

EUROPEAN UNION DELEGATION AGREEMENT

FED/2016/378-171

(the "Agreement")

The European Union, represented by the European Commission, (the 'Contracting Authority') of the one part,
and

United Nations Development Programme (UNDP)
International Organisation,
One UN Plaza,
New York,
NY 10017, USA,

hereinafter the 'Organisation'

of the other part, (individually a "Party" and collectively the 'Parties') have agreed as follows:

SPECIAL CONDITIONS

Article 1 - Purpose

- 1.1 This Agreement defines the activities entrusted to the Organisation for the implementation of the Action "*Fiji Access to Justice Project*" as described in Annex I (the "Action"). This Agreement lays down the rules for implementation, for the payment of the EU contribution, and defines the relations between the Organisation and the Contracting Authority.
- 1.2 The Action is a Multi-donor Action and the EU contribution is not earmarked.
- 1.3 In the performance of the activities, the Organisation shall:
 - a) apply its own accounting, internal control and audit systems which have been positively assessed in the ex-ante pillars assessment. In case the pillar assessment raised some reservations the Organisation shall comply with the ad hoc measures stated in Article 7.
 - b) apply its own procurement procedures, as assessed in the ex-ante pillars assessment and its own rules for the award of Grants, as assessed in the ex-ante pillars assessment.
 - c) perform the activities to be implemented under the Agreement in accordance with the principles of Sound Financial Management, transparency and non-discrimination, applying its positively assessed Regulations and Rules.
 - d) be free to use any Regulations and Rules which have not been subject to the ex-ante pillar assessment to the extent that these Regulations and Rules are not in conflict with the provisions of this Agreement.
- 1.4 The Action is an EU External Action. The Action is financed under the 11th European Development Fund.
- 1.5 The Organisation does not have an arrangement with the European Commission to provide annually the management declaration nor to provide annually the management declaration together with the audit or control opinion.
- 1.6 This Agreement is subject to the provisions of the 29 April 2003 Financial and Administrative Framework Agreement between the European Union and the United Nations and the amendment thereto of 26 February 2014.



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Article 2 - Entry into Force, Implementation Period and Contracting Deadline

Entry Into Force

2.1 The Agreement shall enter into force on the date when the last of the two Parties signs.

Implementation Period

2.2 The Implementation Period of the Agreement (the "Implementation Period") shall commence on: 11th of July 2016.

2.3 The Implementation Period of the Agreement as laid down in Annex I is 54 months.

Contracting Deadline

2.4. Individual Procurement and Grant contracts implementing this Agreement shall be signed by the Organisation no later than 54 months from the date of entry into force of this Agreement.

Article 3 - Financing the Action

3.1 The total cost of the Action¹ is estimated at USD 9 217 686.90 ("Currency of the Agreement"), as set out in Annex III. The Contracting Authority undertakes to provide an EU contribution² up to a maximum of EUR 7 380 000.00, which is estimated at USD 8 241 984.00³. The final amount will be established in accordance with Articles 18 to 20 of Annex II.

3.2 Remuneration

The remuneration of the Organisation by the Contracting Authority for the implementation of the activities entrusted under this Agreement shall be 7% of the final amount of eligible direct costs of the Action to be reimbursed by the Contracting Authority.

3.3 Interest generated on pre-financing shall not be due.

Article 4 - Narrative and Financial Reporting and Payment Arrangement

4.1 The pre-financing rate is 100%.

4.2 Payments shall be made in accordance with Article 19 of Annex II. The following amounts are applicable, all subject to the provisions of Annex II:

First pre-financing instalment:	EUR 2 358 427.03
Second pre-financing instalment:	EUR 2 133 911.24
Third pre-financing instalment:	EUR 1 468 767.35
Fourth pre-financing instalment:	EUR 1 396 199.19
Fifth pre-financing instalment:	EUR 22 695.19

The sum of the payments in the accounting currency of the Organisation shall not exceed the total EU Contribution in EUR.

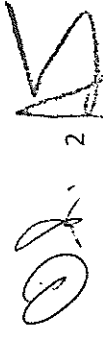
Article 5 – Communication language and contacts

5.1 All communications to the Contracting Authority in connection with the Agreement, including reports referred to in Article 3 of Annex II, shall be in English. If requested by the Contracting Authority, they

¹ This amount is introduced only for indicative purposes. It is an estimate and its evolution does not condition the EU contribution.

² Where the contribution is financed by the European Development Fund, mentions of EU contribution must be read as referring to European Development Fund financing.

³ USD 8 241 984.00 corresponding to EUR 7 380 000.00 using the Infor Euro rate of September 2016 (1 EUR = 1.1168 USD).

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shall be accompanied by a translation or a summary in English or French where the language of the Agreement is not English or French.

- 5.2 Any communication relating to the Agreement shall be in writing, shall state the number and/or title of the Action, and shall use the following addresses below.
- 5.3 Any communication relating to the Agreement, including payment requests and attached reports, and requests for changes to bank account arrangements shall be sent to:

For the Contracting Authority

Delegation of the European Union for the Pacific
For the attention of Operation Section
Level 6, Tappoo City Complex
Corner of Scott & Usher Street,
Suva, FIJI

Copies of the documents referred to above, and correspondence of any other nature, shall be sent to:

Delegation of the European Union for the Pacific
For the attention of Finance and Contracts Section
Level 6, Tappoo City Complex
Corner of Scott & Usher Street,
Suva, FIJI

For the Organisation

United Nations Development Programme Pacific Office
For the attention of Country Director, UNDP Pacific Office in Fiji,
and Head of Regional Programme and Policy Support
Level 8 Kadavu House
414 Victoria Parade
Suva, Fiji

- 5.4 Ordinary mail shall be deemed to have been received on the date on which it is officially registered at the address referred to above.

- 5.5 The contact point within the Organisation which shall have the appropriate powers to cooperate directly with the European Anti-Fraud Office (OLAF) in order to facilitate the latter's operational activities shall be:

Office of Audit and Investigations
Head of Investigation Section
United Nation Development Programme
One United Nations Plaza, DCI Building 4th Floor
New York, NY 10017, USA

- 5.6 All exchanges concerning the Early Detection and Exclusion System shall take place between the Contracting Authority and the authorised person designated by the Organisation, which is:
Country Director, UNDP Pacific Office in Fiji, and Head of Regional Programme and Policy Support

Article 6 - Annexes

- 6.1 The following documents are annexed to these Special Conditions and form an integral part of the Agreement:
- Annex I: Description of the Action (including the Logical Framework of the Action)
 - Annex II: General Conditions for PA Grant or Delegation Agreements (Part III on PA Grant Agreements does not apply)
 - Annex III: Budget for the Action
 - Annex IV: Financial Identification Form
 - Annex V: Standard Request for Payment
 - Annex VI: Communication and Visibility Plan
 - Annex VII: The Management Declaration template.

- 6.2 In the event of a conflict between the present Special Conditions and any Annex thereto, the provisions of the Special Conditions shall take precedence. In the event of a conflict between the provisions of Annex II "General Conditions" and where applicable including Annex II.a) and those of the other

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Annexes, the provisions of Annex II "General Conditions" and where applicable including Annex II.a) shall take precedence.

Article 7 – Additional specific conditions applying to the Action

7.1 The following shall supplement the General Conditions:
For costs of a project office:

7.1.1 Where the implementation of the Action requires the setting up or the use of a project office, the Organisation may declare as eligible direct costs the capitalised and operating costs of the structure if all the following conditions are fulfilled:

- a) They comply with the cost eligibility criteria referred to in Article 18.1 of Annex II;
- b) They fall within one of the following categories:
 - i) costs of staff, including administration and management staff, directly assigned to the operations of the project office. The tasks listed in the Description of the Action (Annex I), undertaken by staff assigned to the project office will be directly attributable to the implementation of the Action.
 - ii) travel and subsistence costs for staff and other persons directly assigned to the operations of the project office;
 - iii) depreciation costs, rental costs or lease of equipment and assets composing the project office.
 - iv) costs of maintenance and repair contracts specifically awarded for the operations of the project office;
 - v) costs of consumables and supplies specifically purchased for the operations of the project office;
 - vi) costs of IT and telecommunication services specifically purchased for the operations of the project office;
 - vii) costs of energy and water specifically supplied for the operations of the project office;
 - viii) costs of facility management contracts including security fees and insurance costs specifically awarded for the operations of the project office;
- c) The Organisation declares the eligible direct costs of the project office as actual costs or for staff costs on the basis of unit costs determined by the Organisation according to its usual accounting practice;
- d) The Organisation declares as eligible only the portion of the capitalised and operating costs of project office which corresponds to the duration of the Action and
 - i) the rate of actual use of project office for the purposes of the Action; or
 - ii) the rate of use of a project office for the purposes of the Action, determined by the Organisation on the basis of a simplified allocation method, provided that the allocation method is compliant with the Organisation' usual accounting and management practices, applied in a consistent manner regardless of the source of funding, and based on an objective, fair and reliable allocation key.

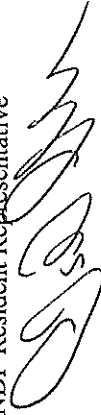
7.1.2 In the interest of sound financial management, the term 'budget heading' as referred to in Article 11.3 of the General Conditions, is further defined for the purposes of this Agreement as "Sub-Total for Output" as set out in Annex III, the budget for the action.

Done in Suva, Fiji, in three originals in the English language, two for the Contracting Authority and one for the Organisation.

For the Organisation

Name: Ms Osnat Lubrani
Position: UN Resident Coordinator and
UNDP Resident Representative

Signature



Date: 05 OCT 2016

For the Contracting Authority

Name: Mr Andrew Jacobs
Position: Head of Delegation

Signature



Date: 05 OCT 2016

**Annex I:
Description of the Action
(including the Logical
Framework of the Action)**

ANNEX 1 – DESCRIPTION OF THE ACTION

Project Title: Fiji Access to Justice Project
Project Number: FED/2016/ 378-171
Implementing Partner: United Nations Development Programme (Direct Implementation)
Start Date: 11 July 2016 **End Date:** 31 December 2020

Brief Description

The development challenge that the Fiji Access to Justice Project seeks to address comprises two symbiotic components. First, the need to enhance the empowerment of impoverished and vulnerable rights holders to access legal rights and services through the relevant key justice institutions to obtain access to justice. Second, the need to strengthen key justice institutions duty bearers to realise and protect the legal rights and provide service delivery to impoverished and vulnerable groups to deliver access to justice. The Fiji Government has endorsed the Sustainable Development Goals which highlight the importance of access to justice as both an enabler for development and an outcome of development in its own right, and more specifically at Goal 16 there is commitment to 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 at Goal 5 there is commitment to achieving gender equality and empowerment of all women and girls. The Theory of Change for the Fiji Access to Justice Project is that, in support of the enhancement of overall governance systems in Fiji, Access to Justice in Fiji for impoverished and vulnerable groups will be improved through empowering people to access legal rights and services through the relevant key justice institutions, in conjunction with strengthening those key justice institutions to undertake improved service delivery. The Legal Aid Commission and the Judicial Department have been identified as the two key justice institutions entry points for access to justice, along with links to other institutions, and will be strengthened under this project. Non-governmental organisations will also be strengthened under this project to deliver accompaniment access to justice services, particularly for impoverished and vulnerable groups.

Contributing Outcome: Fiji UNDAF Results Matrix 2013-2017: Outcome 5.1: National, local, and traditional governance systems uphold human rights, especially women's rights in line with international standards. Indicative Outputs:	Total resources required:	USD 9 217 687
	EU contribution	EUR 7 380 000

1. Enhanced Institutional Capacity of Legal Aid Commission to deliver access to justice for impoverished and vulnerable groups.
2. Enhanced Institutional Capacity of Judicial Department and other institutions to deliver access to justice for impoverished and vulnerable groups.
3. Strengthened delivery of access to justice services to impoverished and vulnerable groups.
4. Strengthened capacity of non-governmental organisations to deliver accompaniment access to justice services for impoverished and vulnerable groups.
5. Effective Project Management.

Gender Marker: 2 - Promotes Gender Equality in a significant and consistent way

I. DEVELOPMENT CHALLENGE

The development challenge that the Fiji Access to Justice Project seeks to address comprises two symbiotic components. First, the need to enhance the empowerment of impoverished and vulnerable rights holders to access legal rights and services through the relevant key justice institutions to obtain access to justice. Second, the need to strengthen key justice institution duty bearers to realise and protect legal rights and provide service delivery to impoverished and vulnerable groups to deliver access to justice.

Within the context following the democratic elections in 2014 and the reestablishment of parliament, the development challenge that the Fiji Access to Justice Project seeks to address was identified through consultations with key stakeholders over a period of over twelve months using a human rights based approach to access to justice.¹ The human rights based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. This human rights based approach identifies rights holders and their entitlements and corresponding duty bearers and their obligations, and seeks to analyse inequalities which lie at the heart of development problems. The identification of the development challenge was further augmented through a problem solving and service delivery perspective to analyse the justice services points of delivery where interactions between duty bearers and rights holders occurs, with the focus on the justice experiences of the impoverished and vulnerable groups.²

The legal rights and service delivery identified above are founded in the Constitution of the Republic of Fiji (Constitution), which came into force on 7 September 2013, and states at Chapter 1 that the Republic of Fiji is a sovereign democratic State founded on the values of –

- a) common and equal citizenry and national unity;
- b) respect for human rights, freedom and the rule of law;
- c) an independent, impartial, competent and accessible system of justice;
- d) equality for all and care for the less fortunate based on the values inherent in this section and in the Bill of Rights contained in Chapter 2;
- e) human dignity, respect for the individual, personal integrity and responsibility, civic involvement and mutual support;
- f) good governance, including the limitation and separation of powers;
- g) transparency and accountability; and
- h) a prudent, efficient and sustainable relationship with nature.

The Constitution lays out the basic law of the state, with which all other subsidiary laws and administration acts must conform; empowers and enables state institutions but also limits their action to what is authorized in the Constitution; and describes the space and relationship, the social contract, between the state and the people of Fiji, most importantly by including an extensive Bill of Rights at Chapter 2.

This development challenge is relevant to national priorities as articulated in the Fiji Roadmap for Democracy and Sustainable Socio-Economic Development 2010-2014 'Build a Better Fiji for All', which was aimed at achieving good and just governance and socio-economic well-being for all Fijians. Under the governance strategic pillar, the strengthening of law and justice and reforms to the public sector to improve its efficiency, effectiveness and overall service delivery were prioritised. In 2016 a new Fiji National Development Plan is expected to be finalised which will set out national broad outcomes, goals and strategies for the next five and twenty years; and identify and address key challenges, opportunities and resources for realising this vision. The desire to 'live in a Fiji where democracy is well respected, their families are safe and secure and opportunities are available to them to improve their standard of living ... bringing services closer to the people' was identified by Fijians as priority for the new National Development Plan.³ Importantly related to gender equality and empowerment is the 2014 Fiji National Gender Policy and also the national priorities identified in the Fiji Government Women's Plan of Action 2010-2019 where three of the five key thematic areas are Women and the Law, Access to Services and Elimination of Violence against women and children. The development challenge is also indirectly

¹ UNDP, Programming for Justice: Access for All. A Practitioners Guide to a Human Rights-Based Approach to Access to Justice, 2005

² EC, Support to Justice and the Rule of Law: Review of past experience and guidance for future EU development cooperation programmes, 2012

³ Fiji Attorney General, Budget Address in Parliament, 2015

linked to other national priorities such as the 2014 National Green Growth Framework which aims for sustainable development, economic growth and resilience to the anticipated adverse effects of climate change, noting that as a small island developing state Fiji is at the forefront of the adverse impacts of climate change and has adopted an integrated response to climate change and disaster risk management.

The development challenge has also been identified and is informed by the Human Rights Universal Periodic Review recommendations to Fiji⁴ and conventions (and recommendations from any related reviews) ratified by Fiji such as the Convention on the elimination of all forms of discrimination against women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the elimination of racial discrimination (CERD) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Fiji has signed the Convention on the rights of persons living with disabilities (CRPD) and in June 2016 the Standing Committee on Foreign Affairs and Defence has recommended that it be ratified without reservations.⁵

This development challenge is also relevant to global development priorities most recently articulated in the Sustainable Development Goals (SDGs) which have been endorsed by the Fiji Government. The SDGs are a universal set of development goals to frame development agendas and policies over the next 15 years, representing a shared vision of humanity and a social contract between the world's leaders and people, emphasising that no one should be left behind. Under SDG 16 there is the commitment to 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 16, with its emphasis on inclusion and accountability, recognises the nexus of politics and institutions and that on these twin pillars rest the prospects for stability, economic growth, and the ability to deliver on the expectations of ordinary citizens. Under SDG 5 there is a commitment to achieving gender equality and empowerment of all women and girls.

In September 2012, Member States in the General Assembly of the United Nations reaffirmed that the rule of law is critical for sustainable development stating that it is 'beyond question that improving safety for individuals and communities, and providing access to fair and well-functioning legal systems that adhere to international human rights standards, are necessary to promote economic investment, prevent violence and conflict, encourage inclusive growth and eradicate poverty'. Strengthened access to justice, that generates social cohesion and solid interactions and processes between groups in society, provides the foundations for both institutions and people to more effectively contribute towards the overall social contract between the state and society and through this promote a resilient, peaceful and inclusive society for sustainable development. Access to justice has been identified as among the most pressing concerns of the impoverished and vulnerable, and essential for poverty eradication and addressing inequality and exclusion.⁶ Impoverished and vulnerable groups suffer from discrimination and often fall victim to criminal and illegal acts, including human rights violations, or may be driven to undertake such acts. Crime and illegality are likely to have a greater impact on impoverished and vulnerable people's lives, as it is harder for them to obtain redress and consequently they may fall further into poverty. Fair and effective justice systems are also considered to be integral to reduce the risks associated with violent conflict noting that the elimination of impunity can deter people from committing further injustices, or from taking justice into their own hands through illegal or violent means. Access to justice, as a component of a functioning justice system is also an important part of a capable and accountable state, which can create opportunities for impoverished people,

⁴ There were recommendations made in October 2014 by the Working Group on the Universal Periodic Review of Fiji, operating under the auspices of the Human Rights Council resolution, which included recommendations on independence of the judiciary, separation of powers, training of lawyers and judges, violence against women and the Fiji Human Rights and Anti-Discrimination Commission. Some of the recommendations were already implemented or in the process of implementation, and others accepted for implementation.

⁵ Standing Committee on Foreign Affairs and Defence Report, Parliamentary Paper No 62 of 2016, June 2016.

⁶ Research and statistical data provided in the World Bank Voices of the Poor, 2009; UNDP Human Development Report, 1994; World Bank World Development Report, 2011.

provide better services, and improve development outcomes. The provision of legal aid is considered a foundational right for access to justice.⁷

This development challenge is also linked to addressing priorities for gender equality and women's empowerment identified by the Government of Fiji,⁸ the European Union⁹ and UNDP¹⁰ where gender equality is reaffirmed as a matter of human rights, the foundation of democracy and good governance, and the cornerstone of inclusive, sustainable development. As identified by the European Union 'gender equality and girls' and women's empowerment ... is a driver of development that addresses poverty, reduces inequalities and improves development outcomes ... strengthening women's voice and participation at all levels of society can have significant positive impacts ... it can facilitate peace, reconstruction and state building processes.'¹¹

Challenges in accessing justice

The primary justice needs of rights holders, including impoverished and vulnerable people, and the obstacles they encounter in accessing justice are identified below. The evidence and analysis on all of these comes from a wide range of sources both objective and subjective, utilising qualitative and quantitative data,¹² however in conducting research for this project it was clearly evident that there is a need for significantly improved independent, empirical and current evidence on access to justice in Fiji. The challenge of the lack of current information is particularly relevant given the significant progress made over the past two years on a range of access to justice issues.

A key foundational issue is that given the relatively 'newness' of the Constitution people lack awareness of their rights and how to access.¹³ This is particular relevant for access to justice as the Constitution, through the Bill of Rights, provides for an extensive range of rights including the rights of arrested and detained persons, of accused persons, of access to courts and tribunal, rights to executive and administrative justice and for those who cannot afford a lawyer that they can generally benefit from free assistance from the Legal Aid Commission. The Constitution also establishes the principle that every Fijian is equal and bestows the title of 'Fijian' on every citizen while equally recognising their different cultures.¹⁴ Unlike previous Constitutions, it does not define or divide Fijians by ethnicity which is considered important noting the past history of ethnic

⁷ Member States of the United Nations have recognized the importance of legal aid. In its resolution 67/1, the General Assembly (GA) emphasized the importance of "the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights," affirming a commitment "to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid." In its resolution 67/187 the GA adopted the 2012 United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the first normative instrument exclusively focusing on legal aid and providing detailed guidance on practical approaches to its delivery. Most recently, UNODC and UNDP jointly developed the Handbook on Early access to legal aid in criminal investigations and proceedings, a practical guide to developing and implementing policies and programmes to ensure early access to legal aid.

⁸ Fiji Government Women's Plan of Action 2010-2019

⁹ EU, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020', September 2015.

¹⁰ UNDP, UNDP Gender Equality Strategy 2014-2017, 2014.

¹¹ EU, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020', 2015.

¹² Data was obtained from stakeholder consultations, stakeholder reports (such as NGO research and UPR reporting), government reports (including UPR and treaty reporting, Budget Addresses, reports referring to progress under the MDGs), government institutional data and reports and external international reports (such as the World Bank Worldwide Governance Indicators, and the Global Gender Gap Report 2014). There have also been other general reports produced (United States Department of State, Country Reports on Human Rights Practices for 2015, Fiji) and also other internal reports produced by groups that may not be available to a broader audience.

¹³ In 2014 the Citizens Constitutional Forum undertook a country-wide perception study on the Constitution, and noted that knowledge about the details of the constitution and understanding of its basic concepts was rather low. CCF, Fiji in Transition: Towards a Sustainable Constitutional Democracy, 2014.

¹⁴ The Preamble to the Constitution contains an important reference to the four distinct groups or communities with together make up 'the people of Fiji' and emphasizes these are 'Fijians united by common and equal citizenry' while at the same time recognizing the culture, customs, traditions and languages of these communities.

divisions since Fiji's independence from the United Kingdom in 1970, and which has previously impacted on peace and stability. Demographically the population of Fiji is very young, with around 45 percent of the population under the age of 25, so knowledge of rights and obligations and how to access services is considered potentially very limited.¹⁵

Whilst access to justice is a key enabler for economic growth and to decreasing in poverty, people living in poverty face potential challenges in accessing such justice. Fiji is amongst the largest and most developed of the Pacific island economies and identified as a middle income country with an annual per capita income of USD 4,200. Fiji's economic growth rate for 2016 was forecast in the budget at 3.7 percent, but has more recently been revised down to 2.2 percent due to the predicted potential longer term impact of Tropical Cyclone Winston. Fiji's human development indicators are relatively strong being in the high human development category, for instance the 2014 Human Development Index of 0.727 places Fiji at the rank of 90 out of 188 countries assessed.¹⁶ Fiji has achieved broad coverage in provision of basic services and social protection schemes,¹⁷ and there have been long-term positive trends on many fronts such as literacy and access to health-care. Declining overall poverty levels have been reported,¹⁸ however the overall progress in poverty reduction with has been slow with relatively high inequality for some particular groups, such as rural women and men. Consequently, some groups of people in Fiji do not have the information, ability, confidence, or financial means to resort to the law to solve their problems.

There are access to justice development challenges to be addressed that arise both from remoteness and also increasing urbanisation with people in different geographical areas having different challenges of being able to understand their rights and accessing justice. The complexities of these geographical challenges for accessing justice are further compounded by intersecting with other issues such as gender, youth and ethnicity. Fiji's population was estimated in 2015 as 869,458 (with 49% female; 46% of the total below the age of 29; 57% iTaukei, 37% Indo Fijians and 6% Others; and with 51% of the total living in urban areas)¹⁹ and is spread over 322 islands, with approximately 100 of these islands inhabited. Awareness of, access to and delivery of services is challenging for those living in remote rural areas and Maritime Zones based on both the location and the lack of finances to travel to areas where service delivery is accessible, although currently there is no data on the precise nature and extent of this challenge. For those living in remote areas there are also emerging issues that may require accessing legal rights, such as responding to natural disasters and impacts of climate change, both which potentially raise issues in relation to land and potential internal migration, and both being potential drivers of conflict.

There is also a tendency towards increasing urbanization with estimates that the main island of Viti Levu hosts 80% of Fiji's population. Particular legal issues are confronted for those that have 'drifted' to the urban areas given that the majority do not have ancestral links to Viti Levu, so a portion of this population are landless and make informal arrangements with traditional landowners

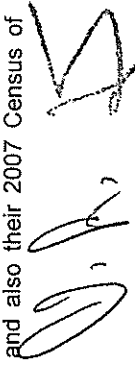
¹⁵ For example, as a result of the youthfulness of the population, it was estimated that about 46 percent of voters registered for the 2014 elections were under the age of 29 and voted for the first time in their lives, with no experience of living as adults in a democratic system.

¹⁶ The Human Development Index (HDI) is a summary measure for assessing long-term progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living. The HDI is based primarily on international data from the United Nations Population Division, the United Nations Educational, Scientific and Cultural Organization Institute for Statistics and the World Bank.

¹⁷ The social protection system in Fiji is one of the most developed in the Pacific region including the 2012 introduction of a poverty benefit scheme targeting the poorest 10 percent of the population and a social pension scheme for people aged over 70 (in June 2016 aged eligibility criteria will become from aged over 68) with the Ministry of Women, Children and Poverty Alleviation undertaking awareness raising across Fiji to alert people to their rights under these schemes.

¹⁸ The 2008-2009 Household Income and Expenditure Survey showed the national incidence of poverty in Fiji at 31%, with the 2012-14 figures still being finalized, and noted that Fiji did not meet the target under the Millennium Development Goals, for halving the number of people living in poverty. Fiji Attorney General, Budget Address in Parliament, 2015:

¹⁹ Fiji Islands Bureau of Statistics, information on website (accessed 18 May 2016) and also their 2007 Census of Population and Housing.



to establish adequate housing needs or live in informal settlements, giving rise to potential legal issues. This rapid trend towards urbanization, which potentially could be exacerbated following Tropical Cyclone Winston in February 2016, also places a growing strain on access to and delivery of services. People living in informal settlements are often essentially in a 'pocket of poverty' with often having limited financial means; only basic education; poor access to running water, sanitation or electricity at times; and limited opportunities to understand their legal rights, to exercise those rights and to subsequently access justice.

Whilst much has been achieved and is currently being implemented in Fiji for gender equality, women face particular issues in accessing justice. Women across the different communities in Fiji are recognized as a vulnerable group, in a society which some consider remains 'patriarchal and traditional, and with discrimination practices deeply rooted within the society'. The Constitution has an equality provision which includes protection from discrimination on the basis of gender and there are equal rights, responsibilities and opportunities to be afforded for women and men, and girls and boys. The government promotes the development of women's human rights in accordance with Fiji's obligations under CEDAW and all other conventions and international laws relevant to women, with the State Party report for CEDAW submitted in July 2016.²⁰ There are also plans by the Ministry of Women, Children and Poverty Alleviation to launch a domestic violence helpline for a counselling service and work also being undertaken to develop a Gender Based Service Delivery Protocol to link current health, women's service and the police.

In relation to gender gaps and disparities the World Economic Forum 2015 Global Gender Gap Report, which has indicators related to economic participation and opportunity, educational attainment, health and survival and political empowerment; places Fiji as 121 out of 145 countries (towards the lower end of the scale for gender equality) with a score of 0.645 where 0 equals inequality and 1 equals equality. There are low levels of women representation in leadership positions, with women making up about 50% of the civil service but are only represented in 18.8% of senior management positions; with only 16% of the 50 parliamentarians being women and women are being similarly underrepresented in local governance systems.²¹ The Asian Development Bank compiles gender statistics measuring labour force participation, using the non-agricultural sector as its measure for gender equality, because it is normally only these jobs that have regular wages and provide paid leave and other benefits. In Fiji women's share of wage employment in the non-agriculture sector was reported at 33%.²² There is no data available to measure the amount or extent of unpaid work that women carry out in the home.

Also, discrimination against women in Fiji is often compounded by intersecting factors that affect some women to a different degree or in different ways than men and other women. This intersectional or compounded discrimination may include ethnicity, socio-economic status, religion or belief, marital and or maternal status, age, urban or rural location, disability, health status, and being lesbian, bisexual, transgender women or intersex persons. These intersecting factors make it even more difficult for people from those groups to gain access to justice and also people belonging to particular groups often do not report violations of their rights to the authorities as such reporting is frowned upon by the local community, or for fear that they will be humiliated, stigmatized or have violence inflicted upon them.

Violence against women and children in Fiji is identified as a major concern, with the government labelling Fiji's crisis of violence against women as a national shame, with the topic being much

²⁰ The State Party Report was due in July 2014. The Minister of Women, Children and Poverty Alleviation recently advised that the State Party report for CEDAW was expected to be finalized soon (Minister of Women, Children and Poverty Alleviation, Speaker of Parliament Debate, 9 May 2016) and subsequently submitted in July 2016.

²¹ The Asian Development Bank reports that in Fiji 32% of managerial positions (defined as politicians, senior government officials and corporate and general managers, who play an important role in shaping how the public and private sectors operate) are held by women (Asian Development Bank, Gender Statistics: The Pacific and Timor-Leste, 2016; utilizing 2010-2011 Labor Force Survey data).

