research. CFJJ suffers traditionally from a lack of resources (just 47 % of the annual budget is covered by the State budget) although it is the principal training centre for all legal practitioners and justice professionals. The CFJJ is headed by a woman.

The main judicial professional associations are the *Bar Association*, the *Mozambican Association of Judges (AMJ)*, the *Association of Prosecutors* and other civil society organisations²⁶ representing legal practitioners or providing legal services and advice to Government and Parliament. The professional associations are respected, despite their limited resources. The *Bar association* was created in 1994, has around 1 231 members (610 of which are women, representing 49.5 % of the total) and is mainly present in the capital and some of the provinces. There are a few strong **civil society** associations dealing with corruption, oversight and rule of law, concentrating in Maputo. They develop a large spectrum of activities, from analysing the state budget to monitoring the activities of the government and public institutions. They can be considered as watchdogs and have capacity to push for some reforms. Of these, the *Centre for Public Integrity (Centro de Integridade Publica – CIP)* is the leading association dealing specifically with corruption. The CIP, recognised for its professionalism, undertakes investigative journalism; develops and publishes studies on specific topics and organises seminars and debates on corruption. Other women's associations, though not working specifically on anti-corruption activities, offer free

²³ It currently has 15 members: the President of the Administrative Court, two members appointed by the President of the Republic, 3 members elected by the Parliament, 2 judges advisors to the Administrative Court, 3 elected judges and 4 officials.

²⁴ It was created in 2007. It is subordinate to PGR. Law confers powers of investigation and prosecution of cases of corruption that are denounced and communicated to it.

²⁵ Nampula, Sofala, Inhambane.

²⁶ Human Rights League and Women's Association for Law and Development (MULEIDE), both providing legal assistance.

legal/advice assistance: Mulher, Lei e Desenvolvimento (MULEIDE), Liga dos Direitos Humanos, Associação da Mulher Moçambicana de Careira Jurídica (AMMCJ), Associação da Mulher para a Democracia (ASSOMUDE), Associação das Mulheres desfavorecidas (AMUDEIDA). Civil society in Mozambique openly publishes its researches and organises seminars and debates on corruption. Freedom of association and expression is guaranteed by the Constitution and civil society organisations and **media** play a growing role in the fight against corruption²⁷. However, their potential is hampered by the fact that there is no forum for them to collaborate amongst themselves or to discuss jointly with public institutions²⁸.

1.5 Problem analysis/priority areas for support

Global root causes of corruption in the public sector relevant for the justice sector include: low salaries; lack of staff and competencies; absence of a clear system of recognition of career and merits; complex and burdensome procedural systems; lack of internal inspections and sanctions; unclear system for calculation of court fees and absence of oversight mechanisms; lack of citizen voice and ignorance of relevant laws. Overall, corruption is commonly tolerated by citizens, who consider paying a bribe "compulsory" in order to receive some basic public services such as health and education. Corruption is no longer a deviation from the norm, but is manifested in a pattern of behavior so pervasive and ingrained that it becomes "the norm". Reporting corruption is scarce and awareness raising by civil society on the importance of reporting corruption is insignificant.

The **justice sector** is key to ensure anti-corruption law enforcement while upholding and ensuring equality before the law. However, the lack of punishment is prevalent. The selection and appointment of judges is not based on merits and may rely on political considerations. This, together with undue influence in the classification of judges, undermines the independence and impartiality of the judiciary as highlighted in several reports²⁹. Appropriate systems of admission, appointment and promotion, coupled with disciplinary measures that are transparent, predictable and objective are key to enhance the professionalism of the Mozambican judiciary and to ensure its independence. **Corruption in the sector** has been targeted in several specific studies and investigations/articles³⁰. Conclusions reflect that corruption undermines the justice sector, starting at the registrar (as corruption helps to "progress" a case file, or to retain it in the backlog of the court) to the sentencing. Perception of unfair judgements and lack of investigations is widespread. Challenges in police and prosecutors' investigations remain present. Corruption is affecting equal access to justice and the poor and vulnerable people are affected twice. Reinforced controls of magistrates and judicial inspections of the work conducted by judges and prosecutors, concluded investigations and a strengthened oversight of the judiciary by professional associations and civil society are needed in order to obtain real impact in fighting corruption in Mozambique.

The Government is making efforts to adopt legislation to overcome these challenges and the implementation of such legislation must be supported and accompanied by public awareness and professional assistance. The **2016 Review of the Implementation of the United Nations Convention against Corruption (on prevention and international cooperation)** concluded

²⁷ Notwithstanding, it should be noted that Mozambique has a history of violence towards journalists, as demonstrated with the murder of the journalist Carlos Cardoso in 2000 and, more recently, with the aggression against the journalist Ericino dos Santos.

²⁸ While formal mechanisms for collaboration between civil society organisations and the government have existed in the past, they have not been put to use for a number of years.

²⁹ 2011, Report of the UN Special Rapporteur on the independence of judges and lawyers (A/HRC/17/30/Add.2).