²² Asian Development Bank, Gender Statistics: The Pacific and Timor-Leste, 2016; utilizing 2007 data.

discussed and highly visible in public discussions and media.²³ A 2011 survey of 3000 households, undertaken by the Fiji Women's Crisis Centre in cooperation with the Fiji Islands Bureau of Statistics, found that 64% of Fijian women who had ever been in an intimate relationship had experienced physical and or sexual violence by a husband or intimate partner in their lifetime and that there are also high rates of non-partner violence against women and girls with 31% subjected to physical and or sexual assault since the age of 15 by someone other than their husbands and partners.²⁴ The survey found that violence was considerably higher in rural areas and with those experiencing violence only 24% have ever gone to an agency or formal authority for help. The report also notes that 'the complex web of control, intimidation, humiliation and multiple forms of violence ... prevents women and girls from finding out about their legal and human rights and the services available to help them. It prevents them from reporting the violence to authorities and getting the help they need.'²⁵ The survey also found that prevalence of violence was considerably higher in rural areas; all forms of violence were lower than the national average for Indo-Fijian women and substantially higher for iTaukei women; Indo-Fijian women are more likely to seek help than iTaukei women; and Indo-Fijian seek help from police, courts, and seek legal advice whereas iTaukei women go to hospital or religious leader. Further the survey found that the use of violence as a form of punishment and discipline is accepted within many families and communities and considered normal; and tolerance for men's violence against women and unequal gender power relations remain entrenched in social norms and in the belief systems of some women. The survey results clearly indicate the extent and complexity of this issue in Fiji and the need for well-considered, evidence based targeted responses for particular groups.

Lesbian, gay, bisexual, transgender, queer and intersex people are reported to be 'victims of stigma, violence and discrimination, often specifically because of their sexual orientation and gender identity ... and there are also marginalized groups of women such as young women, lesbians, bisexual women, trans*women, trans-masculine/non gender-conforming people, for whom justice is undeliverable or severely constrained.'²⁶ The NGO Haus of Khameleon has raised the issues of challenges for the trans-gender community and identified the need to 'shift the narrative on trans-gender community.'²⁷

Children (every person under the age of 18) face particular issues in accessing justice. In Fiji 'various legislative and policy mechanisms have been enacted in order to holistically protect the rights of the child and provide children with access to justice in a safe and protective environment'.²⁸ There is a comprehensive framework to protect children, including the rights within the Constitution, ratification of the CRC and subsequent reporting,²⁹ laws to provide children with various rights to and protection of children³⁰, work being undertaken in relation to child

²³ There are regular articles in the newspapers, strong advocacy by NGOs such as Fiji Women's Crisis Centre, Parliamentary Speaker's Debates and every month the Office of the Director of Public Prosecutions releases data on the number of formal indictments filed in the courts by the DPP for incidents of serious sexual offences, as part of raising awareness of this issue. (For example for the month of April 2016, there were 57 incidents as follows: rape 41, attempted rape 2, defilement 1, and sexual assault 13).

²⁴ FWCC, *Somebody's Life, Everybody's Business: National Research on Women's Health and Life Experiences in Fiji, (2010 / 2011): A Survey Exploring the Prevalence, Incidence and Attitudes to Intimate Partner Violence in Fiji, 2013.*

²⁵ *Ibid*, page 3.

²⁶ Fiji Women's Right Movement, 'Balance: helping to balance the scales' journal, 2015.

²⁷ Haus of Khameleon, 12 May 2016.

²⁸ Fiji Attorney General, Fiji Sun newspaper 18 February 2016, page 36.

²⁹ The most recent CRC-report (13 October 2014) includes the following observations with regard to the administration of juvenile justice in general and recommendations with regard to alternative measures for children in conflict with the law in particular: Observation 71: "The Committee is seriously concerned about the situation of children in conflict with the law. In particular, the Committee regrets: (a) The minimum age of criminal responsibility being as low as 10 years of age; (b) Suva being the only city with a special juvenile court; (c) Life sentences being imposed on juvenile offenders; (d) The particularly poor conditions of prisons inconsistent with international standards, in particular overcrowding, deteriorating infrastructure and a lack of delivery of essential services." Recommendation 72: "The Committee urges the State party to: ... (d) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to withdrawing it."

³⁰ A National Child Protection Policy has been submitted to Cabinet and there is further legislation under development such as the Adoption Bill currently before Parliament and the development of Decrees related to Juvenile Justice and

labour³¹, capacity development initiatives and awareness raising on child protection,³² and a National Coordinating Committee on Children established to coordinate the implementation of the articles of the CRC.³³ The Ministry of Women, Children and Poverty Alleviation has undertaken programmes of awareness raising for children's rights³⁴ and in 2015 established a Child Hotline, in now in operation 24 hours a day, and managed by Medical Services Pacific, which during a period of nine months in 2015 identified and referred 544 cases in need of child protection service.

Recent research on social protection for children noted that a high proportion of children live in families experiencing income poverty and that 61% of children either live in or are vulnerable to poverty as they could at any point in time drop under the poverty line.³⁵ Children in specific areas in Fiji are particularly disadvantaged, including those in informal settlements, low quality urban housing, rural areas and the northern region. Child protection is also a concern in Fiji with cases of physical, sexual and emotional abuse routinely reported. Cases of abuse are most often perpetrated by a trusted adult including family members and with 72% of children having experienced physical punishment and or psychological aggression in the home.³⁶ Data from service providers in Fiji show that sexual abuse is one of the most common forms of abuse of children in the country³⁷ and with cases of commercial and sexual exploitation of minors and trafficking. Children's experiences with the justice system, whether as victims or witnesses or in conflict with the law, indicate that children experience a range of challenges in accessing justice. These include for example not being taken seriously, long delays with investigations and court processes, lack of respect for privacy, lack of empathy, feeling unsafe if perpetrator remains in the community, and lack of understanding of court processes. The lack of data in these areas means it is not possible to know the full extent of the challenge.

People with disabilities also face challenges in access to justice although there is a lack of available data to know the full extent of the challenge. People with disabilities are 'largely invisible

Child Welfare.

³¹ The International Labour Organization (ILO) has worked with trade unions in Fiji in the fight against child labour through intensive campaigns to eliminate child labour which have involved institutional strengthening mechanisms, capacity building initiatives, support services frameworks and situational surveys in Fiji, and included awareness raising and production of a booklet 'A Trade Union Guide for Eliminating Child Labour in Fiji' in 2015 (the latter supported by the EU funding to combat child labour in Fiji through the Tackling Child Labour through Education Project). ILO has also undertaken training of the justice sector on international labour standards in March 2016.

³² UNICEF support to development of health worker guidelines for recognizing, responding to and referring child protection cases; Police Standard Operating Procedures on investigation of sexual offences, registering of children and diversion options for youth; Child Protection Policy in schools rolled out to all primary and secondary schools, with expansion ongoing to early childhood centers; and a community facilitation package with Ministry of Women, Children and Poverty Alleviation (refer below) and adaption into Fijian with iTaukei Affairs.

³³ The National Coordinating Committee on Children (NCCC) was formed to implement the articles of the CRC and to coordinate the operations of the Fiji Government, NGOs, CSOs and donors in order to create a protective environment for all the children of Fiji and progressively realise their rights and responsibilities outlined in the CRC. In 2015 the NCCC developed InterAgency Guidelines on Child Abuse and Neglect guidelines as a tool to aid the implementation of the CRC by better addressing child abuse and neglect cases. The Guidelines are for coordination of the five Agencies directly responsible for responding to victims of child abuse and neglect which include Fiji Police Force; Ministry of Health and Medical Services; Ministry of Education, Heritage and Arts; Ministry of Women, Children and Poverty Alleviation; and Ministry of Employment, Productivity and Industrial Relations.

³⁴ UNICEF supported the implementation of a community facilitation package to increase awareness of children's protection issues in Fijian villages. An educational resource package 'Children are a Gift from God' was utilised which promotes alternative ways to the traditional and cultural ideas of raising children with a focus on protection of children against abuse, exploitation and neglect.

³⁵ UNICEF Pacific and Ministry of Women, Children and Poverty Alleviation, Child-Sensitive Social Protection in Fiji: Assessment of the Care and Protection Allowance report, 2015. Analysis is based on Household Income and Expenditure Survey 2008 & 2009 data. The report includes significant detail on the situation of children in Fiji and an analysis of the challenges faced by some of the poorest children in Fiji. The report includes the recommendation for the expansion of the Care and Protection Allowance to provide effective protection and support for the most vulnerable and to improve the standard of living of many children while considerably strengthening the social contract between the government and its citizens.

³⁶ UNICEF and AusAID, Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji, 2009.

³⁷ Of the 612 cases of child abuse reported by the National Coordination Committee on Children (between January and August 2015) there were 117 cases sexual abuse, 88 cases of physical abuse and 97 cases of child neglect.

and disadvantaged in terms of access to education, health services, employment, livelihood opportunities and support services ... (and) due to a lack of awareness and understanding of disability in the wider community, discrimination against those living with disabilities is widespread'.³⁸

Another potential challenge for accessing justice is where customary laws and traditional dispute resolution practices potentially conflict with rights under the Constitution,³⁹ such as the misuse of the traditional practice known as '*bulubulu*', under which a traditional apology is used when a law is broken.⁴⁰ Further, the Government and other key stakeholders have recently condemned the traditional leaders' acts of pardoning people who have committed serious crimes through this practice noting that traditional leaders cannot use '*bulubulu*' to overrule the law.⁴¹

Key justice sector stakeholders have identified a challenge for accessing justice for arrested and detained persons who may not be fully aware of their right to counsel from the outset (often referred to as 'early access to legal aid'), may be waiving the right to counsel without really understanding what the right entails, may lack an understanding of the right to remain silent,⁴² or may be subjected to duress. This also generates problems further along the 'justice chain' when the case is prepared for or comes to court and there are then submissions over the admissibility of any statements or confession made by that arrested or detained person.⁴³ The lack of early access to legal aid ('first hour procedure') is being addressed by stakeholders noting it is a critical issue for consideration given that 'prompt access to legal advice and assistance is the key to guaranteeing a fair trial and the rule of law ... to ensure that rights are respected, improves the efficiency and fairness of the criminal justice system and represents an important safeguard against torture and other forms of ill-treatment ... has the potential to reduce costs, both for the system overall and for the individual and families concerned.'⁴⁴ Justice sector stakeholders are focussed on implementation of the 'first hour procedure' with links to Fiji's ratification of UNCAT and also initiatives related to the video recording of evidence.

Challenges in service delivery of justice

The human rights based approach to access to justice also looks to the duty bearers, the key justice sector institutions, and the challenges faced in the delivery of justice outcomes. Whilst there are range of stakeholders across the 'justice chain' that have a role in the service delivery of justice; including the Police, Office of the Director of Public Prosecutions and the Correctional Service; for the purposes of this project though the focus of the challenges in service delivery of justice will be identified below for the Legal Aid Commission,⁴⁵ because this is a key entry point for access to justice for impoverished and vulnerable groups, and the Judicial Department,⁴⁶ as a

³⁸ Fiji National Council for Disabled Persons, A survey on people with disabilities, 2010.

³⁹ The 1997 Constitution had included a clause requiring the application of customary laws and dispute resolution in accordance with traditional Fijian processes, but this was omitted in the 2013 Constitution.

⁴⁰ In Fijian culture, *bulubulu* is reported as an essential part of traditional village life. Disputes were settled with the offer of a whale's tooth, a gift or compensation, and asking for forgiveness. There is social pressure to accept this apology because the historic outcome of accepting *bulubulu* was to break the cycle of vengeance. The offer is directed to the senior male member of the family but generally not the victim.' International Center for Advocates Against Discrimination, The Role of Culture in Shaping Judicial Opinions on Sexual and Gender Based Violence Cases: Fiji Case Law Survey, 2014.

⁴¹ Fiji Sun newspaper, 3 April 2016, page 15.

⁴² Constitution, section 13.

⁴³ For example, on 10 May 2016 the Director of Public Prosecutions discontinued murder charges against four men because of concerns their confessions were obtained under duress at the time of their caution interview whilst in police custody, and there was no admissible evidence against the accused other than the confession statements.

⁴⁴ UNODC & UNDP, Handbook on Early access to legal aid in criminal justice processes, 2014.

⁴⁵ Whilst legal aid services have been provided since July 1998, the Legal Aid Commission was first given recognition under the Constitution (section 118) in 2013. The Legal Aid Commission has its budget allocated yearly by Parliament and then independently manages this budget.

⁴⁶ The Judicial Department is made up of the Judiciary, the Magistracy, various Tribunals including the Small Claims

key institution that delivers justice outcomes for impoverished and vulnerable groups. Through a focus on these two institutions the most strategic challenges, which if addressed are considered to have the greatest potential for catalytic impact to generate transformational results, are identified.

For both the Judicial Department and the Legal Aid Commission there is the ongoing challenge of raising awareness of the services they provide to assist people realise their rights. For the Judicial Department there is the issue of when people come to a court they need to understand the processes, and whilst information is currently provided, there are identified needs for improvements. For the Legal Aid Commission there is the challenge of people being aware of their right to legal aid, and whilst programmes of outreach and awareness raising have commenced,⁴⁷ there is significantly more to be done, and cognisant that the Legal Aid Commission is mandated by the Legal Aid Act 1996 to undertake legal awareness raising. The additional benefits of raising awareness of processes and services is that information on activities of the Judicial Department and the Legal Aid Commission can also be provided. This affords an opportunity for an enhanced level of transparency with the potential to increase confidence and trust in these institutions, which would further promote people accessing these institutions.

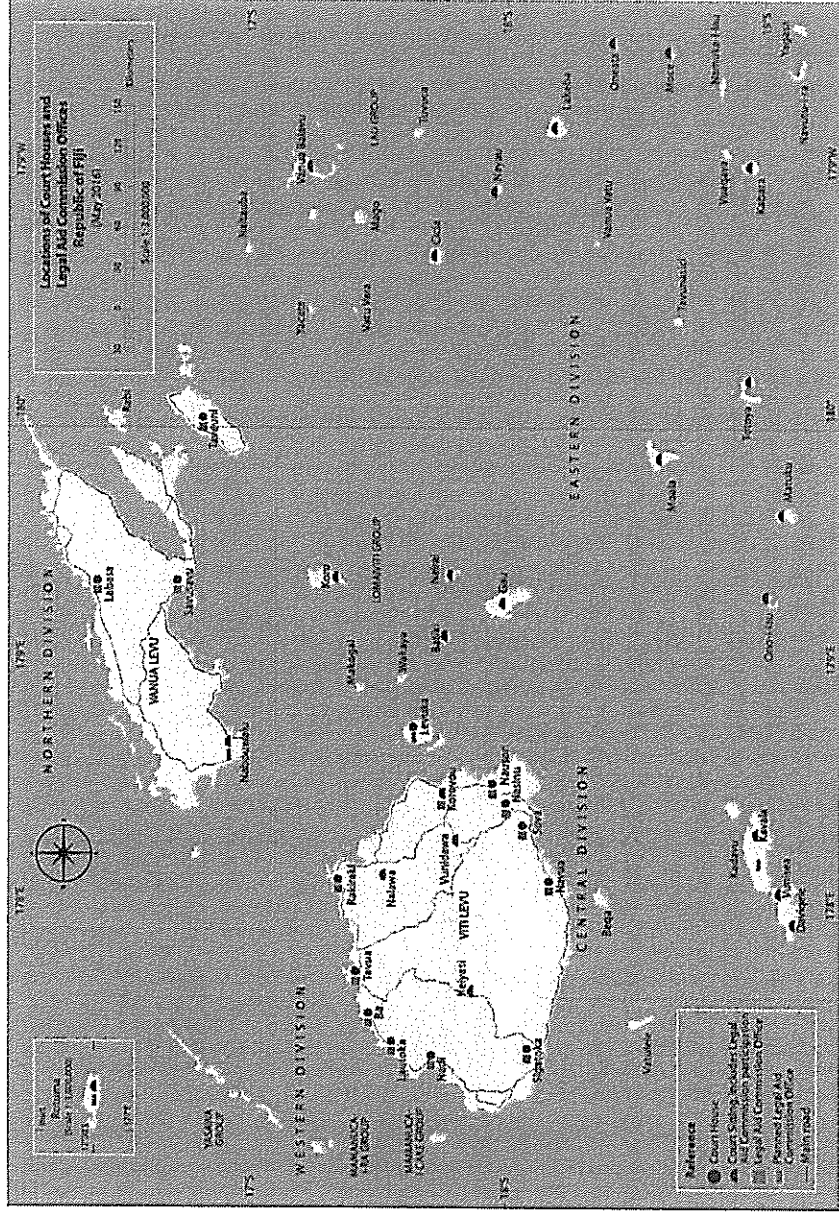
For both the Judicial Department and the Legal Aid Commission there is the challenge of providing services over such a vast geographical area. As indicated in the map below (and at Annex 6) there are 14 locations in Fiji⁴⁸ with both Judicial Department and Legal Aid Commission full time services. There are six other locations areas including maritime communities⁴⁹ serviced by monthly or quarterly or twice yearly Judicial Department sittings, and for the Legal Aid Commission where there are either plans to establish new Legal Aid Commission offices or Legal Aid Commission representation providing to support the Judicial Department sittings. In late 2015 the Judicial Department opened the Mediation Centre in Suva with three cases initiated and all settled in 2015. For 2016 (up to May) there 17 cases initiated and 5 settled with 12 pending. There is currently no easily available data to indicate length of time or delay in having cases heard in remote areas.

Tribunal and Court Support Staff. The Judicial Department has its budget allocated yearly by Parliament and then independently manages this budget.

⁴⁷ Through one project, the Legal Aid Commission raised awareness through radio programmes, information booths at public events and mobile clinics reaching 1,859 Fijians (1,334 women, 569 men and 156 children) with a focus on the very remote communities in Vanua Levu.

⁴⁸ Suva, Nausori, Labasa, Nadi, Ba, Rakiraki, Sigatoka, Nasinu, Savusavu, Tavua, Korovou, Navua, Taveuni and Lautoka.

⁴⁹ Levuka, Kadavu, Rotuma, Nabuawalu, Vunidawa and Maritime Areas Eastern Division.



For both the Judicial Department and the Legal Aid Commission there is the challenge of the delivery of justice without unreasonable delay for criminal matters⁵⁰ and within a reasonable time for civil matters.⁵¹ This challenge exists due to a range of factors, with the key factors being an ongoing backlog from the past eight years, a continually increasing demand for services, resource (in particular staff) constraints and institutional technical and administrative capacity constraints.

The Legal Aid Act⁵² and the Legal Aid Policy Guidelines 2010 enable the Legal Aid Commission to have a broad remit. The Commission applies the principle that no person should ever be turned away or referred to another agency or nongovernment organisation without first being provided with some initial advisory assistance, representing a significant benefit for access to justice. Legal aid assistance may be given in respect of criminal law, family law and limited categories of civil law. This inclusion of civil law services has been identified as significantly benefitting impoverished persons.⁵³ There is a means test as part of the application for legal aid assistance which is currently set at FJD 15 000 (and may be increased to FJD 16 000), with this waived for remand prisoners until they are released on bail after which the means test is applied. Whilst there is a merits test applied in family and civil law matters, in November 2012 the merits test to access legal aid in criminal matters was removed resulting in increased workload.

The Legal Aid Commission aims to operate in alignment with the United Nations Principles and Guidelines on Access to Justice in Criminal Justice Systems⁵⁴ which identifies that legal aid is a

⁵⁰ Constitution 14. (2). (g)

⁵¹ Constitution 15. (3)

⁵² Legal Aid Act No.10 of 1996

⁵³ This significant benefit to impoverished persons was identified in the Legal Aid Commission 2016 Budget Submission for where the civil law services provided are listed as including deed poll, non-contentious probate, letters of administration matters, drafting of Wills, Fiji National Provident Fund applications in the absence of valid nominations, and transmission of death matters.

⁵⁴ UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/187), 2012. Member States of the United Nations have also recognized the importance of legal aid. In its resolution 67/1, the General Assembly (GA) emphasized the importance of “the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights,” affirming a commitment “to taking

foundational right for access to justice, and should be: accessible at all stages of the criminal justice process and in all matters involving vulnerable groups such as women, children and rural people, and non-discriminatory; sustainable in that legal aid is funded by the state; affordable in that use is made of all resources by engaging in partnerships with law clinics, paralegals and non-governmental organisations; credible because legal aid providers have their independence guaranteed and are properly trained; and accountable in that complaints against legal aid providers are dealt with promptly; undertake public legal aware awareness should be conducted to make people aware of their rights.

In January 2016 the Legal Aid Commission had 125 positions (comprising lawyers, client information officers and support staff) with 88% of the positions occupied (67 women 61% and 43 men 39%) and 12% of these positions vacant. Approximately 50% of these total Legal Aid Commission positions are lawyers (62 lawyer positions), with 80% occupied (29 women 58% and 21 men 42%) and 20% of these lawyer positions vacant. These figures do not include the staffing planned for the new offices to be opened in 2016 and 2017.

In 2015 the Legal Aid Commission provided 16,813 advisory services, which represents an increase of 51% from the advisory services provided in 2014. In addition to this, in 2015 there were 12,300 (4,185 women 34% and 8,115 men 66%) new applications for legal aid, which represents an increase of 66% from new applications for legal aid submitted in 2014. When applicants are accepted for legal aid they are classified as clients. In 2015 34% of legal aid clients were women with the breakdown between caseload of the women clients as follows: family matters 60%, civil matters 48% and criminal matters 17.5%. From these 2015 new clients, some of the matters proceeded to court, and when combined with clients whose cases have continued on from 2014 (the previous year), in 2015 there were 13,501 clients (4,672 women 35% and 8,829 men 65%) represented in court with the breakdown in type of matter being 57% criminal cases, 31.5% family law cases, and 11.5% civil matters. Juveniles were 1.6% of these clients represented in court in criminal matters (10 women and 201 men).

During 2015 the disposal rate of cases (as a ratio of files opened to files closed) was approximately 71%, which can also be used indicatively to measure the residual case load and potential backlog. Also from the new applications in 2015 some of the matters are 'briefed out' to private lawyers in situations when there is potential for a conflict of interest.⁵⁵ In 2015 there were 1,232 matters briefed out, which represents an increase of 100% from the 2014 matters briefed out. Despite the briefing out of cases, the workload for the available staff resources remains significant.

Whilst there exists in Fiji a legal practitioners private bar (association), comprising 343 (149 women 43% and 194 men 57%) practicing private lawyers, from the data available the level of pro bono work undertaken appears relatively low and there is no practitioner annual registration requirement for pro bono work. For example, under the Duty Solicitor's Scheme of assistance to the unrepresented in court, in the majority cases it is only the Legal Aid Commission lawyers providing support, who in 2015 rendered 5,323 duty solicitor services,⁵⁶ representing a 115% increase from the 2014 duty solicitor services provided. In the majority (estimated at around 85%) of criminal matters before the court the Legal Aid Commission is providing the representation.

all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid." In its resolution 67/187 the GA adopted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the first normative instrument exclusively focusing on legal aid and providing detailed guidance on practical approaches to its delivery. Most recently, UNODC and UNDP jointly developed the Handbook on Early access to legal aid in criminal investigations and proceedings, a practical guide to developing and implementing policies and programmes to ensure early access to legal aid.

⁵⁵ For instance, where both parties to a proceeding are eligible for Legal Aid Commission assistance, then the Legal Aid Commission is prevented under the Legal Aid Practitioners Decree 2009 to act for both parties in the same proceeding.

⁵⁶ The Duty Solicitors provide assistance in cases of immediate need, such as where help is needed for hearings scheduled on the same day or with issues such as Domestic Violence Restraining Orders that need to be issued on the same day.



The Legal Aid Commission is essentially the only option for those in need of free legal assistance, which further compounds the challenges for the Legal Aid Commission in service delivery.

In January 2016 the Judicial Department had 740 positions (comprising judges, magistrates, legal and support staff) with 93% occupied (351 women 51% and 338 49% men) and 7% of these positions vacant. Approximately 10% of these total Judicial Department positions are Judiciary positions (73 Judges, Magistrates, Chief Registrar, Master), with 79% occupied (11 women 19% and 46 men 81%) and 21% of these Judiciary positions vacant. Approximately 51% of these total Judicial Department positions are lawyer positions (373 lawyers, deputy registrar and court officers), with 88% occupied (170 women 52% and 157 men 48%) and 12% of these lawyer positions vacant.

Information on court statistics provides some indicative information on court workload and backlog. In 2015 in the Supreme Court, Court of Appeal, High Courts, Magistrates Courts and Family Court there were 91,229 cases initiated, 100,392 cases disposed and 125,738 classified as pending. Some of these pending cases dated back up 8 to 12 years.

There are a range of administrative and technical challenges identified by the Judicial Department and the Legal Aid Commission which impact on service delivery. Both the Judicial Department and the Legal Aid Commission have identified that improved service delivery could be achieved through enhanced institutional technical capacity. The current judges, magistrates, and lawyers have the required qualifications and experience and there is already a training programme (for example for the Judicial Department this is managed by the National Judicial Education Committee) that is implemented throughout the year. However, there is also an identified need for enhanced of knowledge and skills in relation to changes in statutes and new precedents, 'issue areas' specially identified (such the special needs of women and children in the courts, human rights and courts, judicial ethics, court room management, gender and justice and international labour standards), and trainings aligned to emerging areas of law (such as related to climate change and internal or cross border migration), and also disaster-induced cross-border displacement under the Nansen Initiative 2011). Enhanced skills for administrative and support staff would also support improved service delivery.

Both the Judicial Department and the Legal Aid Commission have also identified that improved service delivery could be achieved through enhanced institutional planning and administrative capacities. There are no current assessments or knowledge products or surveys available that identify access to justice needs and expectations, no information on whether these needs are being met adequately, and no data available on the perceptions of those who are currently accessing the justice services. There is a lack of accessible user friendly client feedback and complaint mechanisms on the quality of services provided. The lack of such information hinders effective planning processes and the development of longer term reforms. There are no current corporate documents from which to guide future planning and to be utilised to enhance transparency. There are currently limited resources available from which to inform case preparation, assist decision making and foster transparency, with access to precedents from the Fiji Law Reports only available for a limited range of years,⁵⁷ and other limitations in relation to availability of reference books and research databases. The current case management databases that are being utilised by the Judicial Department and the Legal Aid Commission have both been identified as insufficient to meet current and future demands, and needing to be modernised and transitioned to case management systems to provide platforms for more effective case flow management in order to deliver more efficient, predictable and transparent processes which will result in an enhanced level of justice services.

⁵⁷ Aside from 2012, the Fiji Law Reports (annual reports with up to 100 selected cases) have not been published consistently since 2002. The existing Fiji Law Reports are being produced by the Judicial Department through a combination of internal resources and a specialised legal research and publishing company. For years 2002 and 2003 the Judicial Department are currently having these reports produced. For years 2004, 2005, 2006, 2007 and 2008 the selection of the cases for these reports have been undertaken and they are ready for the next stage of production of headnotes and / or printing.

The Judicial Department and Legal Aid Commission are already delivering services related to both women's and children's rights, however both have identified areas for improvement for service delivery to women and children. For instance, whilst there are strong existing networks between key stakeholders in relation to children's access to justice, some challenges have been identified including the need for specialised technical expertise to assist with court bench books; further trainings to enhance child friendly court procedures and processes; provision of screens in court to protect traumatised children when giving evidence; and also specific awareness raising programmes to target children. The Fiji Women's Rights Movement has been providing some support to the Family Court and recently undertook a small scoping study with women who had been involved in matters before the Family Court, to identify the challenges women face in accessing justice.

Analysis has been undertaken by the International Center for Advocates Against Discrimination of sentencing decisions in domestic violence, sexual assault and gender violence cases, for during the periods 1977 to 2013⁵⁸ and 2005 to 2014⁵⁹, on whether certain factors with embedded gender discrimination, such as customary forms of reconciliation,⁶⁰ gender stereotypes and rape myths,⁶¹ were considered in sentence mitigation and the subsequent effect on sentence length. The analysis was grounded in the hypothesis that where such matters are taken into account this allows perpetrators to escape accountability for their crimes and women are left disempowered, vulnerable, and with little faith in a justice system that should be protecting them. For Fiji, in the 2005 to 2015 analysis, 145 cases were reviewed which indicated that in 48% of cases these factors were raised in court and then led to an actual reduction in sentence in 33% of the cases. The researchers note a range of limitations of the study in the Fiji context, however the overall analysis does provide some useful recommendations and identification of areas for future research.

There are also other Constitutional bodies⁶² that contribute, and have obligations, to improve access to justice which also currently, or are expected, to face similar challenges being experienced by the Judicial Department and Legal Aid Commission such as the need for awareness raising, challenges in service delivery to remote areas, case backlogs, and needs for strengthened institutional capacity (both technical and administrative). For example the Fiji Human Rights and Anti-Discrimination Commission (FHRADC) is responsible to 'take steps to secure appropriate redress if human rights have been violated, including making applications to court for redress or for other forms of relief or remedies'.⁶³ With the appointment of the FHRADC Commissioners in 2015 and the appointment of the FHRADC Director in 2016, the processes of identifying challenges and immediate strategic priorities for the re-invigoration of the FHRADC has commenced.

⁵⁸ International Center for Advocates Against Discrimination, *The Role of Culture in Shaping Judicial Opinions on Sexual and Gender Based Violence Cases: Fiji Case Law Survey*, 1977 to 2013.

⁵⁹ International Center for Advocates Against Discrimination, *An Analysis of Judicial Sentencing Practices in Sexual and Gender-Based Violence Cases in the Pacific Island Region*, 2005 to 2014.