³⁰ Centro de Integridade Publica (CIP).

that Mozambique needs legislative reforms to include some specific elements and reinforce mutual legal assistance. These conclusions were reinforced by the **2018 Review of the United Nations Convention against Corruption (on criminalisation and asset recovery)**. The **Universal Periodic Review (UPR)** underlines the need to increase specific resources and capacities; to promote transparency; to assess and measure corruption and to support the PGR and GCCC. The programme seeks to support the implementation of these recommendations.

2 RISKS AND ASSUMPTIONS

Risks	Risk level	Mitigating measures
Lack of institutional capacities, especially to tackle grand corruption.	H	A strong capacity-building support is one of the main activities of the programme, reinforced by peer-to-peer technical assistance and permanent and innovative methods such as mentoring, help-desk and specific operational guides. Capacity needs assessments could also be developed.
Effectiveness of the efforts to reform the judiciary and applicable procedural legislation.	H	Collection of key statistical indicators will enable the implementer to identify any deviation in expected results and allow for anticipated mitigating actions.
High mobility of beneficiaries working at the targeted institutions.	H	Specific measures to guarantee the transfer of knowledge to new designated responsible will be defined with the institutions, aside from definition of the competences required to ensure proper execution of tasks. Policy dialogue with institutions will underline the importance to ensure personnel stability, reducing mobility of key staff during specific periods of time.
Resistance to change, civil servants reluctant to reforms.	H	Continuous and strengthened policy dialogue on corruption. On the other side, the programme will be carried out through peers and solutions will come from positive experiences in other countries. Moreover, civil society oversight will lead to positive reforms and the programme will be implemented based on a participatory and inclusive approach.
Financial limitations to ensure sustainability of some of the actions.	H	The programme will finance working methodologies and capacity-building mechanisms that can be maintained by the state budget beyond the programme, without implying extra technical assistance financing.
Poor public accountability.	M	The programme proposes to include working with professional associations as well as civil society to increase the responsibility/accountability of each partner. Policy dialogue will be reinforced by the coordination mechanism involving also donors and through the activities focused on increasing access to information.

Weak participation of women and representatives of other people in vulnerable situation in the activities of the project. (perpetuation of gender inequalities)	H	The programme will ensure a gender approach through the whole cycle avoiding the risk of perpetuation of gender inequalities. A gender and right approach expert will be mobilised. The programme will take into account the needs and different situations of women and other peoples in vulnerable situation in order to ensure and motivate their participation.
Donors do not coordinate their interventions.	L	The programme will maintain the existing coordination mechanism and will associate donors as observers of the Steering and Technical Committee to be created. The programme will support the reactivation of the "Technical dialogue group" on anti-corruption.
Assumptions		
<ul style="list-style-type: none"> • Political engagement from Government to work together with all the stakeholders. • The Government remains committed and able to allocate sufficient resources to support fighting corruption and its coordination. • Beneficiaries remain committed to the full implementation of the proposed project, including eventual legislative and structural reforms for effective prevention and combating of corruption. • Beneficiaries are committed to apply existing regulations in a consistent, effective and transparent manner. • Sufficient resources are made available to conduct anti-corruption cases as a priority. • Access to and transparency of information become a common standard for external communication of the beneficiaries³¹. • Sufficient resources are made available for implementing and instituting capacity building measures. • The current election cycle does not interfere with the project placing it as a last priority for the stakeholders. 		

3 LESSONS LEARNT AND COMPLEMENTARITY

3.1 Lessons learnt

Global studies on actions against corruption and the implementation of the 10th EDF programme "Support to Rule of Law and Public Accountability" provide important lessons that will be taken into account:

³¹ The Law 34/2014 of 31 December 2014 regulates the exercise of the right to information, the materialisation of the constitutional principle of the permanent democratic participation of citizens in public life and the guarantee of related fundamental rights. This Law applies to State Bodies and Institutions, Direct and indirect Administration, representation abroad and local authorities, as well as private entities that, under the Law or contract, carry out activities of public interest or, in the public resources from any source and have in their possession information of public interest. Under article 14 of this law, every citizen has the right to request and receive information of public interest. Though considerable progress has been made, it is clear that the concerned institutions still encounter challenges in providing the required information. Only one official report per year covering statistics and the work of justice institutions is published, complemented by statements mainly issued by the PGR.

- Implementation through grant contracts signed directly by the beneficiary institutions creates unnecessary administrative tasks (as procurement), preventing them from focusing on the core activities and affecting negatively the absorption capacity and consumption rate of the funds. Programmed activities often incur delays due to procurement procedures and the time required for drafting terms of reference and technical specifications.
- Judicial institutions need specific IT expertise to guarantee the proper functioning of complex IT investments. Development of IT systems, Data Centers or specific software requires specialised technical assistance and capacity from the beneficiaries to guarantee their sustainability and maintenance.
- Though there are key areas of intervention, there is no one-size-fits-all approach, as the fight against corruption is a political and not a technical process which must be based on an in-depth analysis of the political economy. As mentioned above, continuous and strengthened policy dialogue is crucial.
- Focus, the 10th EDF Rule of Law programme aimed at reinforcing justice institutions as a whole. As needs are so large, the impact of the actions implemented is of a general nature. A focused support in fighting corruption will allow specific results instead of reinforcing the justice sector in all areas.
- Peer mentoring is the best way to strengthen institutional capacities, even for IT equipment and solutions. To receive the experience of other countries and peers is the most efficient and effective option. In the case of IT solutions, it is better to "adapt" case management systems already tested at the judicial sector and developed in other countries than developing new ones from scratch.
- Involving all the stakeholders, civil society and professional associations will improve dialogue among parties and reinforce the engagement/responsibilities. Civil society has demonstrated its capacity to hold institutions accountable and give voice and power to people living in poverty and marginalised groups.

3.2 Complementarity, synergy and donor coordination

The programme will be **complemented** by the other initiatives concerning corruption.

- **EU 11th EDF:** 1) *Support Programme to Non State Actors in Mozambique: participation for inclusive growth (PAANE II)*. Though fighting corruption is not directly targeted, activities cover monitoring, accountability and transparency, specifically in the education sector. Coordination with the proposed programme will be ensured in order to secure smooth division of tasks; 2) the *Public Finance Management support programme in Mozambique* covers activities to reinforce the Ministry of Economy and Finances, the Supreme Audit Institution (SAI), the General Inspection of Finances and the Functional Unit for the Supervision of Acquisitions. This programme covers Public Finance Management (PFM) core activities that reinforce preventive actions related to the fight against corruption; 3) *Supporting Trade and Development in Mozambique (Promove Comercio)*, will reinforce capacity-building at Customs, indirectly reinforcing fighting corruption; 4) *Governance Capacity Development in the Portuguese-speaking African countries and Times-Leste (PALOP-TL)*, to improve the performance of PALOP-TL countries in Public Finance accountability, effectiveness and transparency; 5) Financed by the EU, Camões, Instituto da Cooperação e da Língua, I.P. is also implementing a "*Programme to consolidate the rule of law in the African Portuguese Speaking Countries and Timor-Leste*" (*PACED*). The project seeks to contribute to good governance policies in PALOP/TL, in particular regarding prevention and fight against money laundering and related crimes, as well as corruption and drug trafficking. The programme will complement the activities.

Other donors: The UK Department for International Development (DFID) is financing the programme *"Transparency and Accountability for Inclusive Development" (TAcID)*, which aims at enhancing accountability and creating a more inclusive governance system. The project is implemented by Transparency International and CIP. Close coordination with DFID will be ensured. **Portugal** is developing a *"Support to the Justice Sector to improve the Mozambican justice and judiciary systems"* covering capacity building at different court levels, Judicial Police, Attorney General's Office and National Directorate for Registers. **Spain** organises exchanges of peer-to-peer experiences and technical assistance with judicial institutions, especially with TS and PGR. They have a Memorandum of Collaboration with TS, while a second one with PGR is under preparation. Currently, they do not have a specific programme, they directly finance activities included in their agreement or give bilateral support. **Switzerland Development Cooperation (SDC)** is formulating a programme for 2019 to support good governance and anti-corruption. SDC is interested in supporting the area of asset recovery and the PGR/GCCC. Formulation of this programme is being organised in close coordination with the EU Delegation and division of labour³² and complementarity has been agreed. SDC is also financing CIP, complementarity is also ensured. **UNICEF** collaborates with the Attorney General's Office in order to support performance of Juvenile Courts. Other donors such as Finland and Sweden are supporting the main association in charge of journalist investigation (CIP) or the Parliament to better monitor natural resources. **IMF** started giving technical assistance to the government of Mozambique at the end of 2018 to develop a comprehensive diagnostic of governance and corruption challenges. The EU and the other partners are being consulted and provide information. The assessment will contribute to the risk corruption assessments foreseen in the programme.

Donor coordination. Since 2016, the EU started organising meetings with donors interested in working with Parliament and the justice sector. Meetings are organised on a 6-monthly basis where information on ongoing and future cooperation programmes are shared. Under the former General Budget Support operation, the Government conducted policy dialogue involving the main public institutions, civil society, private sector and donors (Technical Dialogue group on anti-corruption). This group suspended the meetings since the suspension of the budget support but there are ongoing discussions with the Government to reactivate this group. The programme will organise meetings with all the stakeholders to discuss corruption and related activities as well as priorities to be tackled, in order to foster the reactivation of this group.

4 DESCRIPTION OF THE ACTION

4.1 Overall objective, specific objectives, expected outputs and indicative activities

The **overall objective** of the programme is to reduce corruption in Mozambique.

The **specific objective** is that national mechanisms systematically and efficiently prevent, fight and monitor corruption, ensuring the gender dimension.

Expected results (outputs) are:

Component 1: Strengthening judicial institutions.

³² Though recovery of assets is an area of intervention also selected by the EUD, due to the experience and the existence of a specialised Swiss recovery of assets institute (Basel Institute on Governance – International Centre for Asset Recovery), it was agreed to leave this area to the SDC.