⁶⁰ Example being apology or forgiveness such as *bulubulu*. Advocates from Fijian Women's Crisis Center argue that the current practice of *bulubulu* in violence against women cases is an affront to the traditional practice of *bulubulu* ... and has been manipulated by perpetrators of SGBV to get sexual assault and domestic violence cases dropped by police officers, receive reduced court sentences, and deny redress to survivors.

⁶¹ Examples being the perpetrator was the bread-winner and need to be at home to provide, the victim / survivor had provoked the perpetrator, taking into account the sexual history of the victim / survivor, the fact that the victim did not appear upset, that the victim / survivor behaved at the time in a way that led the perpetrator to believe she would be a willing participant, and that the victim / survivor was of 'loose' morals.

⁶² These are the Fiji Elections office and Election Commission, who may challenge in court decisions affecting disenfranchised citizens, the Human Rights and Anti-Discrimination Commission, whose role is to support citizens whose human rights have been violated, the Transparency and Accountability Commission which, although not established yet, is expected to assist Fijians in their dealing with maladministration and, the Fiji Independent Commission against Corruption which focus on prevention of corruption, education, investigation and prosecution.

⁶³ Constitution 45(4)(e)

Additionally there are a number of non-governmental organisations⁶⁴ and other bodies⁶⁵ that provide advice and assistance in particular areas related to access to justice, whom also face potential challenges from the growing demands. For example, the Fiji Women's Crisis Centre has a 24 hour confidential line for counselling, support and information, and in 2014 provided counselling services to 1,957 new clients, and 3,153 repeat clients, and also assisted 52 women with accommodation needs.

II. STRATEGY

This project will address the Development Challenge identified above through a strategy founded on the project 'Theory of Change'.⁶⁶ A Theory of Change is an articulation of how and why a given intervention will lead to a specific change, provides clarity by making underlying intentions and assumptions explicit, and helps to develop a common understanding. A Theory of Change promotes effectiveness through envisaging 'change pathways' to inform planning with evidence of what has worked based on available knowledge and helps think about longer term changes, even longer than project duration, to embed sustainability within the project. A Theory of Change brings focus and more insights into who and what is necessary to bring about change.

The beginning of the design for the Fiji Access to Justice Project was undertaken following the adoption of a new Constitution in 2013, democratic elections in 2014 and then the reestablishment of parliament, when all key stakeholders engaged in discussions, research and analysis on potential areas of support for reform in Fiji. On 16 June 2015 the Fiji Government and the European Union signed the National Indicative Programme 2014 – 2020 under the 11th European Development Fund which identified public administration reform and governance as a focus area to contribute to fostering democracy, governance and political stability. Following this the European Union engaged in further consultations with a broad range of stakeholders and identified improving the functioning of the justice system and facilitating better access to justice for the underprivileged as a priority area. These broad based consultations ensured strong national ownership and include engagement with targeted groups that will be affected by the project. The European Union noted that: 'while needs of the justice sector are numerous, the Action will only cover specific technical assistance and capacity building of selected public institutions and provide support to the NGOs to implement communication and accompaniment services with a particular focus on vulnerable population, women, youth and people in informal settlement areas. The Legal Aid Commission and the Judiciary will be the entry points through which other legal and judicial institutions will benefit from the Action.' The European Union also identified the implementation mode of UNDP implementation justified on four key reasons. 'First, harmonisation between Development Partners with UNDP providing a single conduit for implementation of UNDP support, EU support and potentially other donor support as they come in the future. Second, improved and coordinated policy dialogue led by the EU together with UNDP providing the space for improved policy dialogue in the justice sector. Third, effective and efficient use of joint resources allowing the EU to focus on substantive sector policy dialogue rather than administrative programme management. Fourth, complementarities between the EU and UNDP by putting together their experience in access to justice for the benefits of the citizens of Fiji.'⁶⁷

⁶⁴ These include the Fiji Women's Right Movement, Fiji Women's Crisis Centre, FemLINKPACIFIC, Haus of Khameleon, Diverse Voices and Action for Equality, NGO Coalition of Human rights (comprises ten non-governmental organisations representing various areas of human rights including democratic rights, gender equality, rights of the child, labour rights, land rights and religious freedoms)

⁶⁵ For example the Consumer Council, on consumers issues, the University of South Pacific which has operated law clinics, Transparency International which provide legal advice to those affected by corruption, Fiji Women's Crisis Center which provides legal support to female survivors of domestic violence.

⁶⁶ UNDP, A Guide to the Application of Theories of Change to UNDP Programmes and Projects, 2016

⁶⁷ European Union Action Document for FED/2015/38-560 – Fiji Access to Justice and Integrated Technical Assistance Support Programme.



On this basis, and with the strategy for the entry points to address the Development Challenge already determined, the next stage of the more detailed Project Design was undertaken by UNDP during the period October 2015 to April 2016 also in conjunction with a broad range of stakeholders, further ensuring strong national ownership and engagement with targeted groups that will be affected by the project. Insights on the particular needs of the impoverished and vulnerable groups in remote locations was obtained during outreach activities involving 1,490 people (51% women, 38% men and 11% children) during the period July to December 2015 where overall there were needs identified for increased legal awareness of rights and information on how to access services, and further that within these groups 23% (comprised of 61% men and 39% women) identified a need for immediate legal aid services (which they were then provided). Insights on the institutional capacity needs of the Legal Aid Commission were obtained through workshops (over nine days) and discussions during the period December 2015 to April 2016 in the development of the draft Legal Aid Commission Strategic Plan 2016 to 2020 and Functional Review.⁶⁸ Insights on the institutional capacity needs of the Judicial Department and other organisations were undertaken through series of individual meetings and consultations during the period December 2015 to April 2016.

Theory of Change

The current state of the problem that the project is seeking to influence has been identified in the previous section on the Development Challenge and informed by the earlier consultations that identified access to justice as a priority area. The Fiji Access to Justice Project Theory of Change is that Access to Justice in Fiji for impoverished and vulnerable groups will be improved through empowering people to access legal rights and services delivered by the relevant key justice institutions, in conjunction with strengthening those key justice institutions to undertake improved service delivery. Founded on the combination of the rights identified in the Constitution and the articulated development priorities of the Fiji Government, combined with best international practice, this Theory of Change and the Project Design has been developed utilising four complimentary approaches.

First, a human rights based approach to development, which pays particular attention to the voice of disadvantaged and marginalized people. Through utilising a human rights based approach for access to justice the focus is placed on ensuring that impoverished and vulnerable people are empowered to utilise the institutions that are most relevant for them in obtaining justice, while at the same time stressing the importance of strengthening the capacity of those relevant institutions to deliver justice; facilitating a convergence between popular expectations and institutional capacities to respond, aiming to deepen the social contract.

Second, a service delivery and problem solving focussed approach has been utilised. This is to identify the key entry points and also specific activities that are targeted to enable the Judicial Department and Legal Aid Commission improved capacity to deliver services efficiently and effectively and respond to particular priority issues. For the Legal Aid Commission this also includes further strengthening the links with non-governmental organisations who will deliver accompaniment access to justice services for impoverished and vulnerable groups to facilitate a more nuanced and rapid approach to justice focussed change. The most strategic activities have been prioritised for implementation in this project to promote and stimulate change to enable the most catalytic impact.

Third, in addressing and prioritising the particular needs of women's access to justice, an approach is in line with recommendations of the Committee on the Elimination of All Forms of Discrimination against Women - General recommendation number 33 on women's access to

⁶⁸ The needs of groups in remote locations and the development on the draft Legal Aid Commission Strategic plan were undertaken under the auspices of the Fiji Rights, Empowerment and Cohesion (REACH) for rural and urban Fijians Project being implemented by UNDP.

justice July 2015.⁶⁹ It is important to note that following stakeholder discussions these comprehensive recommendations are considered relevant and appropriate to be utilised as guidelines in Fiji for the development of this project in order to frame the provision of support to women's access to justice. In the CEDAW July 2015 document the general issues and recommendations on women's access to justice are detailed in six areas. First, that justiciability, availability, accessibility, good-quality, accountability of justice systems, and the provision of remedies for victims are necessary to ensure access to justice. Second, 'ensure that the principle of equality before the law is given effect by taking steps to abolish any existing laws, procedures, regulations, jurisprudence, customs and practices that directly or indirectly discriminate against women especially in their access to justice, and to abolish discriminatory barriers to access to justice'. Third, undertake measures, including awareness-raising and capacity-building for all actions of justice systems and other key stakeholders to 'eliminate gender stereotyping and incorporate a gender perspective in all aspects of the justice system'. Fourth, the provision of education to a broad audience from a gender perspective on human rights and the availability of mechanisms for access to justice and awareness-raising on women's right to access justice and to dismantle cultural stereotypes. Fifth, ensuring access to free legal-aid, advice and representation with legal aid that is accessible, sustainable and responsive to the needs of women, with services provided in a timely, continuous and effective manner. Sixth, provision of highly qualified human resources combined with adequate technical and financial resources to the justice system to ensure justiciability, availability, accessibility, good-quality, accountability of justice systems and the provision of remedies for victims.

Fourth, a political economy approach to change has also been utilised acknowledging that the project Theory of Change must be both technically sound and also grounded in a clear understanding of the enabling environment within the justice sector and in Fiji overall.⁷⁰ This more granular view of the political economy of change in Fiji has been undertaken during the consultations and analysis in late 2014 and early 2015 and informed the selection of the entry points for access to justice for the impoverished and vulnerable through the Legal Aid Commission and Judicial Department.

In the development of the project strategy any potential environmental adverse impacts that could be caused by this project were considered and it was found that none of the activities to be conducted under this project will cause any adverse impacts on the environment. The Social and Environmental Screening Procedure (SESP) was conducted to identify potential social and environmental impacts and risks, with the project assessed as no risks. The SESP report is attached at Annex 2.

Change Pathway

The project will commence with a six month Inception Phase (July to December 2016) where some key priority activities will commence, importantly including the Access to Justice Assessment

⁶⁹ The General recommendation is founded on notions of inclusiveness and comprehensiveness, stressing the importance of women's access to justice in diverse legal systems and all areas of law for all women, irrespective of economic or social status, political background, geographical location, disability, sexual orientation or gender identity. It encompasses all justice settings (formal, informal or semi-formal), sources of law (common law, civil law, religious law, customary law or mixed legal systems) and the full range of legal domains (criminal, civil, family, administrative and constitutional). Whilst there are a wealth of global gender analysis reports and making links to access to justice; for example, the 2012 World Development Report which recognizes that justice systems play a critical role in making rights effective for women noting that even when laws exist, women's demand for justice may be constrained by factors such as lack of rights awareness, social norms, or bias in service provision; the CEDAW July 2015 recommendations are considered most appropriate in the Fiji context.

⁷⁰ UNDP, Institutional and Context Analysis Guidance Note, 2012 – 'Institutional and Context Analysis refers to analyses that focus on political and institutional factors, as well as processes concerning the use of national and external resources in a given setting and how these have an impact on the implementation of UNDP programmes and policy advice'. ODI Toolkit, using political economy analysis in conflict, security and justice programmes, 2016 - 'Political economy analysis is concerned with the interaction of political and economic processes in a society; including the distribution of power and wealth between groups and individuals and the processes that create, sustain and transform these relationships over time'.

to establish the baselines (with disaggregated data and a participatory gender analysis) and provide information to inform selection of particular priority issues for activities linked to service delivery and non-governmental organisation delivery of accompaniment services. The Theory of Change will also be validated following the analysis of the Access to Justice Assessment.

The long-term, transformational nature of the intended change is acknowledged in the project design, with an emphasis placed on identifying short-term achievements (at the Activity Results and Output Levels), mid-term achievements (at the Outcome Level) that over time will collectively contribute to the longer term change, as identified in Sections III, V and Annex 7. Based on the European Union identified overall objective to contribute to the enhancement of governance systems in Fiji, with a particular focus on facilitation better access to justice for all citizens; and the specific objectives to improve access to justice in Fiji, particularly for poor and vulnerable citizens; to increase the efficiency and quality of justice provided by the Legal Aid Commission, courts and other institutions; and to increase the capacity of the Legal Aid Commission, courts and other institutions; the Fiji Access to Justice Project intended outcome is: Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups. The monitoring and evaluation approach, outlined at section VI, will support this including knowledge generated through research.

The Legal Aid Commission is the main entry point for the provision of advice on legal rights to all Fijians and for impoverished citizens to be able to effectively exercise their legal rights and also to raise awareness of legal rights. The project will provide support to the Legal Aid Commission to deliver access to justice in its mission 'to provide access to justice through professional, efficient and quality legal aid service'. Support is therefore required to ensure that the Legal Aid Commission manages its resources efficiently, both human and financial. Training of lawyers and staff and the provision of resource materials such as law reports and legal references will enable a higher level of professionalism, contribute to the improvement of the efficiency and further assist the institution manage the increasing demand. This will support the improvement in the quality of services provided and help reduce backlog case rates. Support for the establishment of case management system (which commences with a review of administration / client case processes) will be undertaken which will improve efficiency in the provision of services; and also provide a system for monitoring, evaluation and reporting to improve accountability and transparency; generating a higher level of efficiency for the Legal Aid Commission to deliver access to justice. In empowering Fijians for access to justice support will be provided to expand the reach of the Legal Aid Commission to particular locations and particular groups to raise awareness and undertake service delivery, which will be further facilitated through the establishment of a helpline.

The project will provide support to the Judicial Department in support of the 'independent and impartial judicial system' and its mission 'to ensure a judicial system that is accessible, efficient, effective and transparent'. Support will be provided for planning, including strategic planning. Training of the judiciary and staff and the provision of resource materials such as law reports and legal references will enable a higher level of professionalism and contribute to the improvement of the efficiency. This will support the improvement in the justice services provided and help reduce backlog case rates. Support for the establishment of case management system (which commences with a review of court administration / case flow processes) will be undertaken which will improve efficiency in the administration of justice; and also provide a system for monitoring, evaluation and reporting to improve accountability and transparency; generating a higher level of efficiency for the Judicial Department to deliver access to justice. In empowering Fijians for access to justice support will be provided for Judicial Department outreach, which will be further facilitated through the establishment of court information centres.

For both the Judicial Department and Legal Aid Commission exposure to international best practice will be undertaken to inform potential reform initiatives related to their ability to deliver access to justice, particularly for impoverished and vulnerable groups. Noting there are similar challenges confronting the Legal Aid Commission and Judicial Department there is cost effectiveness in this project response in relation to common activities such as case management

systems, institutional planning, law library support, networking and training activities. Additionally in order to foster an overall justice sector approach, during the implementation of project activities coordination will be undertaken with key partners such as the prosecution services.

To further facilitate access to justice, capacity building and technical assistance will be provided to selected institutions in particular circumstances and where related to access to justice with this potentially including the Human Rights and Anti-Discrimination Commission⁷¹, Fiji Elections Office and Election Commission, Fiji Independent Commission against Corruption, and Transparency and Accountability Commission (when established). Importantly, non-government organisations will be instrumental in supporting the efforts of the Legal Aid Commission on access to justice and are important partners that form a natural bridge between official institutions and marginalised populations. Non-government organisations will be supported under the project to deliver accompaniment access to justice services for impoverished and vulnerable groups. The precise nature (priority focus areas) of these accompaniment services will be determined following the Access to Justice Assessment and analysis of the priority justice needs for empowering Fijians for access to justice.

Evidence

The evidence to support the approach for the Theory of Change is outlined below. There are numerous international strategies, reports and studies that have been undertaken over the past years in relation to Development Partners support to aid and in particular to justice programming. These include reports undertaken by Development Partners⁷² and United Nations in relation to global initiatives⁷³, Regional Reports⁷⁴ and a Fiji case study⁷⁵. The most relevant and key conclusions for this project and in the Fiji context from these reports in relation to the approach (and strategy) adopted for the Theory of Change are:

⁷¹ The Human Rights and Anti-Discrimination Commission (HRADC) is the predominant enforcement body for the Bill of Rights guaranteed under the Constitution. A functioning and effective HRADC requires that human rights information is accessible to the public and there is also knowledge of the processes. Achieving this requires interaction and building relationships between HRADC and different groups in society such as government, parliament, judiciary, civil society and the public. (UNDP and OHCHR, Toolkit for Collaboration with National Human Rights Institutions, 2010). The expected initial support to HRADC would be linked to the first stages of the implementation of their Strategic Plan and in areas related to access to justice.

⁷² EC, Support for justice reform in ACP countries, September 2010; EC, Support to Justice and the Rule of Law: Review of past experience and guidance for future EU development cooperation programmes, 2012; ICAI, Independent Commission for Aid Impact, Review of UK Development Assistance for Security and Justice, March 2015; OECD, Improving security and justice programming in fragile situations: better political engagement, more change management, March 2016; ODI, Using political economy analysis in conflict, security and justice programmes, Toolkit, March 2016; The World Bank, New Directions in Justice Reform. Paper No. 70640. Washington, DC: Legal Vice Presidency, 2012; and ODI, working paper 432, Sustaining public sector capability in developing countries, December 2015; EU, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020', September 2015.

⁷³ UNDP, a transparent and accountable judiciary to deliver justice for all, April 2016; UNDP & UNODC, Global Study of Legal Aid, April 2016; INPROL, International Network to promote the rule of law, A Guide to Change and Change Management for Rule of Law Practitioners, January 2015; and UN Women, Progress of the World's Women, In Pursuit of Justice, 2011; UNDP, Programming for Justice: Access for All. A Practitioners Guide to a Human Rights-Based Approach to Access to Justice, 2005; UNDP, UNDP Gender Equality Strategy 2014-2017, 2014; UN Women, A Framework to Underpin Action to Prevent Violence Against Women, 2015 and UNDP, Background Notes – Theory of Change for Outcomes 2, 3 and 4, 2013.

⁷⁴ Porter, Douglas; Isser, Deborah; Venning, Philippa. Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands. Justice for the poor. Washington, DC: World Bank Group, 2015; Pacific Women, Pacific Women Shaping Pacific Development First Progress Report 2012-2015, November 2015; Australian Government, DFAT, Pacific Women First Progress Report 2012-2015, November 2015; AusAID, Building on Local Strengths: Evaluation of Australian Law and Justice Assistance, December 2012; and Pacific Judicial Development Programme, 2010-2015 Completion Report, June 2015.; International Center for Advocates Against Discrimination, An Analysis of Judicial Sentencing Practices in Sexual and Gender-Based Violence Cases in the Pacific Island Region, December 2015

⁷⁵ UNICEF, Child Protection Case Study: Tapping into community values to support child protection in Fiji "Children are a Precious Gift from God": Community-Based Facilitation Manual, 2014.

- While capacity building continues to be perceived and applied as a catch-all solution that can build effective and accountable security and justice institutions focus is gradually shifting to seeing the delivery of security and justice as a service.
- This perspective of service delivery requires addressing specific user needs and problems.
- Provision of support needs to explicitly serve the impoverished and marginalized, and outcomes should be targeted in terms of equity, inclusion, and accountability, which are more closely linked to progress in terms of substantive justice.
- Whilst the focus of justice reform on issues of efficiency and effectiveness of the court system should continue to be prioritized, there is also a need to focus on addressing specific challenges in particular locations or for particular groups of intended beneficiaries.
- Strengthening capacity to build and maintain organisational structures can be very different from capacity to address needs and problems so important to link capacity building and material inputs to specific performance and service improvements.
- The need to address the immediate justice related needs of the marginalised through best fit rather than simply just best practice initiatives or some ideal justice system model.
- Applying an empirically based approach to justice reform anchored in the needs of end users, with a need to address the scarcity of reliable information (including women's) on access to justice to understand both the problem as well as the potential effectiveness of a range of solutions, noting there are gaps in understanding of what works to support change for women in the Pacific.
- Important that if there has been no recent history of development partner support to stakeholders, commence project implementation with an inception period, ensure the gathering of sound and robust analysis and data, and then during the inception period refine and adjust if necessary the change pathway.
- Adopt more modest, specific and locally relevant goals, and avoid the promotion of idealised institutional forms and standardised packages of support.
- Project needs to be of sufficient duration to achieve the type of change sought.
- Project design to be based on an adequate understanding and appreciation of the political feasibility of the change sought.
- Attempting to have one overall programme covering the entire sector is often overly ambitious and may paralyse action, rather best to address entry points that are politically feasible and from there, they can scale up and build linkages with other sub-systems of the justice sector.
- Important to sequence reforms in an incremental fashion that allows achievable but meaningful project results.
- Build demand for reform among stakeholders as a key to motivating improved performance.
- Projects need to be more opportunistic regarding entry points, and maintain an ability to experiment and build on critical linkages when it becomes possible.
- Projects need to operate in an adjustable, flexible manner, and provide for a permissive space for experimentation, learning and adjustment.
- The need to continually recheck and validate the Theory of Change and have a joint or regular monitoring system in place.
- Justice Sector has a role to play in the prevention of violence against women through laying the foundations for prevention given the prosecution of alleged perpetrators, promoting accountability and ensuring effective access to remedies for victims.
- Important to strengthen and promote non-governmental organisations who can play a key role in connecting the State and the citizen.
- When justice is accessible and responsive to all people, the level of participation in other development processes increases, conflicts between people are reduced and the sense of security and stability improves significantly.

The project rests on the following key assumptions. That the Government of Fiji will continue to promote the rule of law and seek to strengthen access to justice of all Fijians. As a result, the

Judicial Department and Legal Aid Commission will continue to receive sufficient financial and technical support from the government in order to discharge its mandate and key duties to uphold the rule of law. That the Judicial Department and Legal Aid Commission will maintain its commitment to continual improvement of its capacities and to making its services more accessible to the impoverished and members of vulnerable groups. That the Legal Aid Commission will continue to work with other stakeholders such as non-governmental organisations in providing services to impoverished and vulnerable citizens, that government will continue to appreciate the importance of non-governmental organisations in relation to access to justice and that non-governmental organisations will continue to recognise the government intentions to work with them productively. That individuals (rights holders and duty bearers) are willing to engage and embrace positive change.⁷⁶ That individuals, particularly impoverished and vulnerable groups, when made aware of their rights and the process on how to access, will be empowered to exercise their rights. That individuals; when aware of strengthened key justice sector institutions that have improved services, efficiency, effectiveness, transparency and accountability; will be further empowered to access those services. That justice systems that treat the most vulnerable members of society fairly and provide services that meet the needs of the most impoverished and vulnerable are also likely to provide the same benefits to those who are wealthier and less vulnerable. That there will be ongoing support to obtain empirical data and then analyse and utilise such data to inform decision making. That any reform initiatives introduced during the project, such as case management system, will be embraced and maintained by the relevant stakeholders.

The project will contribute to the Fiji United Nations Development Assistance Framework (UNDAF) Outcome 5.1, which states 'National, local, and traditional governance systems uphold human rights, especially women's rights in line with international standards', through the national governance systems related to access to justice upholding human rights, especially women's rights in line with international standards. The Fiji UNDAF concludes in 2017, and this project will be considered under the new UNDAF with the aim to include related outputs.

III. RESULTS AND PARTNERSHIPS

Expected Results

Based on the European Union identified overall objective to contribute to the enhancement of governance systems in Fiji, with a particular focus on facilitation better access to justice for all citizens; and the specific objectives to improve access to justice in Fiji, particularly for poor and vulnerable citizens; to increase the efficiency and quality of justice provided by the Legal Aid Commission, courts and other institutions; and to increase the capacity of the Legal Aid Commission, courts and other institutions; the Fiji Access to Justice Project intended outcome is: Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups.

The expected results will be delivered according to the Results Framework which lists the 'activities' and the pathway to the 'activity result' and then to the 'output' to contribute towards the 'outcome', shown also at Annex 7. These activities have been identified as best suited to achieve the intended results. The change we expect to see that will be attributable to the project is

⁷⁶ In conjunction with the project Theory of Change it is also considered important to have a macro theory of change, essentially an overarching set of beliefs about how change occurs. At the core of change are people, people who need to think and act differently for change to be successful and for institutions, systems and societies to change for the positive. The Project will promote elements of a relevant change management strategy which includes building trust with stakeholders; identifying change agents and early adapters; establishing change networks; and aiming for inclusive participation. INPROL, International Network to promote the rule of law, A Guide to Change and Change Management for Rule of Law Practitioners, January 2015



identified in the outputs with specified targets aligned to the identified indicators. The achievement of these outputs will contribute towards achievement of the outcome.

Output 1

Enhanced Institutional Capacity of Legal Aid Commission to deliver access to justice for impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 1.1:

Legal Aid Commission (LAC) able to effectively measure and analyse its data through the establishment of a case management system to enable improved service delivery and facilitate responsiveness to the justice needs of impoverished and vulnerable groups.

Activity 1.1.1: The procurement, installation and training for the operationalization of two servers to bolster LAC's ICT infrastructure.

Activity 1.1.2: The creation of a pilot case management system for LAC and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group.

Activity 1.1.3: The revision and finalization of the overall case management system in accordance with the results of the pilot programme and needs analysis, including lessons learned workshop.

Activity 1.1.4: Assistance in the production of reports and recommendations based on the analysis of the data.

Activity Result 1.2:

The capacity of the LAC is strengthened to enable improved service delivery and responsiveness to priority areas identified by the Access to Justice Assessment.

Activity 1.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the justice needs of impoverished and vulnerable groups; including development of baselines and perception surveys, generation of disaggregated data, broad stakeholder discussions; with the analysis of findings to further inform project activities.

Activity 1.2.2: The provision of support, technical and workshops, to the LAC in the finalization of its five year strategy, functional review, annual corporate plans, including financial and human resource management manuals.

Activity 1.2.3: The provision of technical support to LAC to develop quality monitoring policies and procedures, criteria for evaluating the quality of assistance provided and other tools.

Activity 1.2.4: Support to the LAC in accessing and hosting international and regional knowledge networks in relation to access to justice.

Activity 1.2.5: Support to the LAC in the production and implementation of a training plan and train the trainer programme, and the evaluation of its subsequent impact; with the design of the training plan to be responsive to priority areas identified by the Access to Justice Assessment.

Activity 1.2.6: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.

Activity Result 1.3:



The LAC able to accurately access and invoke the relevant law in the provision of its services through the updating of the LAC's library.

Activity 1.3.1: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).

Output 2

Enhanced Institutional Capacity of Judicial Department and other institutions to deliver access to justice for impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 2.1:

The Judicial Department able to effectively measure and analyse its data through the establishment of a case management system to enable improved service delivery and facilitate responsiveness to the justice needs of impoverished and vulnerable groups.

Activity 2.1.1: The creation of a pilot case management system for the judiciary and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group.

Activity 2.1.2: The revision and finalization of the overall case management system in accordance with the results of the pilot programme and needs analysis, including lessons learned workshop.

Activity 2.1.3: Assistance in the production of reports and recommendations based on the analysis of the data.

Activity Result 2.2:

The capacity of the Judicial Department is strengthened to enable improved service delivery and responsiveness to priority areas identified by the Access to Justice Assessment.

Activity 2.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the justice needs of impoverished and vulnerable groups; including development of baselines and perception surveys, generation of disaggregated data, broad stakeholder discussions; with the analysis of findings to further inform project activities.

Activity 2.2.2: The provision of support, technical and for workshops, to the Judicial Department in the production of its strategy, functional review, annual corporate plans and implementation plan for a five-year period.

Activity 2.2.3: Support to the Judicial Department in accessing and hosting international and regional knowledge networks in relation to access to justice.

Activity 2.2.4: Support to the Judicial Department in the production and implementation of a training plan and train the trainer programme, and the evaluation of its subsequent impact; with the design of the training plan to be responsive to priority areas identified by the Access to Justice Assessment.

Activity 2.2.5: Support to the Judicial Department in the production of a feasibility study on the creation of a judicial training institute.

Activity 2.2.6: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.

Activity Result 2.3:



The Judicial Department able to accurately access and invoke the relevant law in the provision of its services through support to the production of the Fiji Law Reports and updating the Judicial Department library.

Activity 2.3.1: Producing outstanding Fiji Law Reports (2004-2011; 2013-onwards) with copies to also be provided to the LAC Offices.

Activity 2.3.2: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).

Activity Result 2.4:

Other Constitutional bodies have enhanced capacities to deliver access to justice.

Activity 2.4.1: Informed by the Access to Justice Assessment, support to the Human Rights & Anti-Discrimination Commission (HRADC) for selected activities related to access to justice (to also be further determined following finalisation of HRADC Strategic Plan and stakeholder consultations).

Activity 2.4.2: Informed by the Access to Justice Assessment, support to other Constitutional bodies for selected activities related to access to justice.

Output 3

Strengthened delivery of access to justice services to impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 3.1:

Expanding the delivery of legal aid for impoverished and vulnerable groups through supporting the establishment of four offices of LAC across Fiji.

Activity 3.1.1: Procurement of furniture and equipment to support the functioning of four legal aid offices outside of the capital Suva.

Activity Result 3.2:

Expanding the delivery of access to justice for impoverished and vulnerable groups through supporting the establishment of a toll-free helpline at the LAC.

Activity 3.2.1: Development of concept note, and implementation, reporting, monitoring and evaluation plans for the helpline, based on priorities identified by the Access to Justice Assessment.

Activity 3.2.2: Support to the implementation plan for the helpline, including training LAC staff as required, and establishment of reporting, monitoring and evaluation mechanisms.

Activity 3.2.3 Procurement of furniture and equipment to support the functioning of a helpline.

Activity Result 3.3:

Increasing the availability of services for impoverished and vulnerable groups through supporting the establishment of three information centers in courthouses across Fiji.

Activity 3.3.1: Development of concept note, and implementation, reporting, monitoring and evaluation plans for the three information centres.

Activity 3.3.2: Support to the implementation plan for the information centres, including training court staff as required, and establishment of reporting, monitoring and evaluation mechanisms.