1.1. Key judicial institutions³³ are supported to enhance their integrity and its perception.

1.2. Gender balanced³⁴ capacities of judicial actors to prevent and tackle corruption are reinforced.

Component 2: Supporting justice professional associations, civil society and media

2.1. Gender balanced capacities of professional associations, civil society and media for corruption monitoring and advocacy are reinforced.

Indicative activities are:

Component 1: Strengthening judicial institutions.

1) **Development of tools to reinforce integrity** focusing on:

- a) Support to development of corruption risk assessments at judicial key institutions³⁵, with a view to inform gender-oriented anti-corruption strategies. Providing support to identify the risks faced in relation to corruption and related crimes, allowing the justice sector to take measures commensurate with those risks. **Actions under this activity may include:**
 - i) Establish and implement a corruption risk-assessment methodology for key judicial institutions to identify anti-corruption measures, potential areas for improvement, legislative and regulatory gaps.
 - ii) Collect relevant findings and metrics of the implemented risk assessment methodology to inform and prioritise the institutional strategies to combat corruption.
- b) Enhancing transparency and accountability of the justice sector. Transparency is a cornerstone of any anti-corruption system, as it allows for checks and balances within the system and enhances its accountability. At the operational level, it ensures predictability in the system and allows for judges and prosecutors to guide each other in a coordinated interpretation of the law. Finally, it enables the wider public to have a better understanding of the actions and costs of the judiciary to prevent and combat corruption. **Actions under this activity may include:**
 - i) Review the current communication strategies for each of the beneficiaries to improve citizens' access to information and support to their implementation.
 - ii) Develop an inventory of topics and statistics, disaggregated, minimum by sex for general public and opinion-makers and define appropriate tools to convey information to the broad public and opinion makers.
 - iii) Support to implement the tools to convey information, such as public posters indicating fees of justice, specific reports, procurement plans and awards, assets declarations, etc.
 - iv) Develop a pilot test for the registration of hearings at courts and the publication of relevant case-laws and decisions.
- c) Revision of the admission mechanisms of judges and prosecutors. Ensuring high ethical standards in the justice sector begins with the admission of candidates who will become judges and prosecutors. **Actions under this activity may include:**
 - i) Review the current selection criteria and definition of guide for candidates seeking to enter the prosecutorial and judicial magistracies careers, improving the current admissions requirements, where appropriate.
 - ii) Support to the recruitment process with new methodologies and required equipment.

³³ PGR, GCCC, CFJJ, SC and Courts of Justice.

³⁴ By gender balance, activities defined should benefit equally to women and men.

³⁵ Idem ³⁴.

d) Reinforcement to consolidate IT systems/software. The EU has supported the Judiciary in the creation of a case management system for the TS (FED/2012/023-291). Under the current programme, support should be continued in relation to this specific system.

Actions under this activity may include:

- i) Adapt the case management system for use by the PGR/GCCC.
- ii) Adapt the system for TS and judicial courts if new functionalities required.

2) **Specific anti-corruption capacity-building activities** for the judicial staff:

a) Assessment of the initial and continuous training curriculum. While component 1c relates to the admission of judges and prosecutors, this activity focuses on the assessment of the initial curriculum given to prospective judges and prosecutors, by providing training and other capacity building activities in the field of prevention and combating of corruption.

Actions under this activity may include:

- i) Assess and revise the existing (initial and continuous) training curricula on prevention and combating of corruption and to propose recommendations for updating the assessed curricula.

b) Definition and implementation of a training plan (initial and continuous). Effectiveness of corruption prevention and enforcement is also dependant on the ability of the judges and prosecutors to remain up-to-date on current trends and threats posed by corruption, as well as mitigating factors and modes of response to those threats. Specific initial and continuous training will ensure improved knowledge while also enhancing the communication, interaction and coordination of judges and prosecutors among their peers. ***Actions under this activity may include:***

- i) Develop specific corruption training materials based on the recommendations and to increase the ability of judicial actors to respond equally to gendered issues.
- ii) Deliver initial and continuous specific training through innovative training methods, e.g., peer-to-peer learning, mentoring and on-the-job training.
- iii) Create a gender balanced team of specialised trainers in corruption

c) Development of specific help-desks at relevant institutions and a manual for all related corruption cases. ***Actions under this activity may include:***

- i) Establish a methodology for collecting information and activities undertaken in the investigation, prosecution and adjudication of corruption-related offences, including the relevant legal bases.
- ii) Develop a manual based on the information collected.
- iii) Establish a peer support networks integrated (separately) by the staff of PGR/GCCC and SC that will provide advice and guidance on corruption-related offences. This service will be placed at central level and will be integrated in the organigrams of the institutions during the implementation of the programme.

3) **Reinforcement of control mechanisms:**

a) Reinforcement of selected judicial inspections leading to a public guide with lessons learnt and general recommendations. The relevance of judicial inspections cannot be understated. They serve the dual purpose of both objectively determining grounds for promotion of judges and prosecutors and assessing their capabilities and correctness towards their work.