Activity 3.3.3: Procurement of furniture and equipment to support the functioning of information centres.

Activity Result 3.4:

Increasing impoverished and vulnerable group's awareness on accessing legal rights and services.

Activity 3.4.1: Informed by priorities identified in the 2016 Access to Justice Assessment, and mapping and lessons learned of other access to justice awareness raising activities, development of a concept note, and implementation, reporting, monitoring and evaluation plans for awareness-raising campaigns.

Activity 3.4.2: Support to the implementation plan for awareness-raising campaigns including training, support for presentation materials and establishment of a reporting, monitoring and evaluation mechanisms.

Output 4

Strengthened capacity of NGOs to deliver accompaniment access to justice services to impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way) (Depending on outcome of 2016 Fiji Access to Justice Assessment, potentially Gender Marker 3)

Activity Result 4.1

The development of a model and implementation plan for a network of community advocates to deliver accompaniment access to justice services.

Activity 4.1.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the justice needs of impoverished and vulnerable groups; including development of baselines and perception surveys, generation of disaggregated data, broad stakeholder discussions; with the analysis of findings to further inform project activities.

Activity 4.1.2: Informed by the Access to Justice Assessment, development of concept note, and implementation, reporting, monitoring and evaluation plans to establish the model for a network of community advocates to deliver selected accompaniment to LAC access to justice services including stakeholder workshop.

Activity 4.1.3: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.

Activity Result 4.2:

Establishment of and support to the network of community advocates to deliver accompaniment access to justice services.

Activity 4.2.1: Informed by the implementation plan developed at Activity 4.1.2, provision of support and undertake training and train the trainer programme, to establish a pilot for the network of community advocates, including support to raise awareness of the network, and to monitor, evaluate and report on the accompaniment access to justice services undertaken.



Activity 4.2.2: Analysis and stakeholder workshop on the pilot and lessons learned to inform future operations of the network and ascertain feasibility of expansion of the network of community advocates.

Activity 4.2.3: Informed by the analysis of the pilot, support to ongoing accompaniment access to justice services.

Output 5

Effective Project Management. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 5.1

Project is managed effectively and key results achieved and reported.

Activity 5.1.1: Project managed in accordance with UNDP Programme and Operations Policies and Procedures.

Activity 5.1.2: Project Board is updated on the progress of the project.

Activity 5.1.3: Inception Report, Progress Reports, EU Reports and Final Report produced on time.

Activity 5.1.4: Communications and Visibility undertaken through implementation of Communication and Visibility Plan and reporting on implementation and results.

Activity Result 5.2:

Independent Project Evaluations.

Activity 5.2.1: Mid-Term Evaluation is conducted and results shared with stakeholders.

Activity 5.2.2: Mid-Term Evaluation Recommendations incorporated into Project Document (Theory of Change and Results Framework).

Activity 5.2.3: Final Evaluation conducted and results shared with stakeholders.

Gender equality is mainstreamed throughout the project outputs and there will be a continual process of assessing the implication for women and men of any planned action, in all areas and at all levels. Gender equality is integrated as a cross-cutting issue by the rationale, activities, indicators and budget associated with each output, and with each output promoting gender equality in a significant and consistent way.

Resources Required to Achieve the Expected Results

The resources required to achieve the expected results include the financial contributions identified in the project document at Section VII; the participation, time and technical inputs of stakeholders and the teams from Judicial Department and Legal Aid Commission; participation, time and technical inputs of non-government organisations involved in the accompaniment services; the cooperation and inputs across the justice sector; the project team both technical and administrative support; UNDP corporate support, human resource and procurement management; engagement of individual contractors or companies to support specialised technical work such as support to the Access to Justice Assessment; information technology for the software and hardware for the case management systems; resources for specialised trainings; and contractual

arrangements with specialised companies for the printing of Law Reports and access to other legal resources.

Partnerships

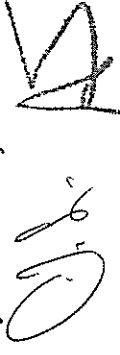
UNDP has a clear advantage to implement this project based on global technical expertise in the area of inclusive and effective democratic governance, which includes successful access to justice programming globally and in Fiji; combined with an existing presence in Fiji and existing relationship with Fiji Government in the implementation of a range of activities and projects that contribute towards effective governance. As detailed in Section II during the discussions between the European Union and Fiji Government at the project design stage, the implementation modality was thoroughly considered, and given the development context implementation by UNDP was considered justified.

The project involves the key partnerships with the Judicial Department and the Legal Aid Commission to achieve the expected results. The project will also seek to promote the establishment of a Justice Stakeholders' Forum where all the stakeholders (such as police, prosecution, legal aid, court, and corrections) meet to discuss matters of mutual interest to promote access to justice. These stakeholders will also be involved in expert surveys being used as means of verification for indicators in the Project Results Framework at Section V. The conduct of the Access to Justice Assessment will also be an initial key mechanism through which to promote partnerships, and in addition to the justice sector stakeholders will also include non-governmental organisations and other key institutions that may relate to access to justice. There are also other particular activities, such as the establishment of case management systems, provision of the Law Reports and links to trainings and workshops, where there will be strong linkages with the prosecution services. As part of the project activities of international exchanges the potential links to international or other countries legal sectors, legal professional organisations and associations will be explored and considered by the relevant stakeholders.

There are no other Development Partners currently providing support to the Judicial Department or Legal Aid Commission, other than support being provided by UNDP, funded by Government of Japan and UNDP, to the Legal Aid Commission through the Rights, Empowerment and Cohesion (REACH) for rural and urban Fijians Project (further details below). There are no other Development Partners currently active in broad-scoped justice sector development initiatives in Fiji. There are however ad hoc areas of support that arise such as funded conferences, workshops, ad hoc trainings or meeting opportunities; and the project will undertake close coordination with such initiatives to develop relevant synergies and to avoid any duplications. As such, there is no established Development Partner coordination mechanism for the justice sector although informal donor meetings have taken place regularly since 2014 to discuss overall development aid in Fiji and there are other Development Partner meeting groups such as in relation to human rights. The establishment of a Development Partner coordination mechanism for this sector will be further explored during the project inception period (July to December 2016).

In June 2015 UNDP Pacific Office commenced implementation of the Rights, Empowerment and Cohesion (REACH) for rural and urban Fijians Project, which is contributing towards is 'Effective, accountable and strengthened key government agencies that are promoting peace building, social cohesion, inclusiveness and gender equality through their provision of awareness raising and delivery of services'. The project partners are the Legal Aid Commission and the Ministry of Women, Children and Poverty Alleviation. A key focus of the project has been the formulation of joint teams by the project partners to conduct awareness raising and service delivery across Fiji, with the focus on reaching out to remote areas. Project REACH also has an institutional support component for the Legal Aid Commission of which the results will be closely linked to this project. Project data and lessons learned will be shared between Project REACH and Fiji Access to Justice Project, as will the results of the REACH Project mid-term evaluation planned for December 2016 or January 2017.

There will be close coordination with other UNDP projects that complement this project and contribute to strengthened inclusive and effective democratic governance systems in Fiji that



uphold human rights, especially women's rights in line with international standards and also engagement with civil society, all supporting the strengthening of the social contract. In May 2013 UNDP Pacific Office commenced implementation of the Strengthening Citizen Engagement in Fiji initiative which aims to strengthen sustainable development in Fiji by enabling citizens to engage in nation-building through community-based activities and improved service delivery. The Strengthening Citizen Engagement in Fiji Initiative is funded by the European Union and concludes in December 2016. In January 2014 UNDP Pacific Office commenced implementation of the Fiji Parliament Support Project which is contributing towards ensuring that the systems and processes are in place to provide for a parliament that can efficiently and effectively undertake its legislative, oversight and representative roles, with a view to strengthening good governance and development outcomes in Fiji. The Fiji Parliament Support Project is funded by New Zealand Ministry of Foreign Affairs and Trade, European Union, Australian Department of Foreign Affairs and Trade and Government of Japan. UNDP is also supporting other democratic governance initiatives in partnership with the Fiji Government such as youth engagement, support to the SDGs processes and security sector governance. There is also the UN Pacific Regional Anti-Corruption Project (2016 to 2020), which is being implemented by UNDP and UNODC, with funding from Australian Department of Foreign Affairs and Trade, which aims to support Pacific Island countries to strengthen their national integrity systems to create an enabling environment for trade, business, investment and sustainable development. Opportunities for potential synergies will be explored and considered by the Project Board, and in addition if support for the Fiji Independent Commission Against Corruption (under Activity 2.4.2) is identified as a priority then close coordination will be undertaken.

The Ministry of Women, Children and Poverty Alleviation is receiving a range of technical and advisory support from Development Partner(s) for the areas of gender mainstreaming, gender justice and gender based violence. The Ministry has also received previous support in relation to child rights programmes and establishment of hotlines for children and potentially in 2016 an additional hotline for gender based violence. The experience and lessons learned of the operation of the hotlines will be discussed between the Ministry and the Legal Aid Commission.⁷⁷

There are also ongoing programmes of support being provided to non-government organisations by a range of Development Partners in areas related to gender based violence, shelters, gender equality, human rights and associated matters of awareness raising and some service delivery. Close coordination will be undertaken with partners supporting and working in these areas. Importantly, and linked to access to justice, are projects being undertaken by non-government organisations that have recently commenced with funding by the European Union. First, 'Balancing the Scales: Improving Fijian Women's Access to Justice' being implemented by the Fiji Women's Rights Movement and FemLINK Pacific, with the overall objective to improve access to justice for women, particularly marginalised and minority groups (young women, rural women, LBT women and trans*masculine people, from marginalised and minority backgrounds including those from high need and poverty backgrounds). The project is for a duration of three years concluding in December 2018. Second, 'Fiji in Transition: Towards a Sustainable Constitutional Democracy' being implemented by the Citizens' Constitutional Forum and Fiji Women's Rights Movement, with the overall objective to progressively realise and strengthen a participatory and inclusive constitutional democracy in Fiji, which includes citizens increased understanding of the HRADC's work and role and supporting civil society engagement with public authorities on human rights and the rule of law. This project is for a duration of three years concluding in 24 January 2019.

The project will also closely coordinate with regional organisations, the private bar and university law schools as required, and through a strategy agreed by the Project Board.

⁷⁷ In addition lessons learned from other government hotlines will be discussed with other groups that have such hotlines including the Fiji Independent Commission Against Corruption hotline and the soon to be established hotline to receive complaints from the public in relation to hospitals and health centres designed to promote accountability and better service delivery.



UNDP will also closely coordinate with other areas of the UN, including UN Women,⁷⁸ the Office of the United Nations High Commissioner for Human Rights,⁷⁹ United Nations Children's Fund,⁸⁰ Office of the UN High Commissioner for Refugees⁸¹ and International Labour Organisation. The 2016 Access to Justice Assessment will be the initial key instrument for close coordination with other areas of the UN. Coordination has already commenced with UNICEF in relation to a proposed activity related to child justice, with OHCHR in relation to support to the HRADC and human rights matters, with UNHCR in relation to access to legal aid for refugees, asylum seekers, stateless persons, and trafficked persons; and with ILO in relation to trainings on international labour law. Depending on the priority (technical expertise) area identified for the network of community advocates to deliver accompaniment access to justice services under Output 4, coordination will be undertaken with the relevant area (i.e. children, women, SGBV, refugees, labour law for example) of the UN as required. Further, other areas of the UN will be invited to participate in monitoring and evaluation processes.

Risks and Assumptions

Project risks are comprehensively identified at Annex 2. The project assumptions are detailed in Section II of this project document.

Stakeholder Engagement

The key stakeholders for the institutional capacity strengthening components are the Judiciary and Legal Aid Commission. In the formulation phase of this project regular updates and coordination meetings have been undertaken and this modality of stakeholder engagement will continue. The Project Board will also provide a more formal process for engagement. In relation to the legal empowerment support for all Fijians, the Access to Justice Assessment to be undertaken during the project inception will look to identify the best stakeholder engagement strategy for targeted groups. The Access to Justice Assessment will also identify other potentially affected groups and a strategy for engagement to ensure they are aware of mechanisms to submit any concerns about the social and environmental impacts of the project.

South-South and Triangular Cooperation (SSC/TrC)

As part of institutional capacity building for the Judicial Department and Legal Aid Commission the project includes support for international exchanges, which may utilise South-South and Triangular Cooperation, depending on the priority topic and relevant countries identified for the exchange. Regional networking and linkages will also be supported under the project. For example potential networking with the Pacific Judicial Strengthening Initiative (June 2016 to June 2012) with the goal being to build fairer societies by supporting the courts of 14 Pacific Island Countries (not including Fiji) to develop more accessible, just, efficient and responsive justice services; with funding support from Government of New Zealand. Further example potential networking with the Indonesian Government with projects such as Support to Justice Sector Reform in Indonesia (July 2014 to June 2019) with the goal of enhancing public trust in the judicial system through support to the Supreme Court and its subordinate courts in strengthening the rule of law and the specific objective to increase the transparency, integrity and accountability of the judiciary and the quality of justice services delivered to the people; with funding support from the European Union.

⁷⁸ UN Women have the 'Advancing Gender Justice in the Pacific' programme 2013-2017. They have also undertaken recent access to justice assessments in the Pacific including: 'Seeking Redress: Challenges and Recommendations to increase women's access to justice in Solomon Islands' May 2015; and 'Women and Children's Access to the Formal Justice System in Vanuatu', May 2016 (*still to be released*).

⁷⁹ OHCHR, for example in support to the Human Rights and Anti-Discrimination Commission.

⁸⁰ UNICEF, for example in relation to child justice.

⁸¹ UNHCR, for example in relation to access to legal aid for refugees, asylum seekers, stateless persons, and trafficked persons.



Knowledge

The report of the High Level Panel of Experts on the Post-2015 Development Agenda calls for a 'new international initiative to improve the quality of statistics and information available to citizens ... to take advantage of new technology ... to empower people with information on the progress towards targets'.⁸² Additionally, data disaggregation and collection which provides for comparison of different population groups is central to a human rights based approach with a focus on the most disadvantaged or marginalized.

The project will have a four pronged approach to project knowledge products in support of the Theory of Change. First, at the outset 2016 and at the end 2020 the conduct of the Access to Justice Assessments including a participatory gender analysis in 2016. Second, through the establishment of the case management databases for the Judicial Department and Legal Aid Commission, data will be generated with reports and information products by stakeholders developed and looking to link to data across the justice sector. Third, through coordination across the justice sector, the development of macro level knowledge products, such as related to particular training syllabus, train the trainer approaches and awareness raising and outreach materials and toolkits. Fourth, communication and media materials, informed by the project Communications and Visibility Plan.

As there currently is no comprehensive data nor systemic analysis of Access to Justice in Fiji the project includes the conduct of Access to Justice Assessments. Data collection and analysis across the justice sector is the foundation of an evidence-based approach to justice reform and contributes to overall good governance in several ways. Through promoting a culture of accountability and transparency using a systems approach, an Access to Justice Assessment can provide a strong evidence base to inform planning and budget allocation, will enable the interlocking needs and interdependent nature of the parts and stages of the system to be seen as part of a greater whole, and enables the public to understand the 'justice story', including the experiences of impoverished and vulnerable groups. An Access to Justice Assessment can provide a clear understanding of a range of issues, including an understanding of people's justice needs; establishing how people experience the justice system; a view of people's perceptions of justice and fulfillment of their justice needs, or lack thereof; identify existing mechanisms available to meet people's justice needs (formal and informal); gaps in the availability of such mechanisms; gaps in existing mechanisms that are utilised; barriers faced by people in accessing justice and meeting their justice needs; and specific obstacles and barriers faced by special groups of people.⁸³ An Access to Justice Assessment will be conducted using a combination of tools such as broad based public surveys, expert surveys, focus groups discussions, expert group discussions and document reviews to ascertain quantitative and qualitative data. Public surveys and focus groups are particularly effective methods of collecting data to illuminate the needs and opinions of diverse and under-served groups, which includes the impoverished and most vulnerable. A participatory gender analysis will also be incorporated into this process.⁸⁴

⁸² OHCHR, Human Rights-Based Approach to Data: Leaving No One Behind in the 2030 Sustainable Development Agenda: Guidance Note to Data Collection and Disaggregation, February 2016. The guidance note provides a preliminary set of principles, recommendations and good practices in relation to participation, data disaggregation and collection by data group, self-identification, transparency, privacy and accountability.

⁸³ There is a wide range of Access to Justice Assessment tools and experiences available from which the project will be able to select the most feasible and best suited approach for Fiji. Guidance and examples are available in documents such as UNDP, 'Why, What and How to Measure? A user's guide to measuring rule of law, justice and security programmes', 2014; UNDP, 'Access to Justice Assessments in the Asia Pacific: A review of experiences and tools from the region', 2012. DPKO & OHCHR, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools', 2011; and American Bar Association, 'Access to Justice Assessment Tool: a guide to analyzing access to justice for civil society organization', 2012. There are also a range of companies providing technical support and tools that have been tested in a range of countries such as HiL - Justice Needs and Satisfaction method (Legal problems in daily life); Governance and Justice Group – Justice Audit; and Public Justice Indices.

⁸⁴ The gender analysis will be mindful of conclusions and recommendations from the Pacific Gender Research Scoping Study recently conducted (Auckland UniServices Limited, 2016) and discussed at the Advancing Gender Research in

The Access to Justice Assessment will also be utilised to establish baselines, inform and fine tune project activities in the Results Framework and the Multi-Year Work Plan. The Access to Justice Assessment is linked to the Project Outputs 1, 2, and 4, and whilst being a participatory process, the intention is that through a procurement process UNDP will engage an international company to design and implement the assessment. The assessment will be conducted again in 2020, linked to the final project evaluation and to also inform any potential future programming. The Access to Justice Assessment will become a key tool in verifying the expected project results. This specific knowledge product also has the potential to be linked and utilised for designs of other interventions across the sector, such reporting against the Fiji National Development Plan. There is further additional potential to be utilised as part of other reporting such as Fiji's Sustainable Development Goals reporting, in particular SDGs 16 and 5, depending on the final global indicators assigned and Fiji's translation of global targets and indicators to national targets and indicators.

Sustainability and Scaling Up

The Judicial Department and Legal Aid Commission have been very much in the lead and will full ownership of the project design and activities. This high level of ongoing national ownership will be ensured throughout the implementation of the project during the conduct of activities, through coordination meetings and the Project Board. The project is clearly focused on the strengthening of key institutional capacities of the Judicial Department and Legal Aid Commission, with the links of these capacities to service delivery. In relation to capacity assessments, the development challenge identifies key institutional data to indicate current institutional capacity in relation to service delivery. In addition a Functional Review of the Legal Aid Commission has been completed and such a review is planned for the Judicial Department during the project inception period incorporated as part of the Access to Justice Assessment. The Results Framework includes an outcome indicator is linked to institutional capacity, and also provides for the regular collection of data and monitoring in relation to strengthened national capacity.

National systems will be utilized as far as possible. Support related to the case management systems will very much rely on working with the existing management systems and teams, and also looking to develop a justice sector approach. Additionally, the project will look to link closely with the Fiji Government processes of reporting on development results (as identified in Section VI) and against the SDG indicators (once these indicators are determined).

On the completion of the project inception period the Project Board will consider the resource mobilization strategy. On completion of the mid-term evaluation a plan will be developed with key stakeholders in order to sustain or scale up results.

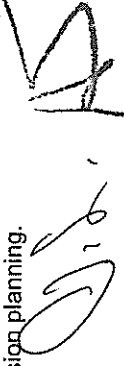
IV. PROJECT MANAGEMENT

Cost Efficiency and Effectiveness

Cost efficiency and effectiveness will be achieved in the project management through the adherence to the UNDP Programme and Operations Policies and Procedures and reviewed regularly through the governance mechanisms of the Fiji United Nations Development Assistance Framework (UNDAF) Annual Review⁶⁵ and the Project Board. In addition, there are specific

the Pacific Workshop conducted in Fiji in June 2016.

⁶⁵ The most recent Fiji UNDAF Annual Review was conducted on 24 March 2015 between the Fiji Government and United Nations to take stock of United Nations contribution to the Fiji Roadmap for Democracy and Sustainable Socio-Economic Development 2010-2014 'Build a Better Fiji for All', to identify any bottlenecks and potential solutions. Some of the key lessons learned were the need for clear understanding of the projects by all stakeholders, need for leadership by stakeholders at all levels of project implementation and the projects to have succession planning.



measures for ensuring cost-efficient use of resources using a portfolio management approach and also for the Access to Justice Assessment during the project inception period.

UNDP has substantive experience in supporting countries in effective democratic governance and access to justice projects. Within the UNDP Pacific Office, a portfolio management approach will be utilised to improve cost effectiveness by leveraging activities and partnerships with other initiatives and projects in Fiji. In particular, the project will look ensure synergies with the Rights, Empowerment and Cohesion (REACH) for Rural and Urban Fijians Project, which aims to promote peacebuilding, social cohesion and inclusiveness through awareness of rights, access to services, provision of legal advice and institutional capacity building in Fiji; promoting the rights of women, youth and disadvantaged groups. The 2015 to 2018 REACH project is being implemented by UNDP in partnership with the Ministry of Women, Children and Poverty Alleviation and the Legal Aid Commission and supported by the Government of Japan and UNDP. The project has a significant outreach awareness raising component which includes the gathering of data and the design and production of awareness materials. Information, materials and lessons learned from project REACH will be shared and discussed with stakeholders involved in this project. Additionally the UNDP Pacific Office has a range of other projects that are being implemented and where relevant synergies will be established, examples potentially being in relation to community outreach and awareness raising and also emerging areas of legal issues and new laws.⁸⁶

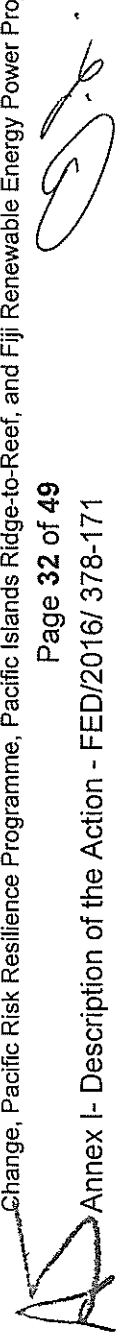
As outlined above the project strategy is designed to deliver maximum results with the available resources through ensuring the design is based on good practices and lessons learned, that activities are specific and clearly linked to the expected outputs, and that there is robust results management and monitoring framework with indicators clearly linked to the Theory of Change. The project aims to ensure cost efficient implementation and value for money without jeopardising the quality and effectiveness of activities through also seeking in-kind contributions from stakeholders where applicable, one example being in-house experts to lead particular trainings and skills development. The Access to Justice Assessment will provide a robust foundation to fine tune and more precisely target the planned activities and will also provide additional data to be able to measure the expected results leading to change. The Access to Justice Assessment will also provide information to inform a range of policy making across the justice sector and also potential to identify key areas for further attention, which if not being addressed under this project, could provide data for other interventions. In relation to capacity development trainings and skills workshops to be implemented during the project, local in-house expertise (both from within the justice sector and also from the UN, including UN Women and OHCHR and UNICEF) will be accessed and for specialised trainings international expertise will be utilised with a training of trainers programme approach developed. In relation to the case management systems for the Judicial Department and Legal Aid Commission synergies will be developed for the development, implementation and maintenance, and where applicable collaboration with other key justice stakeholders undertaken.

Project Management

UNDP is directly implementing the project and is the Responsible Party under the Multi-Year Work Plan July 2016 to December 2020. The Multi-Year Work Plan identifies the technical activities and planned budget at Outputs 1 to 4 and the direct support activities and planned budget at Output 5.

In 2014, UNDP updated its policies on cost-recovery and cost-distribution. A communication on this was issued to Member States Permanent Representatives to the UN in New York in December 2013. The aim of the new policy and guidelines is to reflect in development project budgets the 'true costs' of achieving development results, in line with UNDP principles of full transparency. All anticipated programmatic and operational costs to support this project are

⁸⁶ Fiji Parliament Support Project, Strengthening Youth Participation in the Transition to Democracy, Markets for Change, Pacific Risk Resilience Programme, Pacific Islands Ridge-to-Reef, and Fiji Renewable Energy Power Project.



identified, estimated, and fully costed in the Multi-Year Work Plan. This includes the costs for activities that relate to technical matters identified at Outputs 1 to 4 and the costs for the direct support the project identified at Output 5.

The project team involved in the Direct Management of the Project will comprise a team of six. The Direct Management of the Project Technical Team will comprise two international contracted staff that will undertake project management, technical advisory, reporting and monitoring, with the costs for these team members incorporated under Outputs 1 to 4. The Direct Management of the Project Support Team will comprise four staff, comprised of one international volunteer and three national staff who will undertake project management support including communications, administrative, financial and procurement tasks, with the costs for these team members identified under Output 5. Some of these project staff will during the first two years of the Fiji Access to Justice Project also contribute to other projects related to access to justice, rule of law and human rights, with only the relevant proportional cost of their costs attributed to the Fiji Access to Justice Project, and this is clearly indicated in the budget notes. As indicated in the table below for the period July 2016 to June 2018 three of the project positions will have costs shared between Fiji Access to Justice Project (70%) and Project REACH (30%), from July 2018 these three positions will have all costs attributed to the Fiji Access to Justice Project (100%) with the overall project team to then be reduced from six to five (reduction of the International UNV position) and the duties of the International UNV absorbed into the remaining five team member positions). The project technical advisory team will have gender expertise and background.

Title of Position	Level of Position	Direct Management of the Project - Key Functions	Allocation of time and costs to Fiji Access to Justice Project						
			Twelve month periods		Six monthly periods				
			Jul 16 to Jun 17	Jul 17 to Jun 18	Jul 18 to Jun 19	Jul 19 to Jun 20	Jun 19 to Dec 19	Jul 20 to Dec 20	
Project Manager / Adviser on Access to Justice, Rule of Law and Human Rights	International P4	Provision of full duties of Project Manager and provide high-level technical support for access to justice.	70%	70%	100%	100%	100%	100%	
Access to Justice and Monitoring Specialist	International P3	Provide access to justice specialist technical services and provide access to justice specialist monitoring services.	100%	100%	100%	100%	100%		
Deputy Project Manager	National SC5	Provide specialist project management services and oversight of project support team.	70%	70%	100%	100%	100%	100%	
Reporting and Communications Specialist	International UNV	Provide specialist reporting and communications services, including support to Communications and Visibility Plan.	100%	100%					
Project Associate - Finance	National SC4	Provide specialist financial support services in the management and reporting of project finances.	100%	100%	100%	100%	100%		
Project Associate - Administration, Procurement and Finance	National G6	Provide specialist administration support services (workshops, trainings, travel, and logistics) and procurement services.	70%	70%	100%	100%	100%	100%	100%

The project team involved in the Direct Management of the Project will be based in one location in a Project Office in Suva. This Project Office will be located in a dedicated space on Level 7 of the UNDP Pacific Office which will be a total of approximately 51 square meters reducing over time when staff numbers reduce. The location for the Project Office to be in a dedicated space in the UNDP Pacific Office has been undertaken based on two key reasons. Firstly, the Fiji Access to Justice Project will be implementing with two key justice sector institutions who are both independent organisations and independent of each other, so it is not considered appropriate by stakeholders to for the Project Office to be particularly co-located with one of these organisations. Secondly, the accessible location of the UNDP Pacific Office (next door to the 'justice precinct' under three minutes' walk to Judicial Department and Legal Aid Commission), cost efficiency (compared to other potential rental locations in the general area with similar facilities and support services), flexibility (no contract required) and reduced administrative burden of managing a separate location and provision of services, provide strong reasons for the Project Office to be located within the UNDP Pacific Office.

The Project Team will also form part of the Effective Governance Team of the recently realigned UNDP Pacific Office, and ensure the facilitation of linkages and collaboration with other Fiji democratic governance related projects. In particular, the project will continually look for any potential synergies with the Rights, Empowerment and Cohesion (REACH) for Rural and Urban Fijians Project.

Output 5 identifies the direct project costs that will be incurred as part of the Direct Management and Implementation of the Project and can be traced and attributed directly to the management of the project. This includes the proportional costs for the office space to be occupied by the six team members (approximately 51 square meters reducing over time when staff number reduce), and the particular specific dedicated services provided for implementation of the Fiji Access to Justice Project including specific tasks related to activities under the project that require the next step in processing for finance, procurement, human resources, administration, security, travel, assets, information and communications technology, and quality assurance; to enable implementation of project activities. The resources of the UNDP Pacific Office, which includes the Joint Operations Centre and the Integrated Results Management Team, will be utilised for the provision of these services. Only costs for actual services expected to be rendered are included under the planned budget for direct project costs at Output 5, and will only be charged to the project on the basis of 'user pays' utilising prices based on the Universal Price List (UPL) established by UNDP HQ and Local Price List (LPL) established by UNDP Pacific Office and current from 1 March 2016. Financial transactions and financial statements shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and Directives of the UNDP and the budget allocated for this audit is identified at Output 5.

The Multi-Year Work Plan also includes a General Management Support (GMS) charge that covers the costs for UNDP that are not directly attributable to specific projects or services, but are necessary to fund the corporate structures, management and oversight costs of UNDP. The GMS is applied to all projects funded by Development Partners that are implemented by UNDP around the world. The GMS amount between UNDP and EU is globally set at 7% (seven percent) of the total funds provided for this project by the EU to UNDP.

Project Office Costs

UNDP Pacific Office usual accounting and management practices for the calculation of 'Office Costs' (referred to by UNDP as Common Shared Building Operating Expenses), that are applied in a consistent manner regardless of the source of funding, are as follows, noting the two different formulas:

- Lease Building and Maintenance including utilities costs: This is calculated on the basis of how much space (square meters) each person occupies, and relates to actual costs.
- Common Security, Internet, ITC services and maintenance, Common Cleaning: This is calculated on the basis of per person, and relates to actual costs.

The type of costs taken into account are the costs to lease building and maintenance, utilities, security, internet provision, information technology communication services and maintenance, and cleaning.

There are two formulas that are used to define the costs to be charged to the project, with both being based on Actual Costs incurred. As mentioned above, they are calculated for Lease Building and Maintenance by 'per square meter each person occupies' and for Common Security, Internet, ITC services, cleaning it is 'per person'. The charges to individual projects are generally calculated, checked and deducted each quarter.

For the Fiji Access to Justice Project the project team involved in the Direct Management of the Project will comprise a team of six. The Direct Management of the Project Technical Team will comprise two international contracted staff that will undertake project management, technical advisory, reporting and monitoring, with the costs for these team members is incorporated under Outputs 1 to 4. The Direct Management of the Project Support Team will comprise four dedicated staff, comprised of one international volunteer and three national staff who will undertake project management support including communications, administrative, financial and procurement tasks, with the costs for these team members identified under Output 5. Some of these project staff will during the first two years of the Fiji Access to Justice Project also contribute to other projects related to access to justice, rule of law and human rights, with only the relevant proportion of their costs (i.e. the % indicated of the actual time they will spend) will be attributed to the Fiji Access to Justice Project.

The pro rata application of costs associated with these staff is as indicated in the table below for the period July 2016 to June 2018 three of the project positions will have costs shared between Fiji Access to Justice Project (70%) and Project REACH (30%), from July 2018 these three positions will have all costs attributed to the Fiji Access to Justice Project (100%) with the overall project team to then be reduced from six to five (reduction of the International UNV position) and the duties of the International UNV absorbed into the remaining five team member positions). This same pro rata formula for the team of six will be used for the allocation of Office Costs.

The project team involved in the Direct Management of the Project will be based in one location in a Project Office in Suva. This Project Office will be located in a dedicated space on Level 7 of the UNDP Pacific Office which will be a total of approximately 51 square meters reducing over time when staff numbers reduce. The figure of 51 square meters derives from the UNDP Pacific Centre practice of for Project Manager a small office, and for all other staff the allocation of workstations.




Intended Outcome:
 Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups.

Outcome indicators:

1. % of Fijians who feel that the Judicial Department and Legal Aid Commission delivery of services have improved.
2. Increased capacity of Judicial Department and Legal Aid Commission to effectively deliver services, particularly for impoverished and vulnerable groups.
3. *Efficiency: Proportion of all detainees who are not yet sentenced / % of all detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case; Efficiency: Case management clearance rate - number of cases / legal aid assistance matters finalised as a percentage of total number of cases filed or applications for legal aid approved; Quality: % judicial decisions upheld by higher courts; Gender Equality: % of Judges / Legal Aid Commission Senior Management & Board who are women; equal application of the law by judges regardless of defendants' or victims' personal or ethnic characteristics; and Quality: protection of the rights of defendants and victims.*

Baselines, Targets and Means of Verification:

1. Access to Justice Assessment to establish baseline in first six months of project for this composite indicator of qualitative measure of progress which includes measurement of public perceptions whether the Judicial Department and Legal Aid Commission are perceived to be treating people fairly and impartially regardless of their income, race, gender or religion; public perception of court and legal aid efficiency including the issues of undue delay; public perception of the quality of the services provided; and ratio of urban to rural residents who report they have access to courts / legal aid services. Final targets to be developed following baseline measurement. All data to be disaggregated by sex, population group, geographic and user group. Access to Justice Assessment, raw data, all analysis and survey reports are the means of verification. Links to global indicators under SDG16.3, proportion of those who have experienced a dispute in the past 12 months who have accesses a formal dispute resolution mechanisms and who feel it was just; and SDG16.6, proportion of population satisfied with their last experience of public (justice) services; 2. Organisational capacity assessment tools including expert surveys to establish baseline in first six months of project and noting links to output indicators. Final target to be development following baseline measurement. All data to be disaggregated by sex, population group, geographic and user group. Organisational capacity assessment tool, raw data, all analysis and survey reports are the means of verification.

3. Further discussion on these quantitative basket of outcome level indicators with stakeholders to identify indicators with the strongest ownership and resonance for how success will be measured and to capture the essence of the change taking place. Links to SDG 16.3.

Applicable Key Result Area from UNDP Strategic Plan 2014-2017:

Outcome 3: Countries have strengthened institutions to progressively deliver universal access to basic services - Output 3.4. Functions, financing and capacity of rule of law institutions enabled, including to improve access to justice and redress (Outcome Indicator 3: Access to justice services disaggregated by sex and population group)

Outcome 4: Faster progress is achieved in reducing gender inequality and promoting women's empowerment - Output 4.3. Evidence-informed national strategies and partnerships to advance gender equality and women's empowerment (Outcome Indicator 4: Proportion of decision making positions (judicial) occupied by women at national

⁸⁷ References utilized: UNDP, 'Handbook on Planning, Monitoring and Evaluating for Development Results', 2009; DPKO & OHCHR, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools', 2011; UNDP, 'Why, What and How to Measure? A user's guide to measuring rule of law, justice and security programmes', 2014; UNDP, 'Goal 16 - The indicators we want: Virtual Network Sourcebook on Measuring Peace, Justice and Effective Institutions', 2015; UN Economic and Social Council, Statistical Commission, 'Report on the Inter-Agency and Expert Group on Sustainable Development Goal Indicators', 8-11 March 2016.

and sub-national levels + Output Indicator 4.2.2: Services in place (including justice) to prevent and address SGBV).

New and Emerging Area: Citizen Security

Applicable Outcome from Fiji United Nations Development Assistance Framework: Outcome 5.1: National, local, and traditional governance systems uphold human rights, especially women's rights in line with international standards. (Indicator: The World Bank Worldwide Governance Indicator: Rule of Law)

Applicable Sustainable Development Goals:

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 (Target 16.3: Promote the rule of law at the national and international levels and ensure equal justice for all and Target 16.6: Develop effective, accountable and transparent institutions at all levels).
 SDG 5: Achieve gender equality and empower all women and girls (Target 5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels).

Project Title and Atlas Project Number: Fiji Access to Justice Project

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)						METHODS & RISKS	
			Value	Year	Year	Year	Year	Year	Year	Year		Year
Output 1 Enhanced Institutional Capacity of Legal Aid Commission to deliver access to justice for impoverished and vulnerable groups	1.1 Quality of Legal Aid Commission case management system: rated using a set of key features for case management system and reports from case management system with a four-point scale of very good 4 = 100% for all features, good = 3 for 75 to 99% of all features, poor = 2 for 50 to 74% of all features, very poor = 1 for less than 50% of features, and no existing system = 0.	Field Data and Document Review. Informed by review of case management system routine and special issue reports, data on usage of case management system and disaggregated data available from case management system.	0	0	0	3	3	3	3	3	4	Project Team – field data collection visits, document review and stakeholder consultations. Project Team – expert survey, document review
			0	0	1	2	2	2	3	3	3	

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)					METHODS & RISKS
			Year 2015	Value	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	
	<p>Legal Aid Commission: rated using question of 'how of Legal Aid Commission would you rate the Legal Aid Commission capacity to plan their operations strategically, to budget efficiently and manage gender equality' using an average score of all relevant experts on a four point scale corresponding to the following four response categories: very good = 4, good = 3, poor = 2, very poor = 1, and not yet assessed = 0.</p>	<p>Informed by number of Legal Aid Commission strategies, plans (including training plans), policies, reports or systems that are gender-responsive and meet all relevant experts on a four point scale corresponding to the following four response categories: very good = 4, good = 3, poor = 2, very poor = 1, and not yet assessed = 0.</p>								<p>and stakeholder consultations for expert survey and focus groups. Baseline to be established.</p>
	<p>1.3 Competence (skills and knowledge) of Legal Aid Commission staff (lawyers): rated using question 'to what extent do you agree that Legal Aid Commission staff (lawyers) have the professional skills, legal training and knowledge required to effectively undertake their duties' using an average score of all relevant experts and focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.</p>	<p>Expert Survey, Focus Groups and Document Review. Informed by Number of participants supported in international or regional knowledge networks accessed or hosted and Number of participants supported in trainings and workshops (disaggregated by sex, geographic, topic and type of professional such as</p>								<p>Project Team – document review and stakeholder consultations for expert survey and focus groups. Baseline to be established.</p>

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	Value	BASELINE					DATA COLLECTION METHODS & RISKS	
				Year 2015	Year 2016	Year 2017	Year 2018	Year 2019		Year 2020
1.4 Availability of free legal assistance for impoverished and vulnerable groups: rated using question 'how often do impoverished and vulnerable groups actually receive free legal assistance at all stages of proceedings against them?' using an average score of all relevant experts, focus groups and document review on a four-point scale corresponding to the following four response categories: very often = 4, often = 3, rarely = 2, never = 1, and not yet assessed = 0. (or % of defendants in cases who have legal representation)	Expert Survey, Focus Groups and Document Review. Informed by data from case management system including total number of clients / case representation provided by Legal Aid Commission and percentage of criminal cases in which the defendant does not have legal representation in court.	lawyer, client officer, support staff etc.) and Availability of law reports.	0	0	3	3	4	4	4	Project Team – field visits, document review and stakeholder consultations for expert survey and focus groups. Baseline to be established.
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	
			0	0	3	3	4	4	4	

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)					METHODS & RISKS	
			Year 2015	Value	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020		FINAL
Output 2 Enhanced Institutional Capacity of Judicial Department and other institutions to deliver access to justice for impoverished and vulnerable groups.	2.1 Quality of Judicial Department case management system: rated using a set of key features for case management system and reports from case management system data on usage of case management system and disaggregated data available from case management system.	Field Data and Document Review: Informed by review of case management system routine and special issue reports, data on usage of case management system and disaggregated data available from case management system.	0	0	0	1	2	2	3	3	Project Data and Document Review: Informed by review of case management system and stakeholder consultations.
	2.2 Strategic planning and budgeting capacity of the Judicial Department: rated using question of 'how would you rate the Judicial Department (court) capacity to plan their operations strategically, to budget efficiently and manage gender equality' using an average score of all relevant experts on a four point scale corresponding to the following four response categories: very good = 4, good = 3, poor = 2, very poor = 1, and not yet assessed = 0.	Expert Survey and Document Review. Informed by number of Judicial Department strategies, plans (including training plans), policies, reports or systems that are gender-responsive and meet experts on a four point scale corresponding to the following four response categories: very good = 4, good = 3, poor = 2, very poor = 1, and not yet assessed = 0.	Expert Survey and Document Review. Informed by number of Judicial Department strategies, plans (including training plans), policies, reports or systems that are gender-responsive and meet experts on a four point scale corresponding to the following four response categories: very good = 4, good = 3, poor = 2, very poor = 1, and not yet assessed = 0.	0	0	0	3	3	3	4	4

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)					METHODS & RISKS DATA COLLECTION
			Value	Year	Year	Year	Year	Year	Year	
	<p>2.3 Competence (skills and knowledge) of Judicial Department staff (Judges): rated using question 'to what extent do you agree that Judicial Department staff (Judges) have the professional skills, legal training and knowledge required to effectively undertake their duties' using an average score of all relevant experts and focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.</p>	<p>Expert Survey, Focus Groups and Document Review.</p> <p>Department staff (Judges) have the professional skills, legal training and knowledge required to effectively undertake their duties' using an average score of all relevant experts and focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.</p> <p>supported in international or regional knowledge networks accessed or hosted and Number of participants supported in trainings and workshops (disaggregated by sex, geographic, topic and type of professional such as lawyer, client officer, support staff etc.) and availability of law reports.</p>	0	0	3	3	3	3	4	<p>Project Team – document review and stakeholder consultations for expert survey and focus groups.</p> <p>Baseline to be established.</p>
	<p>2.4 Number of Other Constitutional Bodies supported disaggregated by institution and nature of support. (Specific indicators to be developed when defined, for example for HRADC 'Capacity of HRADC strengthened</p>	<p>(Specific data sources to be developed when nature of support is further defined)</p>	0	1	1	1	1	1	1	<p>Project Team – field visits and stakeholder and suppliers consultations.</p>

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)						METHODS & RISKS
			Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	FINAL		
Output 3 Strengthened Service Delivery of Legal Aid Commission and Judicial Department for impoverished and vulnerable groups.	3.1 % of callers to the toll-free helpline in the Legal Aid Commission indicating that services were provided at a satisfactory level.	Administrative and Field Data. Helpline monitoring report (including client feedback and complaint mechanisms) with disaggregated data, the analysis of the reports and details on subsequent actions.	0	0	50%	60%	70%	80%	80%	80%	Project Team – field visits and obtaining administrative data, combined with stakeholder consultations.
	3.2 % of users of the information centres in courts indicating that services were provided at a satisfactory level.	Administrative and Field Data. Information centre monitoring reports (including client feedback and complaint mechanisms) with disaggregated data, the analysis of the reports and details of subsequent actions.	0	0	50%	60%	70%	80%	80%	80%	Project Team – field visits and obtaining administrative data, combined with stakeholder consultations.
	3.3 Number of people indicating increased understanding and awareness of their rights as a result of awareness mission reports	Administrative and Field Data. Awareness raising mission reports	0	1,500	3,000	4,500	6,000	6,000	6,000	6,000	6,000

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)					METHODS & RISKS
			Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	FINAL	
4.3 Number of people indicating increased awareness or satisfaction with services provided by networks of community advocates disaggregated by provider, topic, and for people by sex, geographic and population group. (Specific indicators to be developed when nature of support is further defined)	4.3 Number of people indicating increased awareness or satisfaction with services provided by networks of community advocates disaggregated by provider, topic, and for people by sex, geographic and population group. (Specific indicators to be developed when nature of support is further defined)		0	0	1,500	3,000	4,500	6,000	6,000	Project Team – field visits and stakeholder and suppliers consultations.
			0	0	0	0	0	0	0	Project Team and UNDP Integrated Results Management
Output 5 Effective Project Management	5.1 Number of Communications and Visibility materials and events conducted in accordance with the agreed communication and Visibility Plan.	Administrative Data and Document Review. Copies of communications materials produced and evidence of where displayed in the media.	0	4	15	25	40	50	50	Project Team and UNDP Integrated Results Management
			0	0	0	0	0	0	0	Project Team and UNDP Integrated Results Management
5.2 Number of independent project evaluations with results shared and discussed with Project Board.	5.2 Number of independent project evaluations with results shared and discussed with Project Board.	Administrative Data. Copy of evaluation reports and evidence of sharing and discussion with Project Board (minutes of meeting).	0	0	0	1	1	2	2	Project Team and UNDP Integrated Results Management
			0	0	0	0	0	0	0	Project Team and UNDP Integrated Results Management

VI. MONITORING AND EVALUATION

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Inception Report	To report on first six months of project implementation and to provide data and analysis for Project Board to consider and validate the Theory of Change.	Undertaken in 2016, with report to be produced and reviewed by March 2017.	Close review of Inception Report in conjunction with Access to Justice Assessment (including baseline data) and Theory of Change, Results Framework (including monitoring plan), Multi-Year Work Plan and Risk Analysis.	UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring)
Track results	Progress data against the results indicators in the Results Framework will be collected through field visits and consultations and reviews with stakeholders and then analysed to assess the progress of the project in achieving the agreed outputs. All data will be disaggregated and gender analysis of data undertaken.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.	Establish joint monitoring mechanism which would also include UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring)
Monitor and Manage Risk	Through field visits and consultations and reviews with stakeholders identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using the Risk Log at Annex 3. Audits will be conducted in accordance	Quarterly	Risks are identified by project management and actions are taken to manage risk. The Risk Log will be actively maintained to keep track of identified risks and actions taken.	UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring and Output 5 Audit Cost)

	<p>Project Board shall hold an end-of-project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences.</p>			Board	
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Evaluation and Assessment Plan

Evaluation Title	Partners (if joint)	Related Strategic Plan Output	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
2016 Access to Justice Assessment, including development of baselines and perception surveys, participatory gender analysis, generation of disaggregated data, broad stakeholder discussions, and analysis of findings to further inform project activities.	UNDP	3.4 & 4.3	5.1	March 2017	Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.	Identified in Multi-Year Work Plan (Outputs 1 to 4)
Mid-Term (Gender Responsive) Evaluation including Mid-point data collection and (trend) analysis to compare with baseline data.	UNDP	3.4 & 4.3	5.1	2018	Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.	Identified in Multi-Year Work Plan (Output 5)
2020 Access to Justice Assessment, generation of disaggregated data, broad stakeholder discussions, with the analysis of findings to further inform potential follow on project.	UNDP	3.4 & 4.3	5.1	2020	Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.	Identified in Multi-Year Work Plan (Outputs 1 to 4)
End of Project (Gender Responsive) Evaluation including follow-up data collection and analysis to compare with baseline and mid-point data.	UNDP	3.4 & 4.3	5.1	2020	Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.	Identified in Multi-Year Work Plan (Output 5)

VII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

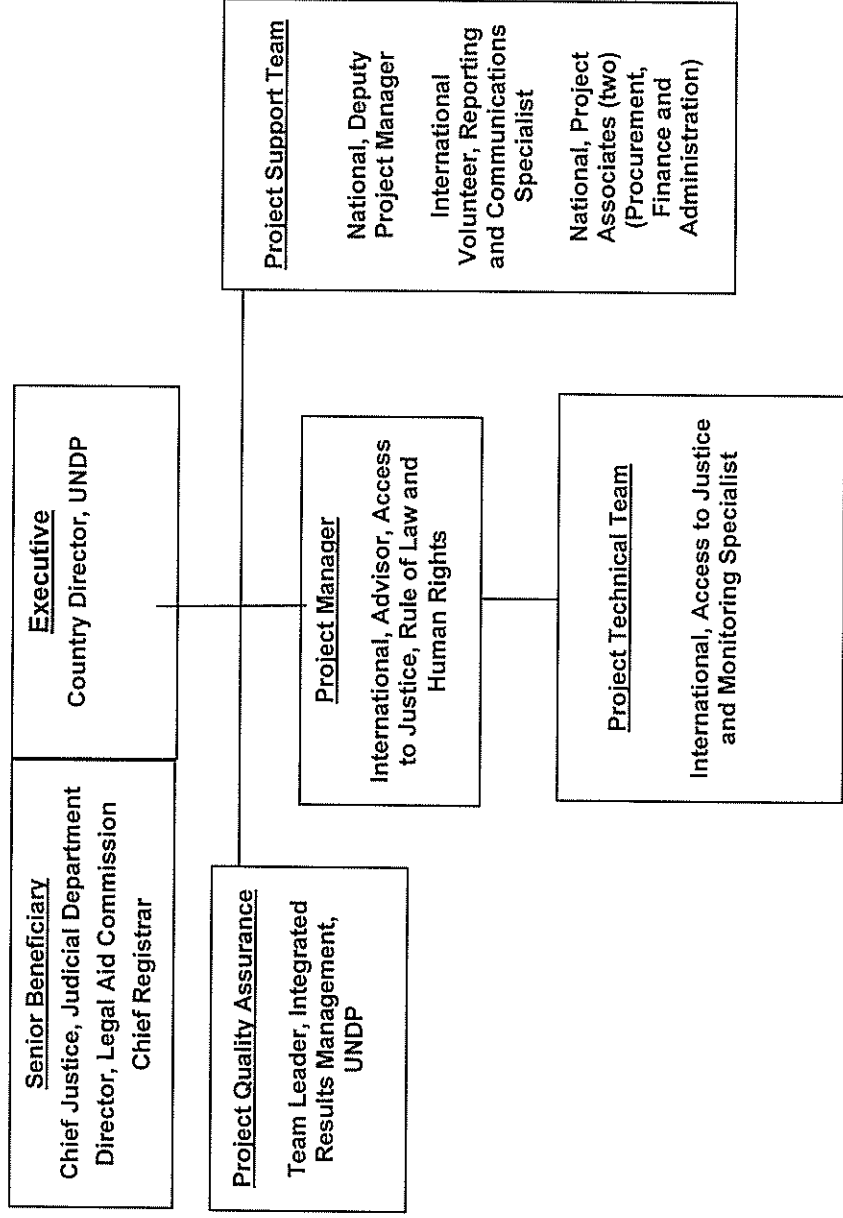
Governance of the project is undertaken through the Project Board which convenes initially every three months, with potential to change later during the project to six months to be decided by the Project Board. The Project Board is the group responsible for making by consensus, management decisions for a project when guidance is required by the Project Manager, including recommendation for approval of project plans and revisions. In order to ensure accountability, Project Board decisions should be made in accordance with standards that shall ensure management for development results, best value money, fairness, integrity, transparency and effective international competition. In case a consensus cannot be reached within the Board, final decision shall rest with UNDP. In addition, the Project Board plays a critical role in UNDP commissioned project evaluations by quality assuring the evaluation process and products, and using evaluations for performance improvement, accountability and learning. The Terms of Reference for the Project Board are at Annex 4.

The composition of the Project Board is indicated in the diagram below. The Beneficiary Representative representing the interests of those who will benefit from the project – Judicial Department and Legal Aid Commission. The Executive representing the project ownership - UNDP. The Senior Supplier representing the interests of the parties concerned which provide funding - EU. The Project Board arrangement also includes the role of Project Assurance. Whilst Project Assurance is the responsibility of each Project Board member, there is also the dedicated role of Project Assurance - UNDP Integrated Results Management Team. Additionally, representatives of other stakeholders, non-governmental organisations implementing in related areas and / or recipients of grants under the project, can be invited to the Project Board Meetings.

The Project Manager has the authority to run the project on a day-to-day basis on behalf of UNDP within the constraints laid down by the Board and in accordance with the UNDP Programme and Operations Policies and Procedures. The Project Manager is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results (outputs) specified in the project document to the required standard of quality and within the specified constraints of time and cost. UNDP appoints the Project Manager, who is different from the UNDP representative on the Project Board.



Project Board (Governance Mechanism)



**Annex II:
General Conditions for PA
Grant or Delegation
Agreements (Part III on
PA Grant Agreements
does not apply)**

ANNEX II - General Conditions for PA Grant or Delegation Agreements

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PART I: Common provisions applicable to PA Grant and Delegation Agreements

Article 1: Definitions

Action: the cooperation programme or project partly or wholly financed by the EU, which is carried out by the Organisation as described in Annex I.

Contractor: a natural or legal person with whom a Procurement Contract has been signed.

CFSP: Common Foreign and Security Policy of the European Union.

Days: all references to "days" are to calendar days.

End Date: the date by which the Agreement ends, i.e. is the moment of the payment of the balance by the Contracting Authority in accordance with Article 19 or when the Organisation repays any amounts paid in excess of the final amount due pursuant to Article 20. If any of the Parties invokes a dispute settlement procedure in accordance with Article 14, the End Date is postponed until the completion of such procedure.

EU External Action: Action financed under EDF, DCI, ENI, IPA II, INSC, IcSP, PI, EIDHR and their predecessors. All other Actions are Internal Policies.

Final Beneficiary: a natural or legal person ultimately benefitting from the Action.

Force Majeure: any unforeseeable exceptional situation or event beyond the Parties' control which prevents either of them from fulfilling any of its obligations under the Agreement, which may not be attributed to error or negligence on either part (or the part of the Grant Beneficiaries, Co-Delegates, Co-Beneficiaries, Affiliated Entities, Contractors, agents or staff), and which could not have been avoided by the exercise of due diligence. Defects in equipment or material or delays in making them available cannot be invoked as force majeure, unless they stem directly from a relevant case of force majeure. Labour disputes, strikes or financial problems of the Organisation cannot be invoked as force majeure by the defaulting Party.

Indicator: the quantitative and/or qualitative factor or variable that provides a simple and reliable means to measure the achievement of the Results of an Action.

Internal Control System: a process applicable at all levels of management designed to provide reasonable assurance of achieving the following objectives:

- a) effectiveness, efficiency and economy of operations;
- b) reliability of reporting;
- c) safeguarding of assets and information;
- d) prevention, detection, correction and follow-up of fraud and irregularities;
- e) adequate management of the risks relating to the legality and regularity of the financial operations, taking into account the multiannual character of programmes as well as the nature of the payments concerned.

Outcome: the likely or achieved short-term and medium-term effects of an Action's Outputs;

Output: the products, capital goods and services which result from an Action's activities.

Procurement Contract: a contract signed between the Organisation, a Co-Beneficiary, Co-Delegate or an Affiliated Entity and a Contractor under which the Contractor provides services, supplies or works.

Result: the Output or Outcome of an Action.

Regulations and Rules: regulations, rules, organisational directives, instructions and other parts of the regulatory framework of the Organisation.

Sound Financial Management:

principle overarching the implementation of this Agreement, namely economy, effectiveness and efficiency (including regarding internal control). The principle of economy requires that resources used in the pursuit of the implementation of the Action shall be made available in due time, in appropriate quantity and quality and at the best price. The principle of effectiveness concerns the attainment of the specific objectives and the achievement of the intended results. The principle of efficiency concerns the best relationship between resources employed and results achieved.



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Definitions applicable to Delegation Agreements only

Co-Deelegatee: an entity implementing part of the Action and being a party to the relevant Delegation Agreement together with the Organisation. The Co-Delegates together with the Organisation are referred to as "Delegates".

Early Detection and Exclusion System: system set up by Regulation (EU, Euratom) No 2015/1929 of 28 October 2015 on the financial rules applicable to the general budget of the Union (OJ L 286/1, 30.10.2015) which includes information on the early detection of risks threatening the EU financial interests, on the cases of exclusion from EU funding of legal and natural persons and on the cases of imposition of financial penalties.

Grant: a direct financial contribution by way of donation given by the Organisation or Co-Deelegatee to finance third parties activities.

Grant Beneficiary: a natural or legal person to whom a Grant has been awarded. Grant Beneficiaries can sub-grant and procure for the implementation of their activities.

Multi-donor Action: an Action co-financed by the EU contribution (whether or not earmarked) and other donor(s).

Definitions applicable to PA Grant Agreements only

Affiliated Entity: an entity having a structural link with the Organisation or a Co-Beneficiary, in particular a legal or capital link, and implementing part of the Action.

Co-Beneficiary: an entity implementing part of the Action and being a party to the Agreement together with the Organisation. The Organisation signs the Agreement also on behalf of the Co-Beneficiaries.

Article 2: General obligations

Implementation of the Action

2.1 The Organisation is responsible for the implementation of the Action described in Annex I of the Agreement, regardless whether the activities are carried out by the Organisation itself, an Affiliated Entity, a Contractor or a Grant Beneficiary. Both Parties will endeavour to strengthen their mutual contacts with a view to foster the exchange of information throughout the implementation of the Action. To this end, the Organisation and the Contracting Authority shall participate in coordination meetings and other jointly organised common activities, and the Organisation shall invite the European Commission to join any donor committee which may be set up in relation to the Action.

Responsibility

2.2 The Organisation shall be responsible for the performance of the obligations under this Agreement with a due professional degree of care and diligence, which means that it shall apply the same level of duty and care which it applies in managing its own funds.

2.3 Under Delegation Agreements, the Organisation shall have full financial responsibility towards the Contracting Authority for all funds including those unduly paid to or incorrectly used by Contractors or Grant Beneficiaries. The Organisation shall take measures to prevent, detect and correct irregularities and fraud when implementing the Action. To this end, the Organisation shall carry out, in accordance with the principle of proportionality and its positively assessed Regulations and Rules, ex-ante and/or ex-post controls including, where appropriate, on-the-spot checks on representative and/or risk-based samples of transactions, to ensure that the Action financed by the EU is effectively carried out and implemented correctly. The Organisation shall inform the European Commission of irregularities and fraud detected in the management of EU funds and the measures taken. Where funds

have been unduly paid to or incorrectly used by Contractors or Grant Beneficiaries, the Organisation shall take all applicable measures in accordance with its own Regulations and Rules to recover those funds, including, where appropriate, by bringing legal proceedings and by endeavouring to assign claims against its Contractors or Grant Beneficiaries to the Contracting Authority or the European Commission. Where the Organisation has exhausted such measures and the non-recovery is not the result of error or negligence on the part of the Organisation, the Contracting Authority will consider the amounts that could not be recovered from Contractors and/or Grant Beneficiaries as eligible costs of the Action.

Other obligations

- 2.4 The Organisation undertakes to ensure that the obligations stated in this Agreement under Articles 2.6, 5-Conflict of interests, 7-Data protection, 8-Communication and Visibility, 16-Accounts and archiving and Article 17-Access and financial checks apply, where applicable, to all Contractors and Grant Beneficiaries.
- 2.5 The Organisation shall notify the Contracting Authority and the European Commission without delay of any substantial change in the rules, procedures and systems applied in the implementation of the Action. This obligation concerns in particular (i) substantial changes affecting the pillar assessment undergone by the Organisation or (ii) those which may affect the conditions for eligibility provided for in the applicable legal instruments of the EU. The Parties shall use their best efforts to resolve amicably any issues resulting from such changes. The Contracting Authority reserves the right to adopt or require additional measures in response to such changes. In the event an agreement on such measures or other solutions cannot be reached between the Parties, either Party may terminate the Agreement according to Article 13.3.
- 2.6 The Organisation shall promote the respect of human rights and respect applicable environmental legislation including multilateral environmental agreements, as well as internationally agreed core labour standards.
- 2.7 Where the European Commission is not the Contracting Authority, it shall not be a party to this Agreement, which shall only confer on it rights and obligations where explicitly stated. This is without prejudice to the European Commission's role in promoting a consistent interpretation of the terms of this Agreement.