Actions under this activity may include:

- i) Conduct a technical needs assessment of the current legislation and practice conducted by the Inspections of the CSMJ and CSMMP and identify any potential regulatory and operational shortcomings, presenting recommendations and a mitigation plan to overcome eventual shortcomings.
- ii) Support judicial inspections and establish a monitoring mechanism to follow the implementation of recommendations.

b) Specific controls in the area of procurement and the use of public funds (internal and external). Procurement is often a key area of concern for preventing and combating corruption. This activity will reinforce institutions capacities to undertake internal controls on procurement and PGR external controls on public procurement as defined in its mandate. **Actions under this activity may include:**

- i) Conduct a technical needs assessment of the current legislation and practice in relation to internal and external control on the use of the public budget and identify any potential regulatory and operational shortcomings.
- ii) Support the implementation of internal and external controls.

4) Activities to foster preventing and reporting of corruption:

a) Support to evaluate the effectiveness of public green-lines and support to their deployment. Hotlines (so-called *green lines*) for the reporting of crime have been set up by the PGR and GCCC. The effectiveness of the green lines will be evaluated in order to improve and address potential shortcomings. **Actions under this activity may include:**

- i) Assess the effectiveness of the green lines in the GCCC and present recommendations to strengthen and enhance the functionality of the green lines.
- ii) Support the deployment of renewed green lines

b) Reinforcement of institutional capacities and methodologies for prevention activities. GCCC, in charge of prevention activities, has already implemented seminars, a story-tale, awareness raising campaigns, school prizes, etc. The programme will support GCCC to continue these efforts. **Actions under this activity may include:**

- i) Capacity-building activities for GCCC in the area of prevention;
- ii) Support the elaboration of gender sensitive materials and campaigns to prevent corruption (story-tales, TV and radio spots, leaflets, etc.), organisation of seminars, prizes, civic education campaigns, etc.
- iii) Support to develop new legislation or to modify current legislation. The assessments supported by the programme could imply the necessity to modify current legislation or to adopt new ones in order to cover the gaps identified. **Actions under this activity may include:**

- i) Specialised technical assistance to give advice for the new/modified legislation required
- ii) Support to the organisation of specific seminars and hearings with relevant stakeholders

Component 2: Supporting justice professional associations, civil society and media

1) Support to professional associations, civil society associations and media:

a) Reinforcement of lawyers' role in fighting corruption. Professional associations such as the Bar Association (*Ordem dos Advogados de Moçambique – OAM*) are required by law to conduct ethical enquiries when a possible ethical infraction has occurred. **Actions under this activity may include:**

- i) Conduct a technical needs assessment regarding the review of the investigation carried out in relation to ethical infractions conducted by lawyers.
- ii) Develop targeted training on corruption legislation and professional ethics of lawyers.
- iii) Propose a methodology for targeted inspections to be carried out by the OAM in corruption-prone areas.
- iv) Facilitate exchanges between the OAM and the inspections of the CSMJ and CSMMP.

b) Support the monitoring of hearings and decisions. Available statistics provide mainly quantitative figures, but not qualitative ones. It is necessary to monitor hearings and decisions rendered by the judiciary in corruption-related cases in order to assess the

qualitative nature of the activities undertaken by prosecutors and judges. ***Actions under this activity may include:***

- i) Develop a methodology for the monitoring of court hearings (e.g., define the criteria for the selection of court hearings).
 - ii) Train relevant collaborators on the court hearing methodology and support to court hearings, producing public reports.
- c) Legal aid support. Legal aid is provided by lawyers but also by paralegals. A lack of specialised knowledge on corruption lowers the chance of fair trial for the citizens. ***Actions under this activity may include:***
- i) Set-up a group of specialised trainers (gender balanced) in legal aid for corruption related cases
 - ii) Organise specific trainings for lawyers and paralegals
 - iii) Draft a manual for legal aid on corruption cases with a gender approach.
- d) Gender sensitive awareness raising campaigns and scorecards at justice sector. Corruption negatively affects women and equal access to social services. The programme will support specific campaigns to prevent and fight corruption targeting men and women at national level, but also at local level where corruption is more spread and women cases are more often denounced. ***Actions under this activity may include:***
- i) Elaborate materials for specific campaigns and support to campaigns.
 - ii) Support media campaigns to organise specific debates and programmes, including at community radios that have the capacity to reach citizens at local level. Campaigns in national languages will be supported.
 - iii) Test the implementation of community scorecards as a pilot test on the justice sector, at the courts, to evaluate the degree of satisfaction of the users in relation to the services provided (quality, access, availability, etc.).
- e) Investigative journalism, specific studies. Civil society in Mozambique has been active in conducting investigative journalism activities. However, little follow-up is given to the reports produced. ***Actions under this activity may include:***
- i) Support civil-society organisations for investigative journalism and specific studies and to establish a follow-up mechanism to the investigative journalism actions undertaken.
 - ii) Draft a manual in order to ensure correct investigative journalism activities and veracity of information.

Horizontal Support Facility Component: The length of the programme and the importance to provide a swift response to unforeseen but relevant requests/needs require an instrument that allows for rapid mobilisation of funds and activities that cannot be covered by Component 1 and 2. This component is designed to provide specific studies, technical expertise, seminars, judicial cooperation and any other capacity building activities relevant in the fight against corruption as well as support to more sensitive investigative activities executed by the PGR or the GCCC.

4.2 Intervention Logic

The programme aims to fight corruption through the justice sector, using it as an entry point and creating a "snowball effect" for other sectors. "Achieve gender equality and empower all women and girls" is also one of the main objectives of the programme as well as the GAP II,

objective 17 (equal right and ability for women to participate in policy and governance processes at all levels). The programme will enable bringing corruption to justice, accelerating investigations and increasing the number of judgments and sanctions for corruption-related cases. Moreover, it will support changing behaviors, modifying the perception that corruption must be accepted and tolerated as the only way to obtain public services. The programme covers the entire "anticorruption chain", from prevention to detection, investigation, prosecution, adjudication and sanctioning.

Limited capacities to fight corruption, unfair judgments and corruption in the justice sector will be tackled through revised legislation, capacity-building, reinforced judicial inspections and new methods for the admission of justice staff. Furthermore, corruption risk assessments within institutions will prioritise their work and allocate the limited resources more adequately. Associating justice professional associations as well as civil society organisations and media to work jointly with public institutions will reinforce national capacities to report, combat and mitigate corruption. Awareness raising campaigns and reinforced legal assistance will convince and support citizens to report corruption cases.

The programme will also provide a tool to support Mozambique to address the EU Election Observation Missions (EOMs) recommendations. The 2014 EOM and 2019 Electoral Experts Mission (EEM) recommended, among other things, to capacitate political parties to deal with complains and appeals, to grant legal certainty and transparency to the electoral process and to tackle the use of public resources during electoral campaigns. These recommendations aim to improve the capacity and performance of the judiciary in charge of electoral processes and to reinforce political parties and civil society capacity to identify and report fraud and corruption cases during electoral processes.

The Horizontal tool facility will allow for unforeseen activities that will be required in the future. They will complement the programmed activities under components a1 and 2. It will also allow implementing more sensitive activities, supporting the core functions of the PGR, GCCC and TS.

4.3 Mainstreaming

Rights Based Approach: the programme considers non-discrimination and equal access to public justice services and legal assistance as a central objective. Accountability, transparency and access to information are also part of the main objectives. Capacity-building will allow fair and non-discriminatory treatment of cases. Legal support offered will cover demands from vulnerable groups. In fact, all relevant groups of duty bearers and right holders have been involved at length in the formulation and it will be ensured during the implementation of this programme. The participation principle of duty bearers and right holders will be also ensured in all actions. Besides, the participation principle is ensured by the participation of civil servants in the implementation of specific activities and their representation at the Steering Committee.

Gender: women and other people in vulnerable situation, more likely to be affected by corruption, have the tendency to be more risk-averse than men, and therefore less prone to accept bribes. With regard to "petty corruption", women seem to be the first victims and often forced to pay for free services. Bribes can take various forms from sexual harassments that are frequent in schools. Given the vulnerability of women, it is crucial that the programme addresses gender properly, by including activities such as awareness-raising concerning corruption addressed to pupils but also parents as they are the ones paying bribes to be able to register children at the school. Regarding analysis legislation, particular attention will be given to increasing sanctions. Media activities and communitarian radio programmes will also significantly target women to increase corruption awareness. Furthermore, a proper representation of women, (quota system) will be ensured in all activities (e.g. trainings etc.)

whenever possible. On the other side, women will be equally represented when creating teams of trainers or teams in charge of testing the scorecards. Legal assistance to be provided will also seek to guarantee equal access to the services³⁶. The programme will also empower women's organisations through awareness campaigns and direct support for their activities related with legal assistance on corruption cases and specific studies. Gender equality will be included in the programme monitoring systems and evaluation processes. Capacity-building activities for judges, prosecutors and lawyers will reinforce the ability of judicial actors to respond equally to gendered issues.

Civil society plays an important role in the demand side of accountability i.e. holding the state and public institutions accountable for resource allocation and service delivery, and providing support to denounce corruption. Therefore, civil society is a key partner of the programme, will give voice and power to people living in poverty and marginalised groups and will serve as a school in democratic culture.

Environment: corruption can have negative consequences on the environment, including increased pollution, deforestation and depletion of natural resources, as well as trafficking environmental products like wildlife and wood. Unfortunately, Mozambique is highly affected by illicit traffic of those resources. By reinforcing the judiciary, police investigation services, prosecution as well as oversight, the programme will support preservation of natural resources.

4. 4 Contribution to SDGs

This programme is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels" and also promotes progress towards Goal 17: Strengthen the means of implementation and revitalise the global partnership for sustainable development. Goal 5: "Achieve gender equality and empower all women and girls" is also one of the main objectives of the programme. Objective 16.5. "Substantially reduce corruption and bribery in all their forms" is consequently targeted.

5 IMPLEMENTATION

5.1 Financing agreement

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

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4 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 Decision and the relevant contracts and agreements.

5.3 Implementation of the budget support component

N/A

³⁶ One of the key areas of intervention defined at the JOINT STAFF WORKING DOCUMENT: Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020.