Article 3: Obligations regarding information and reporting

General issues

- 3.1 The Organisation shall provide the Contracting Authority with full information on the implementation of the Action. To that end, the Organisation shall include in Annex I a work plan at least for the first year of the Implementation Period (or the whole Implementation Period where it is less than one year). The Organisation shall submit to the Contracting Authority progress report(s) and a final report in accordance with the provisions below. These reports shall consist of a narrative part and a financial part.
- 3.2 Every report, whether progress or final, shall provide a complete account of all relevant aspects of the implementation of the Action for the period covered. The report shall describe the implementation of the Action according to the activities envisaged in Annex I as well as the degree of achievement of its Results (Outcomes or Outputs) as measured by corresponding Indicators. The report shall be laid out in such a way as to allow monitoring of the objective(s), the means envisaged and employed. The level of detail in any report shall match that of Annexes I and III.
- 3.3 Where the Action of the Organisation lasts longer than the Implementation Period of this Agreement, the Contracting Authority may request – in addition to the final reports to be submitted under Article 3.8 - the final reports of the Action, once available.
- 3.4 Any alternative or additional reporting requirement shall be set out in the Special Conditions.

3.5 The Contracting Authority may request additional information at any time, providing the reasons for that request. Subject to the Organisation's Regulations and Rules, such information shall be supplied within 30 days of receipt of the request. The Organisation may submit a reasoned request to extend the 30-day deadline.

3.6 The Organisation shall notify the Contracting Authority without delay on any circumstances likely to adversely affect the implementation and management of the Action or to delay or jeopardise the performance of the activities.

Content of the reports

3.7 The progress report(s) shall directly relate to this Agreement and shall at least include:

- a) summary and context of the Action;
- b) actual Results: an updated table based on a logical framework matrix including reporting of Results achieved by the Action (Outcomes or Outputs) as measured by their corresponding Indicators, agreed baselines and targets, and relevant data sources;
- c) activities carried out during the reporting period (i.e. directly related to the Action and described in this Agreement);
- d) information on the difficulties encountered and measures taken to overcome problems and eventual changes introduced;
- e) information on the implementation of the Visibility and Communication Plan (Annex VI) and any additional measures taken to identify the EU as source of financing;
- f) information on the costs incurred as well as the legal commitments entered into by the Organisation during the reporting period;
- g) a summary of controls carried out, if any under PA Grant Agreements, and available final audit reports in line with the Organisation's policy on disclosure of such controls and audit reports. Where errors and weaknesses in systems were identified, analysis of their nature and extent as well as information on corrective measures taken or planned shall also be provided;
- h) where applicable, a request for payment;
- i) work plan and forecast budget for the next reporting period.

3.8 The final report shall cover the entire period of implementation and include:

- a) all the information requested in Article 3.7 a) to h);
- b) a summary of the Action's receipts, payments received and of the eligible costs incurred;
- c) where applicable, an overview of any funds unduly paid or incorrectly used which the Organisation could or could not recover itself;
- d) under a Delegation Agreement, the exact link to the webpage where, according to Article 21.1, information on Grant Beneficiaries and Contractors is available;
- e) for EU External Actions and CFSP, if relevant, details of transfers of equipment, vehicles and remaining major supplies mentioned in Article 9;
- f) in the case of Multi-donor Actions and where the EU contribution is not earmarked, a confirmation from the Organisation that an amount corresponding to that paid by the Contracting Authority has been used in accordance with the obligations laid down in this Agreement and that costs that were not eligible for the Contracting Authority have been covered by other donors' contributions.

3.9 The Organisation shall submit a report for every reporting period as specified in the Special Conditions as from the commencement of the Implementation Period, unless otherwise specified in the Special Conditions¹. Reporting, narrative as well as financial, shall cover the whole Action, regardless of whether this Action is entirely or partly financed by EU funds. Progress reports shall be submitted within 60 days after the period covered by such report. For EU External Actions and CFSP, the final report shall be submitted at the latest six months after the end of the Implementation Period. For Internal Policies, the final report shall be submitted at the latest three months after the end of the Implementation Period.

¹ For EU External Actions and CFSP, by default, the reporting period is every 12 months as from the commencement of the Implementation Period.

Management declaration and audit or control opinion under Delegation Agreements

Management declaration

3.10 Every progress or final report shall be accompanied by a management declaration in accordance with the template of Annex VII, unless, in the fields of EU External Actions and CFSP, Article 1.5 of the Special Conditions states that an annual management declaration shall be sent to the European Commission headquarters, separately from the reports provided under this Agreement.

Audit or control opinion for non-international organisations

3.11 In case the Organisation is not an international organisation, an audit or control opinion shall be provided in accordance with internationally accepted audit standards, establishing whether the accounts give a true and fair view, whether the control systems in place function properly, and whether the underlying transactions are managed in accordance with the provisions of this Agreement. The opinion shall also state whether the audit work puts in doubt the assertions made in the management declaration mentioned above.

3.12 Such audit or control opinion shall be provided up to 1 month following the management declaration sent with every progress or final report, unless, in the field of EU External Actions, Article 1.5 of the Special Conditions states that the management declaration and the audit or control opinion shall be sent annually to the European Commission headquarters separately from the reports provided under this Agreement.

Currency for reporting

3.13 The reports shall be submitted in the Currency of the Agreement as specified in Article 3 of the Special Conditions.

3.14 The Organisation shall convert legal commitments, the Action's receipts and costs incurred in currencies other than the accounting currency of the Organisation according to its usual accounting practices.

Failure to comply with reporting obligations

3.15 If the Organisation is unable to present a progress or final report and the accompanying documents by the end of the deadline set out in Article 3.9, the Organisation shall inform the Contracting Authority in writing of the reasons, and shall provide a summary of the state of progress of the Action and, where applicable, a provisional work plan for the next period. If the Organisation fails to comply with this obligation for two (2) months, following the deadline set out in Article 3.9, the Contracting Authority may terminate the Agreement in accordance with Article 13, refuse to pay any outstanding amount and recover any amount unduly paid.

Article 4: Liability towards third parties

4.1 The European Commission shall not under any circumstances or for any reason whatsoever be held liable for damage or injury sustained by the staff or property of the Organisation while the Action is being carried out or as a consequence of the Action. The European Commission shall not therefore accept any claim for compensation or increase in payment in connection with such damage or injury.

4.2 The European Commission shall not under any circumstances or for any reason whatsoever be held liable towards third parties, including liability for damage or injury of any kind sustained by them in respect of or arising out of the implementation of the Action.

4.3 The Organisation shall discharge the European Commission of all liability associated with any claim or action brought as a result of an infringement of the Organisation's Regulations and Rules committed by the Organisation or Organisation's employees or individuals for whom those employees are responsible, or as a result of a violation of a third party's rights in the context of the implementation of the Action.



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Article 5: Conflict of interests

- 5.1 The Organisation shall refrain, in accordance with its Regulations and Rules, from any action which may give rise to a conflict of interests.
- 5.2 There is a conflict of interests where the impartial and objective exercise of the functions of any person implementing the Agreement is compromised.

Article 6: Confidentiality

6.1 The Contracting Authority and the Organisation shall both preserve the confidentiality of any document, information or other material directly related to the implementation of the Action that is communicated as confidential. The confidential nature of a document shall not prevent it from being communicated to a third party on a confidential basis when the rules binding upon the Parties, or the European Commission when it is not the Contracting Authority, so require. In no case can disclosure put into jeopardy the Parties' privileges and immunities or the safety and security of the Parties' staff, Contractors or the Final Beneficiaries of the Action.

6.2 The Parties shall obtain each other's prior written consent before publicly disclosing such confidential information unless:

- a) the communicating Party agrees to release the other Party from the earlier confidentiality obligations; or
- b) the confidential information becomes public through other means than in breach of the confidentiality obligation by the Party bound by that obligation; or
- c) the disclosure of confidential information is required by law or by Regulations and Rules established in accordance with the basic constitutive document of any of the Parties.

6.3 The Parties shall remain bound by confidentiality for five years after the End Date of the Agreement or longer as specified by the communicating Party at the time of communication.

6.4 Where the European Commission is not the Contracting Authority, it shall still have access to all documents communicated to the Contracting Authority and shall maintain the same level of confidentiality.

Article 7: Data Protection

The Organisation shall ensure an appropriate protection of personal data in accordance with its applicable Regulations and Rules.

Article 8: Communication and visibility

- 8.1 The Organisation shall implement the Communication and Visibility Plan detailed in Annex VI.
- 8.2 Unless the European Commission requests or agrees otherwise, the Organisation shall take all appropriate measures to publicise the fact that the Action has received funding from the EU. Information given to the press and to the Final Beneficiaries, as well as all related publicity material, official notices, reports and publications shall acknowledge that the Action was carried out "with funding by the European Union" and shall display the EU logo (twelve yellow stars on a blue background) in an appropriate way. Publications by the Organisation pertaining to the Action, in whatever form and whatever medium, including the internet, shall carry the following disclaimer: "This document was produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union." In the case of EU External Actions and CFSP such measures shall be carried out in accordance with the Communication and Visibility Manual² published by the European Commission or with any other guidelines agreed between the European Commission and the Organisation.

- 8.3 If during the implementation of the Action, equipment, vehicles or major supplies are purchased using EU funds, the Organisation shall display appropriate acknowledgement on such vehicles, equipment or

² Communication and Visibility Manual for EU External Actions, available at:
https://ec.europa.eu/europeaid/funding/communication-and-visibility-manual-cu-external-actions_en

major supplies, including the display of the EU logo (twelve yellow stars on a blue background). Where such display could jeopardise the Organisation's privileges and immunities or the safety of the Organisation's staff or of the Final Beneficiaries, the Organisation shall propose appropriate alternative arrangements. The acknowledgement and the EU logo shall be of such a size and prominence as to be clearly visible in a manner that shall not create any confusion regarding the identification of the Action as an activity of the Organisation, nor the ownership of the equipment, vehicles or major supplies by the Organisation.

8.4 In the case of EU External Actions and CFSP, in application of Article 9.5, the equipment, vehicles or remaining major supplies purchased using EU funds have not been transferred to the local authorities, local Co-Beneficiaries, local Grant Beneficiaries or Final Beneficiaries when submitting the final report, the visibility requirements as regards this equipment, vehicles or major supplies (in particular display of the EU logo) shall continue to apply between submission of the final report and the end of the Action, if the latter is longer. Where the Organisation retains ownership in accordance with Article 9.6, the visibility requirements shall continue to apply as long as the relevant equipment, vehicles or remaining major supplies are used by the Organisation.

8.5 Unless otherwise provided in the Special Conditions if disclosure risks threatening the Organisation's safety or harming its interests, the European Commission and the Contracting Authority (if other than the European Commission) may publish in any form and medium, including on its internet sites, the name and address of the Organisation, the purpose and amount of the EU contribution.

8.6 The Organisation shall ensure that reports, publications, press releases and updates relevant to the Action are communicated to the addresses stated in the Special Conditions, as and when they are issued.

8.7 The Parties will consult immediately and strive to remedy any detected shortcoming in implementing the visibility requirements set out in this Article. This is without prejudice to measures the Contracting Authority may take in case of substantial breach of an obligation.

Article 9: Right to use results and transfer of equipment

Right to use

9.1 Ownership of the results of the Action shall not vest in the Contracting Authority. Subject to Article 6, the Organisation shall grant, and shall act to ensure that any third party concerned grants the Contracting Authority (and the European Commission where it is not the Contracting Authority) the right to use free of charge the results of the Action, including the reports and other documents relating to it, which are subject to industrial or intellectual property rights.

9.2 Where the results mentioned in Article 9.1 include pre-existing rights and the Organisation cannot warrant the Contracting Authority (and the European Commission where it is not the Contracting Authority) the right to use such results, the Organisation shall accordingly inform in writing the Contracting Authority (and the European Commission, where it is not the Contracting Authority).

Transfer (EU External Actions and CFSP only)

9.3 In the field of EU External Actions and CFSP, the equipment, vehicles and remaining major supplies purchased with the EU contribution in the framework of the Action shall be transferred to or remain with local authorities, local Co-Beneficiaries, local Grant Beneficiaries or to the Final Beneficiaries, at the latest when submitting the final report.

9.4 The documentary proof of those transfers shall not be presented with the final reports, but shall be kept for verification for the duration and along with the documents mentioned in Article 16.2.

9.5 By way of derogation from Article 9.3, the equipment, vehicles and remaining major supplies purchased with the EU contribution in the framework of Actions which continue after the end of the Implementation Period may be transferred at the end of the Action. The Organisation shall use the equipment, vehicles and remaining major supplies for the benefit of the Final Beneficiaries. The Organisation shall inform the Contracting Authority on the end use of the equipment, vehicles and remaining major supplies in the final report.

9.6 In the event that there are no local authorities, local Co-Beneficiaries, local Grant Beneficiaries or Final Beneficiaries to whom the equipment, vehicles and remaining major supplies could be

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transferred, the Organisation may transfer them to another Action funded by the EU or, exceptionally, retain ownership of the equipment, vehicles and remaining major supplies at the end of the Action. In such cases, it shall submit a justified written request with an inventory listing of the items concerned and a proposal concerning their use in due time and at the latest with the submission of the final report. In no event may the end use jeopardize the sustainability of the Action.

Article 10: Evaluation and monitoring of the Action

- 10.1 The Organisation shall invite representatives of the Contracting Authority and the European Commission to participate at their own costs in the main monitoring and evaluation missions relating to the performance of the Action. The Organisation shall report the results of such missions to the European Commission.
- 10.2 Article 10.1 is without prejudice to any evaluation or monitoring mission which the European Commission as a donor, or the Contracting Authority at their own costs, may wish to perform. Evaluation and monitoring missions by representatives of the European Commission or Contracting Authority shall be planned ahead and completed in a collaborative manner between the staff of the Organisation and the European Commission's (or the Contracting Authority's) representatives, keeping in mind the commitment of the Parties to the effective and efficient operation of the Agreement. The European Commission (or the Contracting Authority) and the Organisation shall agree on procedural matters in advance. The European Commission (or the Contracting Authority) shall make the draft report of the evaluation or monitoring mission available to the Organisation for comments prior to final issuance. The European Commission (or the Contracting Authority) shall send the final report to the Organisation once issued.

Article 11: Amendment to the Agreement

- 11.1 Any amendment to this Agreement, including its annexes, shall be set out in writing in an addendum signed by both Parties. This Agreement can only be amended before the End Date.
- 11.2 The requesting Party shall request in writing any amendment 30 days before the amendment is intended to enter into force and no later than 30 days before the End Date, unless there are special circumstances duly substantiated by it and accepted by the other Party. The other Party shall notify its decision regarding the amendment proposed in due time and in any case no later than 30 days after the date when the amendment request was received.
- 11.3 By derogation from Articles 11.1 and 11.2, where an amendment to Annex I and/or Annex III does not affect the main purpose of the Action, such as its objectives, strategy and priority areas, and the financial impact is limited to a transfer within a single budget heading, including cancellation or introduction of an item, or a transfer between budget headings involving a variation (as the case may be in cumulative terms) of 25 % or less of the amount originally entered (or as amended by a written addendum) in relation to each concerned heading, the Organisation may unilaterally amend Annex I and/or Annex III and shall inform the Contracting Authority accordingly in writing, at the latest in the next report. The Organisation may also unilaterally change the Indicators and their related targets, baselines and sources of verification described in the logical framework if the change does not affect the main purpose of the Action.
- 11.4 The method described in Article 11.3 shall not be used to amend the contingency reserve, nor the rate for remuneration/indirect costs or the amounts or rates of simplified cost options. Under a PA Grant Agreement, amendments shall not have the purpose or the effect of making such changes to the Agreement as would call into question the award decision or, where applicable, be contrary to the equal treatment of applicants.
- 11.5 Annex VI may be changed by the Organisation in agreement with the European Commission, without the need for a formal addendum to the Agreement.
- 11.6 Changes of address and of bank account shall be notified in writing to the Contracting Authority. Where applicable, changes of bank account must be specified in the request for payment, using the financial identification form attached as Annex IV.



Article 12: Suspension

Suspension of the time limit for payment

12.1 The Contracting Authority may suspend the time limit for payment following a single payment request by notifying the Organisation that either:

- a) the amount is not due; or
- b) the appropriate supporting documents have not been provided and therefore the Contracting Authority needs to request clarifications, modifications or additional information to the narrative or financial reports. Such clarifications or additional information may notably be requested by the Contracting Authority if it has doubt about compliance by the Organisation with its obligations in the implementation of the Action; or
- c) credible information has come to the notice of the Contracting Authority that puts in doubt the eligibility of the reported costs; or
- d) under a Delegation Agreement, credible information has come to the notice of the Contracting Authority that indicates a significant deficiency in the functioning of the Internal Control System of the Organisation or that the expenditure reported by the Organisation is linked to a serious irregularity and has not been corrected. In this case, the Contracting Authority may suspend the payment deadline if it is necessary to prevent significant damage to the EU's financial interests.

12.2 In the situations listed in Article 12.1 the Contracting Authority shall notify to the Organisation as soon as possible and in any case within 30 days from the date on which the payment request was received the reasons for the suspension, specifying, where applicable, the additional information required. Suspension shall take effect on the date when the Contracting Authority sends the notification stating the reasons for the suspension. The remaining payment period shall start to run again from the date on which the requested information or revised documents are received or the necessary further checks are carried out. If the requested information or documents are not provided within the deadline fixed in the notification or are incomplete, payment may be made on the basis of the partial information available.

Suspension of the Agreement by the Contracting Authority

12.3 The Contracting Authority may suspend the implementation of the Agreement, fully or partly, if:

- a) the Contracting Authority has proof that substantial errors, irregularities, fraud or breach of substantial obligations have been committed by the Organisation in the procedure of its selection, in its pillar assessment or in the implementation of the Action;
- b) under a Delegation Agreement, the Contracting Authority has proof that systemic errors have occurred which call into question the reliability of the Organisation's Internal Control System or the legality and regularity of the underlying transactions;
- c) the Contracting Authority has proof that the Organisation has committed systemic or recurrent errors, irregularities, fraud or breach of obligations under other agreements funded by EU funds provided that those errors, irregularities, fraud or breach of obligations have a material impact on this Agreement.

12.4 Before suspension, the Contracting Authority shall formally notify the Organisation of its intention to suspend, inviting the Organisation to make observations within 10 days from the receipt of the notification. If the Organisation does not submit observations, or if, after examination of the observations submitted by the Organisation, the Contracting Authority decides to pursue the suspension, the Contracting Authority may suspend all or part of the implementation of this Agreement serving 7 days' prior notice. In case of suspension of part of the implementation of the Agreement, upon request of the Organisation, the Parties shall enter into discussions in order to find the arrangements necessary to continue the part of the implementation which is not suspended. Any expenditure or costs incurred by the Organisation during the suspension and related to the part of the Agreement suspended shall not be reimbursed or covered by the Contracting Authority. Following suspension of the implementation of the Agreement, the Contracting Authority may terminate the Agreement in accordance with Article 13.2, recover amounts unduly paid and/or, in agreement with

the Organisation, resume implementation of the Agreement. In the latter case the Parties will amend the Agreement where necessary.

Suspension for exceptional circumstances

12.5 The Organisation may decide to suspend the implementation of all or part of the Action if exceptional or unforeseen circumstances beyond the control of the Organisation make such implementation impossible or excessively difficult, such as in cases of Force Majeure. The Organisation shall inform the Contracting Authority immediately and provide all the necessary details, including the measures taken to minimise any possible damage, and the foreseeable effect and date of resumption.

12.6 The Contracting Authority may also notify to the Organisation the suspension of the implementation of the Agreement if exceptional circumstances so require, in particular:

- a) when a relevant EU Decision identifying a violation of human rights has been adopted;
- b) in cases such as crisis entailing a change of EU policy.

12.7 Neither of the Parties shall be held liable for breach of its obligations under the Agreement if it is prevented from fulfilling them by Force Majeure or exceptional circumstances as set forth under Articles 12.5 and 12.6 provided it takes any measure to minimise any possible damage.

12.8 In the situations listed in Articles 12.5 and 12.6, the Parties shall minimise the duration of the suspension and shall resume implementation once the conditions allow. During the suspension period the Organisation shall be entitled to the reimbursement of the minimum costs, including new legal commitments, necessary for a possible resumption of the implementation of the Agreement or of the Action. The Parties shall agree on such costs, including the reimbursement of legal commitments entered into for implementing the Action before the notification of the suspension was received which the Organisation cannot reasonably suspend, reallocate or terminate on legal grounds. This is without prejudice to any amendments to the Agreement which may be necessary to adapt the Action to the new implementing conditions, including, if possible, the extension of the Implementation Period and, for Delegation Agreements, the contracting deadline, or to the termination of the Agreement in accordance with Article 13.3. In case of suspension due to Force Majeure or if the Action is a Multi-donor Action, the contracting deadline under Delegation Agreements and the Implementation Period are automatically extended by an amount of time equivalent to the duration of the suspension.

Article 13: Termination

13.1 Without prejudice to any other provision of these General Conditions or penalties foreseen in the EU Financial Regulation where applicable, and with due regard to the principle of proportionality, the Contracting Authority may terminate the Agreement if the Organisation:

- a) fails to fulfil a substantial obligation incumbent on it under the terms of the Agreement;
- b) is guilty of misrepresentation or submits false or incomplete statements to obtain the EU contribution or provides reports that do not reflect reality to obtain or keep the EU contribution without cause;
- c) is bankrupt or being wound up, or is subject to any other similar proceedings;
- d) is guilty of grave professional misconduct proven by any justified means;
- e) has committed fraud, corruption or any other illegal activity to the detriment of the EU's financial interests on the basis of proof in the possession of the Contracting Authority;
- f) fails to comply with the reporting obligations in accordance with Article 3.15;
- g) has committed any of the failings described in Article 12.3 on the basis of proof in the possession of the Contracting Authority.

13.2 Before terminating the Agreement in accordance with Article 13.1, the Contracting Authority shall formally notify the Organisation of its intention to terminate, inviting the Organisation to make observations (including proposals for remedial measures) within 30 days from the receipt of the notification. During this period and until the termination takes effect, the Contracting Authority may suspend the time limit for any payment in accordance with Article 12.2 as a precautionary measure informing the Organisation immediately in writing. If the Organisation does not submit observations, or if, after examination of the observations submitted by the Organisation, the Contracting Authority

decides to pursue the termination, the Contracting Authority may terminate the Agreement serving 7 days' prior notice. During that period the Organisation may refer the matter to the responsible director in the European Commission. Where the Contracting Authority is the European Commission, the termination will take effect if and when confirmed by the director. Where the Contracting Authority is not the European Commission, the referral to the responsible director in the European Commission will not suspend the effects of the decision of the Contracting Authority. In case of termination, the Contracting Authority may demand full repayment of any amounts paid in excess of the final amount determined in accordance with Article 20 after allowing the Organisation to submit its observations. Neither Party shall be entitled to claim indemnity by the other Party on account of the termination of this Agreement.

- 13.3 If, at any time, either Party believes that the purpose of the Agreement can no longer be effectively or appropriately carried out, it shall consult the other Party. Failing agreement on a solution, either Party may terminate the Agreement by serving 60 days written notice. In this case, the final amount shall cover:
- a) payment only for the part of the Action carried out up to the date of termination;
 - b) in the situations described in Articles 12.5 and 12.6, the unavoidable residual expenditures incurred during the notice period; and,
 - c) in the situations described in Articles 12.5 and 12.6 under a Delegation Agreement reimbursement of legal commitments the Organisation entered into for implementing the Action before the written notice on termination was received by it and which the Organisation cannot reasonably terminate on legal grounds.

The Contracting Authority shall recover the remaining part in accordance with Article 15.

- 13.4 In the event of termination, a final report and a request for payment of the balance have to be submitted according to Articles 3.8, 3.9 and 19. The Contracting Authority shall not reimburse or cover any expenditure or costs which are not included or justified in a report approved by it.

Article 14: Applicable law and settlement of disputes


- 14.1 The Parties shall endeavour to amicably settle any dispute or complaint relating to the interpretation, application or validity of the Agreement, including its existence, or termination.

14.2 Where the Organisation is not an international organisation and the European Commission is the Contracting Authority, this Agreement is governed by EU law, complemented if necessary by the relevant provisions of Belgian law. In the absence of an amicable settlement in accordance with Article 14.1 above, the General Court, or on appeal the Court of Justice of the European Union, has sole jurisdiction. Such actions must be brought under Article 272 of the Treaty on the Functioning of the EU (TFEU).

14.3 Where the Organisation is not an international organisation and the European Commission is not the Contracting Authority, the Agreement shall be governed by the law of the country of the Contracting Authority and the courts of the country of the Contracting Authority shall have exclusive jurisdiction, unless otherwise agreed by the Parties. The dispute may, by common agreement of the Parties, be submitted for conciliation to the European Commission. If no settlement is reached within 120 days of the opening of the conciliation procedure, each Party may notify the other that it considers the procedure to have failed and may submit the dispute to the courts of the country of the Contracting Authority.

14.4 Where the Organisation is an international organisation:

- a) nothing in the Agreement shall be interpreted as a waiver of any privileges or immunities accorded to any Party by its constituent documents, privileges and immunities agreements or international law;

 b) in the absence of amicable settlement in accordance with Article 14.1 above, any dispute shall be settled by final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organizations and States, as in effect on the date of entry into force of this Agreement. The appointing authority shall be the Secretary General of the Permanent Court of Arbitration. The arbitration proceedings must take



place in the Hague and the language used in the arbitral proceedings will be English. The arbitrator's decision shall be binding on all Parties and there shall be no appeal.

Article 15: Recovery

15.1 Where an amount is to be recovered under the terms of the Agreement, the Organisation shall repay to the Contracting Authority the amount due.

15.2 Before recovery, the Contracting Authority shall formally notify the Organisation of its intention to recover any undue amount, specifying the amount and the reasons for recovery and inviting the Organisation to make any observations within 30 days from the date of receipt of the notification. If, after examination of the observations submitted by the Organisation or if the Organisation does not submit any observations, the Contracting Authority decides to pursue the recovery procedure, it may confirm recovery by formally notifying the Organisation. If there is a disagreement between the Organisation and the Contracting Authority on the amount to be repaid, the Organisation may refer the matter to the responsible director in the European Commission within 30 days. Where the Contracting Authority is the European Commission, a debit note specifying the terms and the date for payment may be issued after the deadline for the referral to the director. Where the Contracting Authority is not the European Commission, the referral to the responsible director in the European Commission will not prevent the Contracting Authority from issuing the debit note.

15.3 If the Organisation does not make the payment by the date specified in the debit note, the Contracting Authority shall recover the amount due:

- a) by offsetting it against any amounts owed to the Organisation by the EU;
- b) by taking legal action in accordance with Article 14;
- c) in exceptional circumstances, justified by the necessity to safeguard the financial interests of the

EU, the Contracting Authority may, when it has justified grounds to believe that the amount due would be lost, recover by offsetting before the deadline specified in the debit note without the Organisation's prior consent.

15.4 If the Organisation fails to repay by the due date, the amount due shall be increased by late payment interest calculated at the rate indicated in Article 19.5(a). The interest shall be payable for the period elapsing from the day after the expiration of the time limit for payment up to and including the date when the Contracting Authority actually receives payment in full of the outstanding amount. Any partial payment shall first cover the interest.

15.5 Bank charges incurred from the repayment of amounts due to the Contracting Authority shall be borne entirely by the Organisation.

15.6 Where the European Commission is not the Contracting Authority, it may, if necessary, proceed itself to the recovery.

15.7 Where the Contracting Authority is the European Commission, it may waive the recovery in accordance with the principle of Sound Financial Management and proportionality or it shall cancel the amount in the event of a mistake.

Article 16: Accounts and archiving

Accounting

16.1 The Organisation shall keep accurate and regular records and accounts of the implementation of the Action. The accounting Regulations and Rules of the Organisation shall apply, provided that these Regulations and Rules conform to internationally accepted standards. Financial transactions and financial statements shall be subject to the internal and external auditing procedures laid down in the Regulations and Rules of the Organisation.

Archiving

16.2 For a period of five years from the End Date and in any case until any on-going audit, verification, appeal, litigation or pursuit of claim or investigation by the European Anti-Fraud Office (OLAF), if notified to the Organisation, has been disposed of, the Organisation shall keep and make available according to Article 17 all relevant financial information (originals or copies) related to the Agreement

and to any Procurement Contracts, Grant agreements and financial support to third parties concluded under this Agreement.

Article 17: Access and financial checks

17.1 The Organisation shall allow the European Commission and the European Court of Auditors, or any authorised representatives to conduct desk reviews and on-the-spot checks on the use made of the EU contribution on the basis of supporting accounting documents and any other document related to the financing of the Action.

17.2 The Organisation agrees that OLAF may carry out investigations, including on-the-spot checks, in accordance with the provisions laid down by EU law for the protection of the financial interests of the EU against fraud, corruption and any other illegal activity.

17.3 The Organisation agrees that the execution of this Agreement may be subject to scrutiny by the Court of Auditors when the Court of Auditors audits the European Commission's implementation of EU expenditure. In such case the Organisation shall provide to the Court of Auditors access to the information that is required for the Court to perform its duties.