5.4 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 measures³⁷.

5.4.1 Procurement (direct management)

The following procurement will contribute to the global and specific objective of this action.

Subject in generic terms	Indicative type (works, supplies, services)	Indicative trimester of launch of the procedure
Horizontal Support Facility	Services and/or supplies	From 2020 onwards

5.4.2 Indirect management with a Member State Organisation - the Spanish Agency for International Development Cooperation (AECID)

A part of this action may be implemented in indirect management with the Spanish Agency for International Development Cooperation (AECID).

The implementation by this entity entails the implementation of part of the activities described in section 4.1 in order to achieve the objectives and results indicated in section 4.1.

The envisaged entity has been selected using the following criteria: the AECID has been chosen for the implementation of part of the action and it is justified because the action includes support to different national institutions, civil society (including professional associations) and media. It would be difficult to place the programme in one of the main public stakeholders (PGR, TS, CFJJ) or under civil society organisations. AECID has the necessary capacity, skills and experience in managing specific projects to reinforce judicial systems of developing countries. AECID has been working with the justice sector in Mozambique since 2004 by providing technical assistance to the Supreme Court and the Superior Council of Judicial Magistracy. Since then, they have financed a programme to support the administration of justice which has been implemented by International and Ibero-American Foundation for Administration and Public Policies (FIAPP). They have continued their relationship with justice institutions, including working with the PGR, providing technical assistance for trainings, studies and peer-to-peer collaboration. AECID will count on a co-delegated partner, FIAPP. FIAPP has specific expertise in the field of anti-corruption and rule of law, especially in Latin America and North and West Africa. Currently, they are implementing several EU delegated cooperation agreements (Ghana, Colombia, Horn of Africa and Yemen) and can bring lessons learnt and tested implemented models to the proposed programme. AECID will proceed to define together with the beneficiaries the modalities of work and will ensure integrated, concerted and participative involvement of the beneficiary institutions from planning to implementation, monitoring and evaluation. AECID will also count on the input from Camões, Instituto da Cooperação e da Língua, I.P. Justice in Mozambique follows the pattern of the Portuguese justice and its judicial institutions have bilateral agreements to reinforce Mozambican institutions.

³⁷

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

5.5 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 products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.6 Indicative budget

	EU contribution (in EUR)	Indicative third party contribution, in EUR (AECID)
5.4.1. – Horizontal Support Facility Component - Direct management – Procurement	600 000	
5.4.2. – Indirect management with AECID (indicative amounts)	8 200 000	500 000
Component 1: Strengthening judicial institutions	5 700 000	
Component 2: Supporting justice professional associations, civil society and media	2 500 000	
5.9 – Evaluation & 5.10 – Audit	600 000	
5.11 Communication and visibility (Indirect management with AECID)	300 000	
Contingencies	300 000	
Totals	10 000 000	500 000

5.7 Organisational set-up and responsibilities

The programme will set up a Steering Committee, co-chaired by the National Authorising Officer (NAO), the European Union Delegation to Mozambique (EUD) and the implementing partner, AECID/FIAPP. The Steering Committee will be the policy decision-making body of the programme. It will assess the overall implementation of the programme and will approve the annual work plans of the beneficiaries, risk analysis and mitigation measures. Meetings will be organised yearly and when requested by one of the co-chairs or the implementing partner. The implementing partner will have the responsibility to monitor the action and to report to the Steering Committee. Representatives of the main beneficiary entities, PGR/GCCC, TS, CFJJ, OAM, SCOs and the Ministry of Education and Human Development (MINEDH) will participate in the Steering committee for the relevant matters of their responsibility. A Technical Committee will be established in order to bi-annually discuss implementation technical issues: to analyse and monitor programme implementation, to share information and to discuss the annual work plans of the beneficiaries. Programme managers and other technical staff from the institutions belonging to the Steering Committee will take part in the meetings. Extraordinary meetings will be organised if requested by one of the members or the implementing partner.

Other partners and donors could be invited to both groups as observers and external experts could be invited if considered necessary. The implementing partner will assure the secretariat

and logistics of the Committees. The programme will also try to dynamise the former Technical Dialogue Group on Anti-corruption participated by Government, donors and civil society.

5.8 Performance and Results monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding disaggregated indicators (minimum by sex), using as reference the Logframe matrix.

SDGs indicators and, if applicable, any jointly agreed indicators as for instance per Joint Programming document should be taken into account.

The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

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).

5.9 Evaluation

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

The mid-term evaluation (gender sensitive) is foreseen to analyse progress in each one of the components and areas of intervention of the programme. Based on the analysis and recommendations of the external mid-term evaluation, modifications to the budget implying transfers from one component to another could be done without meaning a substantial modification to the decision. In case of no progress of some of the activities foreseen, it/they will be cancelled and financing will be transferred to other activities having a satisfactory progress and requiring financing. The final and ex-post evaluations (gender sensitive) foreseen will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that a future intervention in the same area could be envisaged. The ex-post evaluation will be carried out one year and a half (1.5) after the end of the action to analyse its impact.

The Commission shall inform the implementing partner at least one (1) month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner

country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

5.10 Audit

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

It is foreseen that audit services may be contracted under a framework contract.

5.11 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - INDICATIVE LOGFRAME MATRIX FOR PROJECT MODALITY

	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Sources of data	Assumptions
Impact (Overall Objective)	To reduce corruption in Mozambique.	Mozambique's score and ranking on different Indices: 1. Country score and ranking ³⁸ according to Transparency International's Corruption Perception Index 2. Total value of inward and outward illicit financial flows (in current United States dollars)	1. Transparency International Corruption Perception Index 2. PGR's annual report	<i>Not applicable</i>
Outcome(s) (Specific Objective(s))	1. National mechanisms systematically and efficiently prevent, fight and monitor corruption, ensuring the gender dimension.	1.1. At least 5% of cases processed having been object of an inspection, respectively by the Superior Council of Prosecutors and by the Superior Council of Judges every year. 1.2. At least 5% of corruption and related cases processed respectively by Courts of justice and the Prosecution Service every year. 1.3. Status of implementation of anti-corruption legislation revised/adapted to international standards	1.1. PGR and TS Annual report 1.2. PGR and TS annual report 1.3. Programme's report	<ul style="list-style-type: none"> • Political engagement from Government to work together with all the stakeholders. • The Government remains committed and able to allocate sufficient resources to support fighting corruption and its coordination. • Beneficiaries remain committed to the full implementation of the proposed project, including eventual legislative and structural reforms for effective prevention and combating of corruption. • Beneficiaries are committed to apply existing regulations in a consistent, effective and transparent manner. • Sufficient resources are made available to conduct anti-corruption cases as a priority. • Access to and transparency of information become a common

³⁸ It will be necessary to compare equal number of countries participating on the analysis.

				<p>standard for external communication of the beneficiaries.</p> <ul style="list-style-type: none"> • Sufficient resources are made available from the State budget for implementing and instituting capacity building measures. • The current election cycle does not interfere with the project placing it as a last priority for the stakeholders.
Outputs	<p>1.1. Integrity of key judicial institutions is strengthened</p>	<p>1.1.1. Number of corruption risks assessments done</p> <p>1.1.2. Percentage of courts with a poster indicating court fees</p> <p>1.1.3. Number of justice institutions websites with procurement plans published</p> <p>1.1.4. Number of case-law and court decisions published</p> <p>1.1.5. Number of cases managed by the Case management system for TS and PGR/GCCC (data disaggregated by type of case)</p>	<p>1.1.1. Corruption risk assessments reports</p> <p>1.1.2. Programme reports</p> <p>1.1.3. TS, PGR/GCCC, CFJJ websites</p> <p>1.1.4. Website of the TS/CSMJ and paper editions</p> <p>1.1.5. TS and PGR/GCCC annual statistics</p>	<ul style="list-style-type: none"> • Institutional capacities, especially to tackle grand corruption exist. • Effectiveness of the efforts to reform the judiciary and applicable procedural legislation. • Low turnover of beneficiaries working at the targeted institutions. • Civil servants are not reluctant to reforms. • Budgetary provisions by government are adequate to ensure sustainability of some of the actions. • Public accountability is maintained at a high level. • Donors do not coordinate their interventions
	<p>1.2. Gender balanced capacities of judicial actors to prevent and tackle corruption are reinforced</p>	<p>1.2.1. Percentage of judges and magistrates data disaggregated by sex having followed an specific training on corruption</p> <p>1.2.2. Status of the team of specialised trainers on corruption with equal number of men/women</p> <p>1.2.3 Number of cases advised by the specialised help-desk implemented</p> <p>1.2.4. Frequency of publication of CSMJ and CSMMP annual report of inspections with findings, recommendations and their follow up</p>	<p>1.2.1. CFJJ reports, database of participants</p> <p>1.2.2. Programme's report</p> <p>1.2.3. PGR and TS annual statistics</p> <p>1.2.4. CSMJ and CSMMP annual report</p>	

		published 1.2.5. Status of the new methodology for GCCC green-lines deployed 1.2.6. Number of gender sensitive awareness raising campaigns on corruption deployed	1.2.5. Programme's report 1.2.6. Programme's report	
	2.1. Gender balanced capacities of professional associations, civil society and media for corruption monitoring and advocacy are reinforced	2.1.1. Status of needs assessment in relation to ethical infractions conducted by lawyers 2.1.2. Number of courts hearings monitored and reported 2.1.3. Number of specialised trainers (gender balanced) in judicial assistance for corruption related cases created 2.1.4. Number of paralegals and lawyers trained by the action on corruption legal assistance and ethics (data disaggregated by sex and category of participant) 2.1.5. Number of people reached through specific anti-corruption campaigns 2.1.6. Status of pilot test on scorecards in the justice sector. 2.1.7. Number of specific studies on corruption published by CSOs with the support of this action	2.1.1. Needs assessment report 2.1.2. Media and civil society reports 2.1.3. Programme's report 2.1.4. Programme's report 2.1.5. Programme's report. 2.1.6. Programme's report. 2.1.7. Programme's report	