17.4 To that end, the Organisation undertakes to provide officials of the European Commission, OLAF and the European Court of Auditors and their authorised agents, upon request, information and access to any documents and computerised data concerning the technical and financial management of operations financed under the Agreement, as well as grant them access to sites and premises at which such operations are carried out. The Organisation shall take all necessary measures to facilitate these checks in accordance with its Regulations and Rules. The documents and computerised data may include information which the Organisation considers confidential in accordance with its own established Regulations and Rules or as governed by contractual agreement. Such information once provided to the European Commission, OLAF, the European Court of Auditors, or any other authorised representatives, shall be treated in accordance with EU confidentiality rules and legislation and Article 6. Documents must be accessible and filed in a manner permitting checks, the Organisation being bound to inform the European Commission, OLAF or the European Court of Auditors of the exact location at which they are kept. Where appropriate, the Parties may agree to send copies of such documents for a desk review.

17.5 Where applicable, the desk reviews, investigations and on-the-spot checks referred to in Article 17.1 to 17.4 shall refer to a verification which shall be performed in accordance with the verification clauses agreed between the Organisation and the Commission. This is without prejudice to any cooperation agreement between OLAF and the Organisation's anti-fraud bodies.

17.6 The European Commission shall inform the Organisation of the planned on-the-spot missions by agents appointed by the European Commission in due time in order to ensure adequate procedural matters are agreed upon in advance.

17.7 Failure to comply with the obligations set forth in Article 17 constitutes a case of breach of a substantial obligation under this Agreement.

Article 18: Eligibility of costs

18.1 The eligible direct costs of the Action are costs that meet all the following criteria:

- a) they are necessary for carrying out the Action, directly attributable to it, arising as a direct consequence of its implementation and charged in proportion to the actual use;
- b) they are incurred in accordance with the provisions of this Agreement.
- c) they are actually incurred by the Organisation, i.e. they represent real expenditure definitely and genuinely borne by the Organisation, without prejudice to Article 18.5;
- d) they are reasonable, justified, comply with the principle of Sound Financial Management and are in line with the usual practices of the Organisation regardless of their source of funding;

- e) they are incurred during the Implementation Period with the exception of costs related to final report, final evaluation, audit and other costs linked to the closure of the Action which may be incurred after the Implementation Period;
- f) they are identifiable and backed by supporting documents, in particular determined and recorded in accordance with the accounting practices of the Organisation;
- g) they are covered by one of the sub-headings indicated in the estimated budget in Annex III and by the activities described in Annex I;
- h) they comply with the applicable tax and social legislation taking into account the Organisation's privileges and immunities.

18.2 The following costs may not be considered eligible direct costs but may be charged as part of the remuneration/indirect costs: all eligible costs that, while necessary and arising as a consequence of implementation, are supporting the implementation of the Action and not considered part of the activities that the Union finances as described in Annex I, including corporate management costs or other costs linked to the normal functioning of the Organisation, such as horizontal and support staff, office or equipment costs (except when duly justified and described in Annex I, such as a project office).

18.3 The remuneration/indirect costs shall be declared on the basis of a flat-rate which shall not exceed 7% of the total eligible direct costs to be reimbursed by the Contracting Authority. The remuneration/indirect costs do not need to be supported by accounting documents. For Multi-donor and comparable Actions, the remuneration/indirect costs shall not be higher than that charged by the Organisation to comparable contributions.

18.4 The following costs are ineligible for Union financing:

- a. bonuses, provisions, reserves or non-remuneration related costs. Employers' contributions to pension or other insurance funds run by the Organisation may only be eligible to the extent they do not exceed the actual payments made by these schemes and that the amount provisioned does not exceed the contribution that could have been made to an external fund;
- b. full-purchase cost of equipment and assets unless, for EU External Actions and CFSP, the asset or equipment is specifically purchased for the Action and ownership is transferred in accordance with Article 9;
- c. duties, taxes and charges, including VAT, that are recoverable/deductible by the Organisation;
- d. return of capital;
- e. debts and debt service charges;
- f. provision for losses, debts or potential future liabilities;
- g. banking charges for the transfers from the Contracting Authority;
- h. costs incurred during the suspension of the implementation of the Agreement except the minimum costs agreed on in accordance with Article 12.8;
- i. costs declared by the Organisation under another agreement financed by the European Union budget (including through the European Development Fund);
- j. contributions in kind. The cost of staff assigned to the Action and actually incurred by the Organisation is not a contribution in kind and may be declared as direct eligible cost if it complies with the conditions set out in Article 18.1;
- k. costs of purchase of land or buildings, unless otherwise provided in the Special Conditions;
- l. for PA Grants: Salary costs of the personnel of national administrations, except if stated in the Special Conditions and if they relate to activities which the relevant public authority would not carry out if the Action were not undertaken.

Simplified cost options

18.5 Direct eligible costs may also be declared by using any or a combination of unit costs, lump sums and flat-rate financing. The methods used by the Organisation to determine unit costs, lump sums or flat-rates shall comply with the principles provided in Articles 18.1, 18.2 and 18.4, be clearly described and substantiated in Annex III, shall avoid double funding of costs and shall ensure reasonably that no profit is generated. These methods shall be based on the Organisation's historical or actual accounting data, its usual accounting practices or on external information where available and appropriate.

18.6 Costs declared under simplified cost options do not need to be backed by accounting or supporting documents except if they are necessary to demonstrate that the costs have been declared according to the agreed method or cost accounting practices and that the qualitative and quantitative conditions defined in Annex I and III have been respected.

18.7 For staff costs, the unit cost (the hourly, daily or half-daily rate) is calculated using the number of annual productive units (respectively productive hours, days or half-days).

- a) For the number of annual productive units, the Organisation may choose one of the following:
- i) 1720 hours or 215 days or 430 half-days for persons working full time (or corresponding pro-rata for persons not working full time);
 - ii) the total number of hours or days or half-days worked by the person in the year for the Organisation, defined as the annual workable hours or days or half-days of the person (according to the employment contract, applicable labour agreement or national law) plus overtime worked minus absences (such as sick leave and special leave);
 - iii) the standard number of annual hours or days or half-days generally applied by the Organisation for its staff in accordance with its usual cost accounting practices. This number must be at least 90% of the standard annual workable hours or days or half-days.

For the purposes of points (ii) and (iii), the annual workable hours or days or half-days mean the period during which the staff must be working, at the Organisation's disposal and carrying out his/her activity or duties under the employment contract, applicable collective labour agreement or national working time legislation;

- b) The number of actual units (hours or days or half-days) declared by the Organisation shall be necessary for the implementation of the Action and shall be identifiable and verifiable.

18.8 The total amount declared on the basis of simplified cost options may not exceed EUR 60,000, unless otherwise provided for in the Special Conditions. The ceiling of EUR 60,000 does not apply to staff costs determined on the basis of the usual accounting practices of the Organisation as referred to in Article 18.7, nor to the costs of project offices where declared using a simplified allocation method as set out in the Special Conditions.

18.9 If a verification reveals that the methods used by the Organisation to determine unit costs, lump sums or flat-rates are not compliant with the conditions established in this Agreement, the Contracting Authority shall be entitled to recover proportionately up to the amount of the unit costs, lump sums or flat-rate financing.

18.10 Upon request of the Organisation, the European Commission may validate ex-ante the compliance of the methods used for determining the unit costs, lump sums or flat-rates or of the usual costs accounting practices. In such case, costs declared in compliance with those methods and accounting practices will not be challenged by ex post controls if the Organisation did not conceal any information for the purpose of their approval.

Article 19: Payments

19.1 Payment procedures shall be as follows:

- a) the Contracting Authority shall provide a first pre-financing instalment as set out in Article 4.1 of the Special Conditions within 30 days of receiving this Agreement signed by both Parties;
- b) the Organisation may submit a request for further pre-financing instalment for the following reporting period in accordance with Article 4 of the Special Conditions; the following provisions apply:
 - i) the reporting period is intended as a twelve-month period unless otherwise provided for in the Special Conditions. When the remaining period to the end of the Action is up to 18 months, the reporting period shall cover it entirely;
 - ii) if at the end of the reporting period less than 70% of the immediate preceding payment (and 100% of previous payments, if any) has been subject to a legal commitment with a third party, the further pre-financing payment shall be reduced by the amount corresponding to the

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difference between the 70 % of the immediately pre-financing payment (and 100% of previous payments, if any) and the part of the previous pre-financing payments which has been subject to a legal commitment;

- iii) the Organisation may submit a request for further pre-financing payment before the end of the reporting period, once more than 70 % of the immediately preceding payment (and 100% of previous payments, if any) has been paid by the Organisation to its staff or otherwise subject to a legal commitment with a third party. In this case, the following reporting period starts anew from the end date of the period covered by this payment request;
- c) at the end of the Implementation Period, the Organisation shall submit a payment request for the balance, where applicable, together with the final report. The amount of the balance shall be determined according to Article 20 and following approval of the request for payment of the balance and of the final report;
- d) the Contracting Authority shall pay the further pre-financing instalments and the balance within 90 days of receiving a payment request accompanied by a progress or final report, unless the time limit for payment was suspended according to Article 12 or 13.

19.2 Payment requests shall be accompanied by narrative and financial reports presented in accordance with Article 3. The requests for pre-financing payments and the request for the balance shall be drafted in the Currency of the Agreement as specified in the Special Conditions. Except for the first pre-financing instalment, the payments shall be made upon approval of the payment request accompanied by a progress or final report. The final amount shall be established in line with Article 20. If the balance is negative, the payment of the balance takes the form of recovery.

19.3 Approval of the requests for payment and of the accompanying reports shall not imply recognition of the regularity or of the authenticity, completeness and correctness of the declarations and information contained therein.

19.4 The Contracting Authority shall make payments in the Currency of the Agreement as specified in the Special Conditions into the bank account referred to in the financial identification form in Annex IV.

Late payment interest

19.5 In case of late payment of the amounts stated in Article 4 of the Special Conditions the following conditions apply:

- a) on expiry of the time limits for payments specified in Article 19.1, if the Organisation is not an EU Member State, it shall receive interest on late payment based on the rate applied by the European Central Bank for its main refinancing operations in Euros (Reference Rate), increased by three and a half percentage points. The Reference Rate shall be the rate in force on the first day of the month in which the time limit for payment expires, as published in the C series of the Official Journal of the EU;
- b) the suspension of the time limit for payment by the Contracting Authority in accordance with Article 12 or 13 shall not be considered as late payment;
- c) interest on late payment shall cover the period running from the day following the due date for payment, up to and including the date of actual payment as established in Article 19.1. Any partial payment shall first cover the interest;
- d) by way of exception to point (c), when the interest calculated in accordance with this provision is lower than or equal to EUR 200, the Contracting Authority shall pay such interest to the Organisation only upon request from the Organisation submitted within two months of it receiving late payment;
- e) by way of exception to point (c), when the Contracting Authority is not the European Commission, and the European Commission does not make the payments, the Organisation shall be entitled to late payment interest upon its request submitted within two months of it receiving late payment;
- f) for the purpose of Article 23.2, the interest shall not be treated as a receipt.

Article 20: Final amount of the EU contribution

- 20.1 The Contracting Authority shall determine the final amount of the EU contribution when approving the Organisation's final report. The Contracting Authority shall then determine the balance:
- a) to be paid to the Organisation in accordance with Article 19 where the final amount of the EU contribution is higher than the total amount already paid to the Organisation; or
 - b) to be recovered from the Organisation in accordance with Article 15 where the final amount of the EU contribution is lower than the total amount already paid to the Organisation.
- 20.2 Without prejudice to Article 23 the final amount shall be the lower of the following amounts:
- a) the maximum EU Contribution referred to in Article 3.1 (for Delegation Agreements) and Article 3.2 (for PA Grant Agreements) of the Special Conditions in terms of absolute value;
 - b) the amount obtained after reduction of the EU contribution in accordance with Article 20.3;
 - c) for PA Grant Agreements only, the amount obtained by applying the percentage laid down in Article 3.2 of the Special Conditions to the eligible costs of the Action approved by the Contracting Authority.
- 20.3 Where the Action is not implemented, is not implemented in line with the Agreement, is implemented partially or late, the Contracting Authority may, after allowing the Organisation to submit its observations, reduce the EU contribution in proportion to the seriousness of the above mentioned situations. If there is a disagreement between the Organisation and the Contracting Authority on the reduction, the Organisation may refer the matter to the responsible director in the European Commission.

Part II: Additional Provisions applicable only to Delegation Agreements

Article 21: Ex-post publication of information on Contractors and Grant Beneficiaries

- 21.1 The Organisation shall publish, on an annual basis, on its internet site, the following information on Procurement Contracts exceeding EUR 15.000 and all Grants financed by the EU: title of the contract/project, nature and purpose of the contract/project, name and locality of the Contractor or Grant Beneficiary and amount of the contract/project. The term "locality" shall mean the address for legal persons and the Region on NUTS³ 2 level, or equivalent, for natural persons. This information shall not be published for scholarships paid to natural persons and other direct support paid to natural persons in most need. This information shall be published with due observance of the requirements of confidentiality security and in particular the protection of personal data. The publication shall be waived, if such disclosure risks threatening rights and freedoms as protected by the Charter of Fundamental Rights of the European Union or harm the commercial interests of the Contractors or Grant Beneficiaries.

- 21.2 The Organisation shall provide to the European Commission the address of the internet site where this information can be found and shall authorise the publication of such address on the European Commission's internet site.

- 21.3 In the field of EU External Actions, where the Action is a Multi-donor Action and the EU contribution is not earmarked, the publication of information on Contractors and Grant Beneficiaries shall follow the rules of the Organisation.

Article 22: Contracting and Early Detection and Exclusion System

Contracting

- 22.1 The Procurement Contracts and Grant contracts implementing the EU contribution shall be signed by the contracting deadline set out in Article 2.4 of the Special Conditions. After the contracting deadline, only contracts following early termination of an existing contract, addenda to existing contracts and contracts concerning final audits and evaluation may be signed.
- 22.2 Unless otherwise provided for in the Special Conditions, the origin of the goods and the nationality of the organisations, companies and experts selected for carrying out activities in the Action shall be determined in accordance with the Organisation's relevant rules. However, and in any event, goods,

³ Nomenclature of Territorial Units for Statistics, available at: <http://ec.europa.eu/eurostat/ramon>.

organisations, companies and experts eligible under the applicable regulatory provisions of the European Union shall be eligible.

22.3

The Organisation shall adopt reasonable measures, in accordance with its own Regulations and Rules, to ensure that potential candidates or tenderers and applicants shall be excluded from the participation in a procurement or grant award procedure and from the award of a Procurement Contract or Grant financed by EU funds, if the Organisation becomes aware that these entities:

- a) or persons having powers of representation, decision making or control over them, have been the subject of a final judgement or of a final administrative decision for fraud, corruption, involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings;
- b) or persons having powers of representation, decision making or control over them have been the subject of a final judgement or of a final administrative decision for an irregularity affecting the EU's financial interest;
- c) are guilty of misrepresentation in supplying the information required as a condition of participation in the procedure or if they fail to supply this information.

Early Detection and Exclusion System

22.4 The Organisation shall inform the European Commission if, in relation to the implementation of the Action, it has found that a third party is in one of the situations referred to in Article 22.3 (a) and (b) or if it has detected a fraud and/or an irregularity according to Article 2.2. The European Commission will introduce this information in the Early Detection and Exclusion System. The Organisation shall inform the European Commission when it becomes aware that transmitted information needs to be rectified updated or removed. The Organisation shall ensure that the entity concerned is informed that its data was transmitted to the European Commission and may be included in the Early Detection and Exclusion System and be published on the website of the European Commission. These requirements cease at the end of the Implementation Period.

22.5

Without prejudice to the power of the European Commission to exclude an entity from future procurement contracts and grants financed by the EU, the Organisation may impose financial penalties on Contractors and Grant Beneficiaries according to its own Regulations and Rules ensuring, where applicable, the right of defence of the Contractor or Grant Beneficiary.

22.6

The Organisation may take into account, as appropriate and on its own responsibility the information contained in the Early Detection and Exclusion System, when implementing EU funds. Access to the information can be provided through the authorised persons or via consultation with the European Commission as referred in Article 5.6 of the Special Conditions⁴.

PART III: Additional provisions applicable only to PA Grants

Article 23: No Profit

23.1 The EU contribution may not produce a profit in the framework of the Action, unless specified otherwise in Article 7 of the Special Conditions. Profit is defined as a surplus of the receipts over the eligible costs approved by the Contracting Authority when the request for payment of the balance is made.

23.2 The receipts to be taken into account are the consolidated receipts on the date on which the payment request for the balance is made by the Organisation that fall within one of the two following categories:

- a) income generated by the Action, unless otherwise specified in the Special Conditions;

⁴ The Organisation shall be allowed to have direct access to the Early Detection and Exclusion System through an authorised person when the Organisation certifies to the Contracting Authority service responsible that it applies the adequate data protection measures as provided in the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

b) financial contributions specifically assigned by the donors to the financing of the same eligible costs financed by the Agreement and declared by the Organisation as actual costs under the Agreement. Any financial contribution that may be used by the Organisation to cover costs other than those eligible under this Agreement or that are not due to the donor where unused at the end of the Action are not to be considered as a receipt to be taken into account for the purpose of verifying whether the EU contribution produces a profit in the framework of the Action.

23.3 Where the final amount of the EU contribution determined in accordance with the Agreement would result in a profit, it shall be reduced by the percentage of the profit corresponding to the final EU contribution to the eligible costs actually incurred approved by the Contracting Authority.

23.4 The provisions in Articles 23.1 to 23.3 shall not apply to:

- a) Actions the objective of which is the reinforcement of the financial capacity of the Organisation if specified in Article 7 of the Special Conditions;
- b) Actions which generate an income to ensure their continuity beyond the end of this Agreement, if specified in Article 7 of the Special Conditions;
- c) EU contributions of EUR 60.000 or less.

Article 24: Contracting

24.1 Where the implementation of the Action requires the procurement of goods, works or services, the Organisation shall award the Procurement Contracts to the tender offering best value for money or, as appropriate, to the tender offering the lowest price. In doing so, it shall avoid any conflict of interests. Where the procurement rules and procedures of the Organisation have been positively assessed by the European Commission, Procurement Contracts awarded in line with the assessed rules and procedures are deemed compliant with the aforementioned principles.

24.2 In the field of EU External Actions: where the Organisation or another donor provides co-financing other than in-kind contributions to the Action, the origin of the goods and the nationality of the organisations, companies and experts selected for carrying out activities in the Action shall be determined in accordance with the Organisation's Regulations and Rules. However, and in any event, goods, organisations, companies and experts eligible under the applicable regulatory provisions of the European Union shall be eligible.



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**Annex III:
Budget for the Action**

Annex III: Budget for the Action

Fiji Access to Justice Project - Multi-Year Work Plan - July 2016 to December 2020

EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount (USD)	Year 1	Year 2	Year 3	Year 4	Year 5 (six months)	Justification
Output 1 Enhanced Institutional Capacity of Legal Aid Commission (LAC) to deliver access to justice for impoverished and vulnerable groups. Activity Result 1.1: Legal Aid Commission (LAC) able to effectively measure and analyse its data through the establishment of a case management system to enable improved service delivery and facilitate responsiveness to the justice needs of impoverished and vulnerable groups Activity 1.1.1: The procurement, installation and training for the operationalization of two servers to bolster LAC's ICT infrastructure. Activity 1.1.2: The creation of a pilot case management system for LAC and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group. Activity 1.3: The revision and finalization of the overall case management system in accordance with the results of the pilot programme and needs analysis, including lessons learned workshop. Activity 1.4: Assistance in the production of reports and recommendations based on the analysis of the data. Activity Result 1.2: The capacity of the LAC is strengthened to enable improved service delivery and responsiveness to priority areas identified by the Access to Justice Assessment. Activity 1.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the justice needs of impoverished and vulnerable groups; including development of baselines and perception surveys, generation of disaggregated data, broad stakeholder discussions; with the analysis of findings to further inform project activities. Activity 1.2.2: The provision of support, technical and workshops, to the LAC in the finalization of its five year strategy, functional review, annual corporate plans, including financial and human resource management manuals.	61300 International Professional Staff	175,000.00	40,120.85	40,120.85	51,161.35	43,596.95		Technical Assistance: 14.4% of the time of the Project Manager P4 (pro rata 70% Jul16-Jun18 then 100% Jul16-Jun20) and A21 & Monitoring Specialist P3 (pro rata 50% Jul16-Dec19) Potential use of technical consultants related to establishment and operation of case management systems, estimate rate of USD 750 a day Refer to Annex 1- Project management for details
	71600 Travel	12,000.00	3,000.00	6,000.00	3,000.00			Estimate of potential travel costs for International Consultants to travel to Fiji, also travel costs for International Consultants and UNDP Project Team to travel within around Fiji for the purposes of the for case management system
	72100 Contractual Services - Companies	120,000.00	30,000.00	60,000.00	30,000.00			Company to be utilized to design and establish case management systems - potential off the shelf solution with adaption
	72800 IT Equipment	430,000.00	115,000.00	215,000.00	100,000.00			Costs of IT equipment for servers and case management systems
	72700 Workshop Expenses	40,000.00	15,000.00	10,000.00	10,000.00	5,000.00		Expenses for venues and all costs for workshops related to establishment and ongoing learning and review of case management system
	74200 Audio Visual & Printing Production Costs	20,000.00	5,000.00	5,000.00	5,000.00	5,000.00		Costs for producing case management manuals and associated reports
	61300 International Professional Staff	230,400.00	52,557.84	52,557.84	67,125.16	58,159.16		Technical Assistance: 19% of the time of the Project Manager P4 (pro rata 70% Jul16-Jun18 then 100% Jul18-Jun20) and A21 & Monitoring Specialist P3 (pro rata 50% Jul16-Dec19) Refer to Annex 1- Project management for details
	71200 International Consultants	65,000.00	20,000.00	15,000.00	15,000.00	15,000.00		Potential use of technical consultants related to Activity Result 1.2 such as workshops at estimate rates from USD 750 to USD 1,000 a day
	71600 Travel	180,000.00	45,000.00	45,000.00	45,000.00	45,000.00		Estimate of potential travel costs related to the Fiji Access to Justice Assessment, Accessing and hosting international and regional knowledge networks, and implementation of a training plan
	72100 Contractual Services - Companies	300,000.00	200,000.00			100,000.00		For 2016 and 2020 costs are for company to support the conduct of the Fiji Access to Justice Assessment.

EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount: (USD)	Planned Budget by Year					Justification
			Year 1	Year 2	Year 3	Year 4	Year 5 (six months)	
Activity 1.2.3: The provision of technical support to LAC to develop quality monitoring policies and procedures, criteria for evaluating the quality of assistance provided and other tools. Activity 1.2.4: Support to the LAC in accessing and hosting international and regional knowledge networks in relation to access to justice. Activity 1.2.5: Support to the LAC in the production and implementation of a training plan and train the trainer programme, and the evaluation of its subsequent impact, with the design of the training plan to be responsive to priority areas identified by the Access to Justice Assessment. Activity 1.2.6: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.	75700 Workshop Expenses	240,000.00	60,000.00	60,000.00	60,000.00	60,000.00	Expenses for venues and all costs for workshops related to trainings and other events under Activity 1.2.	
	74200 Audio Visual & Printing Production Costs	40,000.00	10,000.00	10,000.00	10,000.00	10,000.00	Costs for producing and printing reports developed under this activity.	

Project Title: Fiji Access to Justice Project
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EXPECTED OUTPUTS & PLANNED ACTIVITIES	Activity Result 1.3:	Budget Description	Amount (USD)	Planned Budget by Year					Justification
				Year 1	Year 2	Year 3	Year 4	Year 5 (six months)	
Activity Result 1.3: The LAC able to accurately access and invoke the relevant law in the provision of its services through the updating of the LAC's library.	72100 Contractual Services - Companies	To pay companies that provide Law Reports	215,000.00	70,000.00	70,000.00	40,000.00	35,000.00		Refer to Annex I - Project management for details
			100,000.00	28,571.00	28,571.00	14,287.00			
Activity 1.3.1: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).	61300 International Professional Staff	Monitoring	100,000.00	28,571.00	28,571.00	28,571.00	14,287.00		Technical Assistance: 31% of the time of the AZJ & Monitoring Specialist P3 (prorata 50% Jul16-Dec19)
			Sub-Total for Output 1	2,197,400.00	701,749.69	632,249.69	472,357.51	391,043.11	
Output 2	Enhanced Institutional Capacity of Judicial Department and other institutions to deliver access to justice for impoverished and vulnerable groups.	Activity Result 2.1:	61300 International Professional Staff	175,000.00	40,120.85	40,120.85	51,161.35	43,596.95	Technical Assistance: 14.4% of the time of the Project Manager P4 (prorata 70% Jul16-Jun18 then 100% Jul18-Jun20) and AZJ & Monitoring Specialist P3 (prorata 50% Jul16-Dec19) Refer to Annex I - Project management for details
				30,000.00	7,500.00	7,500.00	15,000.00	7,500.00	
Activity Result 2.1: The creation of a pilot case management system for the judiciary and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group.	Activity 2.1.2: The revision and finalization of the overall case management system in accordance with the results of the pilot programme and needs analysis, including lessons learned workshop.	Activity 2.1.3: Assistance in the production of reports and recommendations based on the analysis of the data.	72100 Contractual Services - Companies	320,000.00	30,000.00	30,000.00	30,000.00		Company to be utilized to design and establish case management systems - potential of the self solution with adoptions
				72800 IT Equipment	430,000.00	115,000.00	215,000.00	100,000.00	
Activity Result 2.2: The capacity of the Judicial Department is strengthened to enable improved service delivery and responsiveness to priority areas identified by the Access to Justice Assessment.	Activity 2.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the needs of impoverished and vulnerable groups; including development of baseline and perception surveys, generation of disaggregate data, broad stakeholder discussions; with the analysis of findings to further inform project activities.	Activity 2.2.2: The provision of support, technical and for workshops to the Judicial Department in the production of its strategy, functional and for workshops to the judicial implementation plan for a five-year period.	71600 Travel	12,000.00	3,000.00	3,000.00	3,000.00		Estimate of potential travel costs for International Consultants to travel to Fiji, also around Fiji for the purposes of the for case management system
				72100 Contractual Services - Companies	320,000.00	30,000.00	30,000.00	30,000.00	
Activity Result 2.2: The capacity of the Judicial Department is strengthened to enable improved service delivery and responsiveness to priority areas identified by the Access to Justice Assessment.	Activity 2.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the needs of impoverished and vulnerable groups; including development of baseline and perception surveys, generation of disaggregate data, broad stakeholder discussions; with the analysis of findings to further inform project activities.	Activity 2.2.2: The provision of support, technical and for workshops to the judicial implementation plan for a five-year period.	61300 International Professional Staff	230,400.00	52,557.84	52,557.84	58,159.16		Technical Assistance: 15% of the time of the Project Manager P4 (prorata 50% Jul16-Dec19) Refer to Annex I - Project management for details
				72200 International Consultants	65,000.00	20,000.00	15,000.00	15,000.00	
Activity 2.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the needs of impoverished and vulnerable groups; including development of baseline and perception surveys, generation of disaggregate data, broad stakeholder discussions; with the analysis of findings to further inform project activities.	Activity 2.2.2: The provision of support, technical and for workshops to the judicial implementation plan for a five-year period.	Department in the production of its strategy, functional and for workshops to the judicial implementation plan for a five-year period.	72100 Contractual Services - Companies	300,000.00	200,000.00	200,000.00	100,000.00		For 2016 and 2020 costs are for company to support the conduct of the Fiji Access to Justice Assessment.
				71600 Travel	180,000.00	45,000.00	45,000.00	45,000.00	
Sub-Total for Output 2			2,197,400.00	701,749.69	632,249.69	472,357.51	391,043.11		
Sub-Total for Output 1			2,197,400.00	701,749.69	632,249.69	472,357.51	391,043.11		

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EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount (USD)	Planned Budget by Year				Justification
			Year 1	Year 2	Year 3	Year 4	
Activity 2.3: Support to the Judicial Department in accessing and hosting international and regional knowledge networks in relation to access to justice.	75700 Workshop Expenses	355,000.00	90,000.00	90,000.00	90,000.00	85,000.00	Costs for producing and printing reports developed under this activity, events under Activity 2.
	74200 Audio Visual & Printing Production Costs	50,000.00	12,500.00	12,500.00	12,500.00	12,500.00	
Activity 2.2: Support to the Judicial Department in the production of a feasibility study on the creation of a judicial training institute.	72100 Contractual Services - Companies	465,000.00	250,000.00	140,000.00	40,000.00	35,000.00	To pay companies that will print the Fiji Law Reports and also provide Law Reports updating the Judicial Department library.
Activity 2.3.2: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).	72100 International Consultants	80,000.00	20,000.00	20,000.00	20,000.00	20,000.00	Potential use of technical consultants related to Activity Result 2.4 such as assistance with strategies and plans, and trainings at estimate rates from USD 750 to USD 1,000 a day
Activity 2.4.2: Informed by the Access to Justice Assessment, support to other Constitutional bodies for selected activities related to access to justice.	75700 Workshop Expenses	40,000.00	10,000.00	10,000.00	10,000.00	10,000.00	Expenses for venues and all costs for workshops related to trainings and other events under Activity 2.4.
Activity 2.4.3: Informed by the Access to Justice Assessment, support to the Human Rights & Anti-Discrimination Commission (HRADC) for selected activities related to access to justice (to be determined following finalisation of HRADC Strategic Plan and stakeholder consultations).	71600 Travel	25,000.00	6,250.00	6,250.00	6,250.00	6,250.00	Estimate of potential travel costs for international consultants to travel to Fiji, also travel costs for international consultants and UNDP Project Team to travel within and around Fiji for the purposes of activities in support of other constitutional bodies
Activity Result 2.4: Other Constitutional bodies have enhanced capacities to deliver access to justice.	61300 International Professional Staff	90,000.00	20,536.21	26,209.80	22,717.78	20,000.00	Technical Assistants: 7.4% of the time of the Project Manager Pd (pro rata 70% Jul16-Jun18 then 100% Jul18-Jun20) and AZJ & Monitoring Specialist P3 (pro rata 50% Jul16-Dec19) Refer to Annex I - Project management for details
Monitoring	61300 International Professional Staff	100,000.00	28,571.00	28,571.00	14,287.00	5,000.00	Costs for producing and printing reports developed under this activity.
Output 3		2,827,400.00	976,035.90	796,535.90	572,317.31	482,510.89	
Strengthened delivery of access to justice services to impoverished and vulnerable groups.							
Activity Result 3.1:	72800 IT Equipment	50,000.00	25,000.00	25,000.00			Costs for IT related equipment for legal aid offices
	72200 Equipment & Furniture	40,000.00	20,000.00	20,000.00			Costs for equipment and furniture for legal aid offices
Activity 3.1.1: Procurement of furniture and equipment to support the functioning of four legal aid offices opened outside of the capital Suva.							

EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount (USD)	Year 1	Year 2	Year 3	Year 4	Year 5 (six months)	Justification	Planned Budget by Year									
	72400 Communications & Audio Equipment	10,000.00	5,000.00	5,000.00				Costs for LAC office set which includes for example raising educational videos playing in the client waiting room										
Activity Result 3.2:	61300 International Professional Staff	14,000.00	3,181.55	3,181.55	4,101.59	3,535.31		Technical Assistance: 1.2% of the time of the Project Manager P4 (pro rata 70% Jul16-Jun18 then 100% Jul19-Jun20) and A21 & Monitoring Specialist P3 (pro rata 50% Jul16-Dec19) Refer to Annex I - Project management for details										
	72800 IT Equipment	30,000.00		30,000.00				Costs for IT equipment for helpline										
Activity 3.2.1: Development of concept note, and implementation, reporting, monitoring and evaluation plans for the helpline, based on priorities identified by the Access to Justice Assessment.	72200 Equipment & Furniture	25,000.00		25,000.00				Costs for equipment and furniture setup for helpline office										
Activity 3.2.2: Support to the implementation plan for the helpline, including training LAC staff as required, and establishment of reporting, monitoring and evaluation mechanisms.	72300 Materials & Goods	25,000.00		25,000.00				Costs for setup for helpline office related to initial training and then record keeping, reports, filing and storage										
Activity 3.2.3: Procurement of furniture and equipment to support the functioning of a helpline.	74200 Audio Visual & Printing Production Costs	25,000.00		25,000.00				Costs for production of materials to advertise and promote the helpline office, and to contribute to printing of operation manuals and reports on the operations of the helpline office										
	72400 Communications & Audio Equipment	50,000.00		50,000.00				Costs for communication and audio equipment (telephones, recorded message services, call diversion services etc) to be utilised as part of operations of helpline office										
Activity Result 3.3:	61300 International Professional Staff	14,000.00	3,181.55	3,181.55	4,101.59	3,535.31		Technical Assistance: 1.2% of the time of the Project Manager P4 (pro rata 70% Jul16-Jun18 then 100% Jul19-Jun20) and A21 & Monitoring Specialist P3 (pro rata 50% Jul16-Dec19) Refer to Annex I - Project management for details										
	72800 IT Equipment	90,000.00	45,000.00	45,000.00				Costs for IT equipment for each of the information centres										
Activity 3.3.1: Development of concept note, and implementation, reporting, monitoring and evaluation plans for the three information centres.	72200 Equipment & Furniture	90,000.00	45,000.00	45,000.00				Costs for equipment and furniture for each of the information centres										
Activity 3.3.2: Support to the implementation plan for the information centres, including training court staff as required, and establishment of reporting, monitoring and evaluation mechanisms.	72300 Materials & Goods	30,000.00	15,000.00	15,000.00				Costs for set up of information centres related to initial training and then recording keeping, reports, filing and storage										
Activity 3.3.3: Procurement of furniture and equipment to support the functioning of information centres.	74200 Audio Visual & Printing Production Costs	30,000.00	15,000.00	15,000.00				Costs for the production of materials to advertise and promote the information centres, and to contribute to printing of materials for the information centres, and also operation manuals / checklists and reports on the operations for the information centres										
	72400 Communications & Audio Equipment	30,000.00	15,000.00	15,000.00				Costs for communication and audio equipment to be utilised as part of the information centres										
Activity Result 3.4:	61300 International Professional Staff	21,000.00	4,798.86	4,798.86	6,102.25	5,300.03		Technical Assistance: 1.7% of the time of the Project Manager P4 (pro rata 70% Jul16-Jun18 then 100% Jul19-Jun20) and A21 & Monitoring Specialist P3 (pro rata 50% Jul16-Dec19) Refer to Annex I - Project management for details										
	71600 Travel	240,000.00	40,000.00	80,000.00	80,000.00	40,000.00		Costs to support travel within Fiji of mobile teams, including UNDP Project Team, that are undertaking awareness raising										
Activity 3.4.1: Informed by priorities identified in the 2016 Access to Justice Assessment, and mapping and lessons learned of other access to justice awareness raising activities, development of a concept note, and implementation, reporting, monitoring and evaluation plans for awareness-raising campaigns.	74200 Audio Visual & Printing Production Costs	110,000.00	20,000.00	30,000.00	30,000.00	30,000.00		Costs to support production of materials (banners, videos and brochures) for awareness raising and for reports required under Activity 3.										

5

EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount (USD)	Planned Budget by Year					Justification
			Year 1	Year 2	Year 3	Year 4	Year 5 (six months)	
Activity 3.a.2: Support to the implementation plan for awareness-raising campaigns including training, support for presentation materials and establishment of a reporting, monitoring and evaluation mechanisms.								
Monitoring	61300 International Professional Staff	8,000.00	2,300.00	2,300.00	2,300.00	1,100.00		Technical Assistance: 2.5% of the time of the AZI & Monitoring Specialist P3 (pro rata 50% Jul16-Dec19) Refer to Annex 1 - Project management for details
Sub-Total for Output 3		932,000.00	258,461.96	463,461.96	126,605.43	83,470.65	-	

EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount (USD)	Planned Budget by Year					Justification
			Year 1	Year 2	Year 3	Year 4	Year 5 (six months)	
Strengthened capacity of NGOs to deliver accompaniment access to justice services to impoverished and vulnerable groups.	61300 International Professional Staff	50,000.00	25,000.00					
	71600 Travel	10,000.00						
Activity Result 4.1 The development of a model and implementation plan for a network of community advocates to deliver accompaniment access to justice services.	72100 Contractual Services – Companies	300,000.00						
	72700 Workshop Expenses	50,000.00						
Activity 4.1.1: Informed by the Access to Justice Assessment, development of concept note, and implementation, reporting, monitoring and evaluation plans to establish the model for a network of community advocates to deliver selected accompaniment access to justice services including stakeholder workshop.	74200 Audio Visual & Printing Production Costs	20,000.00						
	74200 Audio Visual & Printing Production Costs	10,000.00						
Activity Result 4.2: Activity 4.2.1: Informed by the Access to Justice Assessment, development of concept note, and implementation, reporting, monitoring and evaluation plans to establish the model for a network of community advocates to deliver selected accompaniment access to justice services including stakeholder workshop.	61300 International Professional Staff	214,102.00	35,268.67	60,268.67	76,902.40	41,662.26		
	71600 Travel	40,000.00	10,000.00	10,000.00	10,000.00	10,000.00		
Activity 4.2.2: Informed by the Access to Justice Assessment, development of concept note, and implementation, reporting, monitoring and evaluation plans to establish the model for a network of community advocates to deliver selected accompaniment access to justice services including stakeholder workshop.	72600 Grants	600,000.00	150,000.00	150,000.00	150,000.00	150,000.00		
	75700 Workshop Expenses	60,000.00	15,000.00	15,000.00	15,000.00	15,000.00		
Activity 4.2.3: Informed by the analysis of the pilot, support to ongoing accompaniment access to justice services.	61300 International Professional Staff	115,000.00	33,500.00	33,500.00	33,500.00	14,500.00		
	75700 Workshop Expenses	1,459,102.00	513,768.67	261,768.67	285,402.40	391,162.26		
Sub-Total for Output 4								
Monitoring	61300 International Professional Staff	115,000.00	33,500.00	33,500.00	33,500.00	14,500.00		
	75700 Workshop Expenses	1,459,102.00	513,768.67	261,768.67	285,402.40	391,162.26		
Activity 4.2.1: Informed by the implementation plan developed at Activity 4.1.2, provision of support and undertake training and train the trainer programme (THROUGH GRANTS), to establish a pilot for the network of community advocates, including support to raise awareness of the network, and to monitor, evaluate and report on the accompaniment services undertaken.	71600 Travel	40,000.00	10,000.00	10,000.00	10,000.00	10,000.00		
	72600 Grants	600,000.00	150,000.00	150,000.00	150,000.00	150,000.00		
Activity 4.2.2: Analysis and stakeholder workshop on the pilot and lessons learned to inform future operators of the network and ascertain feasibility of expansion of the network of community advocates.	71600 Travel	40,000.00	10,000.00	10,000.00	10,000.00	10,000.00		
	72600 Grants	600,000.00	150,000.00	150,000.00	150,000.00	150,000.00		
Activity 4.2.3: Informed by the analysis of the pilot, support to ongoing accompaniment access to justice services.	61300 International Professional Staff	115,000.00	33,500.00	33,500.00	33,500.00	14,500.00		
	75700 Workshop Expenses	1,459,102.00	513,768.67	261,768.67	285,402.40	391,162.26		
Sub-Total for Output 4								

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Project Title: Fijl Access to Justice Project
 Project Number: FED/2016/378-171

EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount (USD)	Planned Budget by Year					Justification
			Year 1	Year 2	Year 3	Year 4	Year 5 (six months)	
Activity Result 5.1: Project managed in accordance with UNDP Programme and Operations Policies and Procedures. Activity 5.1.1: Project managed in accordance with UNDP Programme and Operations Policies and Procedures. Activity 5.1.2: Project Board is updated on the progress of the project. Activity 5.1.3: Inception Report, Progress Reports, EU Reports and Final Report produced on time. Activity 5.1.4: Communications and Visibility undertaken through implementation of Communication and Visibility Plan and reporting on implementation and results.	Activity Result 5.1:	581,548.59	132,104.53	132,104.53	160,016.17	140,277.17	17,044.19	Manager, two Project Associates and Quality Assurance (netting Technical Team Staff Salaries for International Project Manager and International Access to Justice and Monitoring Specialist included in Outputs 1 to 4 above) Jun20; Project Associate Finance SC4 level (100% Jul16-Dec19); Project Associate Administration, Procurement and Finance G6 level (70% Jul16-Jun18 then 100% Jul18-Dec20); Quality Assurance (Project Boards, Review Reports) NOD level (80 days each year over four years).
	71500 International UNV Reporting and Communications Specialist	104,520.00	52,260.00	52,260.00				100% Jul16-Jun18
	63400 Learning Costs	8,400.00	2,100.00	2,100.00	2,100.00	2,100.00	1,750.00	350.00
	72800 IT Equipment	13,190.00	13,190.00					IT Equipment for Project Team
	72200 Equipment & Furniture	6,980.00	6,980.00					Equipment and Furniture for Project Team
	64300 & 74500 Direct Project Costs - Human Resources Services (estimate)	24,628.29	11,192.64	4,485.10	4,342.45	3,739.65	868.45	notional approach
	64300 & 74500 Direct Project Costs - Finance Resource Management Services (estimate)	6,840.86	1,670.00	1,670.00	1,670.00	1,670.00	1,670.00	notional approach
	64300 & 74500 Direct Project Costs - Procurement and Travel Services (estimate)	27,806.58	6,399.15	6,399.15	6,399.15	6,399.15	49.98	notional approach
	64300 & 74500 Direct Project Costs - Information Technology (estimate)	681.00	681.00					notional approach
	64300 & 74500 Direct Project Costs - Registry and Administration Services (estimate)	50.00	50.00					notional approach
64300 & 74500 Office Costs (Common Shared Building Operating Expenses estimate)	122,987.33	30,408.14	30,408.14	32,815.38	27,293.67	2,062.00	Office costs utilizing usual accounting and management practices applied in a consistent manner using calculations for lease Building and Maintenance (includes all utilities) calculated on space (square meters) each person occupies and Common security, internet, information technology communications and maintenance and common cleaning (calculated per person; and all related to actual costs. Project team has six team members occupying 51 square meters, and applied pro rata for time allocated to the project.	
72800 & 72505 Consumables and Project Office Supplies (Printer Cartridges and Stationery)	15,628.00	2,382.00	4,415.00	4,415.00	4,416.00		Estimate costs for consumables and project office supplies	
72100 & 74200 Project Communications & Visibility	175,500.00	43,000.00	43,000.00	43,000.00	43,000.00	3,500.00	Estimate of costs (approximately 2% of programmable budget) to implement Visibility and Communication Plan at Annex VI	
74100 Professional Services (Audit) (estimate)	10,000.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	Estimate of costs for local accounting firm noting financial transactions and financial statements shall be subject to UNDP auditing procedures laid down in the Financial Regulations, Rules and Directives of UNDP	
71200 International Consultants	80,000.00	40,000.00	40,000.00			40,000.00	Estimate of costs for 2018 and 2020 for independent evaluation of project by evaluation team	

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Notes:
 1. Infor EUR September 2016 : 1 USD = 0.89542 EUR
 USD 9 217 686.90 equivalent to 8 253 659.47 EUR
 2. For the purpose of the EU-UNDP agreement, an 'output' is considered a 'budget heading'.

EXPECTED OUTPUTS & PLANNED ACTIVITIES	Budget Description	Amount (USD)	Planned Budget by Year					Justification	
			Year 1	Year 2	Year 3	Year 4	Year 5 (six months)		
Activity 5.2.1: Mid-Term Evaluation is conducted and results shared with stakeholders	71600 Travel	20,000.00		10,000.00					
Activity 5.2.2: Mid-Term Recommendations incorporated into Project Document (Theory of Change and Results Framework).									
Activity 5.2.3: Final Evaluation conducted and results shared with stakeholders.									
Sub-Total for Output 5		1,198,758.65	302,957.46	329,881.92	257,798.15	281,585.64	26,535.48		
Sub-Total for Outputs 1-5		8,614,660.65	2,752,973.68	2,400,898.14	1,714,480.80	1,629,772.55	26,535.48		
Indirect Costs / Remuneration		603,026.25	192,708.16	174,362.87	120,013.66	114,084.08	1,857.48	7.00%	
Total for Outputs 1-5 and Indirect costs / Remuneration		9,217,686.90	2,945,681.84	2,665,261.01	1,834,494.46	1,743,856.63	28,392.96		
		€8,253,659.47						0.89542	

**Annex IV:
Financial Identification
Form**



FINANCIAL IDENTIFICATION

PRIVACY STATEMENT

http://ec.europa.eu/budget/execution/finers_fr.htm


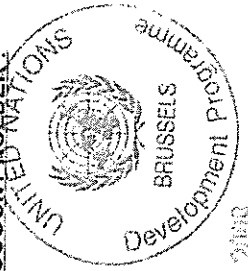
ACCOUNT NAME	
ACCOUNT NAME(1)	UNITED NATIONS DEVELOPMENT PROGRAMME
ADDRESS	ONE UNITED NATIONS PLAZA
TOWN/CITY	NEW YORK
COUNTRY	UNITED STATES
POSTCODE	NY 10017

CONTACT	Ms. Julie Anne Mejia, Treasurer	
TELEPHONE	+1-212-906-5690	FAX +1-212-906-5645
E - MAIL	julie.annc.mejia@undp.org	

BANK	
BANK NAME	ING Belgium SA/NV
BRANCH ADDRESS	60 COURS ST MICHEL
TOWN/CITY	BRUSSELS
COUNTRY	BELGIUM
ACCOUNT NUMBER	301-0186139-77
IBAN(2)	BE80301018613977
POSTCODE	1040

REMARKS:

BANK STAMP + SIGNATURE OF BANK REPRESENTATIVE (Both Obligatory)(3)
Antoinette D'YVE Relationship Manager Institutionals
ING Belgium SA/NV avenue Marnixlaan, 24 1000 BRUSSELS Phone 02/547.21.11

DATE + SIGNATURE ACCOUNT HOLDER: (Obligatory)


DATE 14 JUN 2008

(1) The name or title under which the account has been opened and not the name of the authorized agent
 (2) If the IBAN Code (International Bank account number) is applied in the country where your bank is situated
 (3) It is preferable to attach a copy of recent bank statement, in which event the stamp of the bank and the signature of the bank's representative are not required. The signature of the account-holder is obligatory in all cases.

**Annex V:
Standard Request for
Payment**

ANNEX V

Request for payment for PAGODA

Date of the request for payment <.....>

For the attention of
<Address of the Contracting Authority>
<Financial unit indicated in the Agreement>¹

Reference number of the Agreement: ...

Title of the Agreement: ...

Name and address of the Organisation: ...

Request for payment number: ...

Period covered by the request for payment: ...

Dear Sir/Madam,

I hereby request payment of pre-financing/interim payment/balance² under the Agreement mentioned above.

The amount requested is [in accordance with Article 4 of the Special Conditions of the Agreement/the following: ...]³

Please find attached the following supporting documents:

- narrative and financial progress report (for pre-financing / interim payments)
- final narrative and financial report (for payment of the balance)⁴

The payment should be made to the following bank account: ...⁵

Please when making the payment indicate the following communication: ...

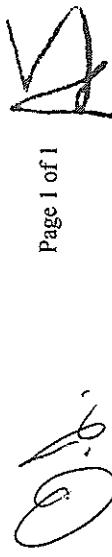
I hereby certify on honour that the information contained in this request for payment is full, reliable and true, that the costs incurred can be considered eligible in accordance with the Agreement and that this request for payment is substantiated by adequate supporting documents that can be checked.

Yours faithfully,

<signature>

-
- ¹ If applicable, please do not forget to address a copy of this letter to the European Union Delegation mentioned in Article 5 of the Special Conditions of the Agreement.
 - ² Delete the options which do not apply.
 - ³ Delete the option which does not apply.
 - ⁴ Delete the items which do not apply.
 - ⁵ Indicate the account number shown on the identification form annexed to the Agreement. In the event of change of bank account, please complete and attach a new identification form as per model.

N.B.: Instalments of pre-financing, interim payments and final payments shall be made upon approval of the payment request accompanied by a progress or final report (see Articles 19 and 26 of the General Conditions of Agreement).



**Annex VI:
Communication and
Visibility Plan**

Annex VI - Communication and Visibility Plan

1. Objectives

The purpose of the Communication and Visibility Plan is to outline communications goals and approach, so as to ensure effective and efficient communication about the results and objectives of the **Fiji Access to Justice Project** (hereafter referred to as the Project) to all target groups, including beneficiaries, partners and key national stakeholders and the general public in Fiji as well as key regional and international development practitioners.

The Communication and Visibility Plan will provide a clear guidance on how to effectively communicate about the UNDP and the EU role. Establishing new ways of communication between project administrations and beneficiaries, as well as improving existing ways of communication and sharing best communication practices will be in particular focus of communication activities throughout the duration of the Project.

The Joint Visibility Guidelines for EC-UN actions in the field are the key reference document for EU-UN Actions and will guide the implementation of the present plan.

The overall objective of the Communication and Visibility Plan is to contribute to the efficient implementation of the Project by ensuring that information and any communications activities and products, its objectives, results and achievements are executed and produced with highest quality and distributed in a timely manner to target groups.

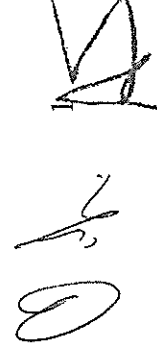
Importantly, production and release of all communications and visibility materials and media appearances and press conferences as described in this Communication and Visibility Plan will be closely coordinated with the Press and Information Officer of the Delegation of the European Union for the Pacific (hereafter referred to as EU Delegation).

a. Overall communication objective:

The primary objective of the communications strategy is to communicate the positive results and achievements of the Fiji Access to Justice Project, focusing on outcome and the impact of results.

b. Specific communications objectives are as follows:

- Raise awareness about the objectives of the Project among the beneficiary population,
- Increase visibility of the progress and achievements made by the Fijian government, particularly the key beneficiary institutions in the Project of Judicial Department and Legal Aid Commission in relation to the focus area of the Project,
- Inform local stakeholders as well as regional and international donor community of the progress and impact of the Project and encourage the scaling-up of the approach,
- Increase visibility of NGOs' participating in the Project,



- Increase visibility of the EU-UNDP partnership as well as of the European Union as the donor and UNDP as the implementing partner of the Project and this message will be included in press releases and other communications work,
- Increase visibility of the links of the project to other EU-UNDP projects and initiatives, and also other NGOs that are funded by EU grants who are undertaking projects linked to access to justice and human rights, and
- Raise awareness and increase visibility of the Sustainable Development Goals (SDGs) and the contribution of the project towards the SDGs.

c. Target groups

The main target groups are:

- Key Government beneficiary institutions and key beneficiary NGOs,
- Relevant government ministries and/or agencies,
- Beneficiaries of the target government beneficiary institutions and beneficiary NGOs,
- General population in Fiji, particularly the target groups of population,
- Media (local, national and regional media, newspapers, TV, electronic news portals, etc.),
- Relevant practitioners, networks, similar projects and development organizations in a wider region and globally,
- Academia, and
- The wider audience within the EU and UNDP, including the media and specifically audiences involved in the field of international cooperation.

The Visibility and Communication Plan will ensure that key messages as well as roles of all partners and of the EU are clearly communicated to all target groups.

d. Key messages

The purpose of the key message is to ensure coherent and coordinated communication and advocacy messages to reach to all stakeholders and the public. The tagline of the key message will be included in all press releases, communications and other visibility materials.

'The Fiji Access to Justice Project will support access to justice for impoverished and vulnerable groups through empowering people to access legal rights and services through the relevant key justice institutions, in conjunction with strengthening those key justice institutions to undertake improved service delivery. The Fiji Access to Justice Project is funded by the European Union (EU) and implemented by United Nations Development Programme (UNDP).'

Additional and specific messages can be developed and tailored for each of targeted group in close cooperation with the EU Delegation and the UNDP Pacific Office to ensure that communication is conducted in a most effective way.

2. Communication approach

Coherent and coordinated communication at local and national level will be ensured by continuous coordination of all communications and advocacy component activities among all partner organizations. Core communication principles and harmonized messaging will be implemented by all partners.

The media are recognized as most important communication channels at national level, which is why they will be used as primary channels of communication with targeted groups. However, the Project will design specific communications tools that will focus on delivering the message in a most effective way to some of the target groups, whenever possible.

Particular attention will be dedicated to supporting partner institutions and organizations in improving their media outreach by ensuring continuous guidance in production and dissemination of all communication products.

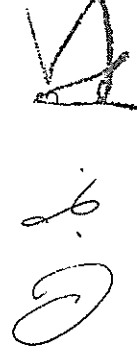
Social media will be used continuously as a cross-border communication channel that can be administrated by each partner organization. Modality of the social media approach and its use will be determined by UNDP Pacific Office and EU Delegation during the project inception phase.

The choice of an appropriate communication channel (or a combination of several channels) will depend on the profile of targeted audience and their preferred communication channels and tools (listed further below).

a. Communication principles

The following is a set of core principles to be adhered to in the planning, implementation, monitoring and reporting of the Visibility and Communication Plan:

- **Beneficiary-tailored and human-centred communication:** The overall communication approach will pay high attention to the specific target groups, to tailor the overall information-sharing (including channels and tools used) to their specific needs.
- **Emphasizing the importance of the subject from the perspective of present and future, as well as “before” and “after”:** The project objectives and result will be promoted by continuously displaying human stories, through narrative or video and positive experiences from target groups, with focus on achieved change and transformation in terms of “today” and “tomorrow”, as well as comparative outlook in terms of “before” and “after” the assistance of the Project.
- **Coordinated information flow:** The overall communication approach, as well as the day-to-day management and monitoring of the visibility, publicity and feedback, will be organized in such a way to ensure “healthy” and clear communication function. A regular internal information flow will be ensured within the project team and the Reporting and Communications Specialist, so as to make sure communication with the external audience and target groups consistent, accurate and based on actual results, achievements, and innovative solutions realized within the project.
- **Review and adapt to maximize communication results:** The Communication and Visibility Plan will be reviewed on annual basis (or more frequently if required) to ensure maximised efficiency and effectiveness of communication, especially if specific circumstances would demand such change. Moreover, the M&E and annual plans



adoption will ensure that communication efforts and actions meet the needs of partners and achieve communication goals.

- **Prevent/reply to disinformation:** To avoid and reduce potential disinformation and misunderstandings, the project will deploy a two-fold approach: on the one side, regular, up-to-date, accurate and measurable information will be shared with the wider audience, as well as with specific stakeholders; on the other – if disinformation occurs, the project will undertake swift response and provide necessary clarifications and corrections, as necessary.

b. Communication tools chosen

In the fast-paced information society, communication is getting more and more complex every day. As one of the most influential opinion makers in the country, the media (electronic, print and online) is the prime channel by which the project will communicate its activities and success stories to target groups. The media is crucial not only for reaching large numbers of local governments, local communities, citizens and policy-makers, but also for safeguarding the Project's sustainability.

Tools to be used while establishing effective communication with the target groups will include:

- media advisories, press releases, interviews, media opportunities that will provide media coverage of key events, milestones and success stories;
- public information material, such as factsheets and infographics;
- press conferences and press statements by key stakeholders and institutional partners;
- e-newsletter;
- reload Facebook account and twitter hashtag #FijiA2J (The Project will invest additional financial resources for reaching wider audience on social networks and will advertise on Facebook);
- banners and display boards on investment sites/facilities stating the EU contribution; and
- photo brochures and video stories.

The choice of an appropriate communication channel will depend on the type of targeted audience, and in some cases the same information will be presented in different ways for various audiences.

The Project will deploy the following main types of communication tools:

Media appearances and interviews: In order to promote the project activities, achievements, and success stories, the Project, undertaken by Project Manager with support of the International UNV Reporting and Communications Specialist, will initiate radio and TV appearances, and online media interviews, of representatives of the partner government institutions and their stakeholders and representatives of higher level institutions directly engaged in the implementation. Such broadcasting will also have an awareness-raising function. The role and contribution of the EU to the project implementation will be clearly communicated in all such appearances. In the process of preparation of such media appearances, the Press and Information Officer of the EU Delegation will be directly involved and consulted.



Press material and press conferences: Media advisories and press releases will be drafted for each of the key events/dates/milestones/achievements. They will be used as a common tool for dissemination of key messages through mainstream media. Press conferences will be organized to mark achievement of major milestones. Press conferences will be used to keep the public informed about the Project progress as well as provide general announcements for important upcoming initiatives, events or processes.

Press visits to the Projects' sites/beneficiaries: The Project will organise press visits to beneficiaries in order to increase awareness of the broader audience, local communities, participating institutions and policy-makers, as well as to reinforce the project's visibility. Editors and journalists of key online, electronic and print media will be invited to participate in such press visits. Press visit demands careful preparation, since it represents an opportunity for media to get specific and concrete information about the project activities and results, as well as direct contact with beneficiaries. This also enables media to produce human interest stories that can positively affect image of the EU, key institutional partners and UNDP as implementing agency.

Infographics and fact-sheets: The Project, with support of the Reporting and Communications Specialist, will design infographics and fact-sheets to illustrate and visualize its progress, results and achievements. The UNDP Factsheet will be on two pages maximum and state in layman's terms why the Project was created, its goals and what it offers. Infographics and fact-sheets will also be utilized in online communications tools.

Website presentation: All relevant project information and news updates will be shared through appropriate websites of partners in the Project, including the website of the EU Delegation, UNDP Pacific Office, partner institutions, partner NGOs, etc. All information posted by any of the parties at their designate websites will be subject to regular procedure of review and approval by the EU Delegation.

The Project presentation on UNDP Pacific Office website will have the following items:

- General info about the Project (including its budget, partners, objectives, main activities, other details),
- News and success and human interest stories from the field will be featured at the UNDP news section. These stories and news articles will be pitched to media as well,
- Galleries of photos, video stories; project document; other important materials related to the Project,
- Research & Publication section will include factsheets, infographics and other published reports.
- Links to the social media pages and accounts of the UNDP Pacific Office such as @UNDP_Pacific

Videos: The Project will produce short videos to illustrate the impact of the activities on the ground capturing human interest stories. The expansion of online video websites like YouTube and advanced sharing capacities of social networks give a perfect opportunity to reach a growing new audience and communicate about the success stories and issues. The Project will produce at least two video stories a year during the implementation to increase the public understanding of its goals and achievements. The Project will invest additional efforts to reach wider audience and place these stories on national and TV stations.



Social media: Recognising the reach and increasing impact of social media in daily communication, the Project will regularly utilize Facebook, Twitter and YouTube channels of the UNDP Pacific Office, using various functions of each social media tools such as ‘hashtags’, ‘retweets’ and ‘likes’, as to share updates on news and achievements as well as to promote informational material, photo and video stories.

Special PR and communication opportunities: When necessary and appropriate, the Project will seek to add value to the broader communication and publicity objectives through participating in special PR and communications opportunities, not necessarily hosted by the Project Board members. These may include exhibition/fairs of products produced by target beneficiaries, exhibitions at the local level demonstrating effective engagement of the most vulnerable population groups in local public life, press conferences, small local campaigns, and similar.

Communication with stakeholders: All relevant information regarding project activities and implementation dynamic will be shared on regular basis with institutional partners and key stakeholders through occasional meetings and information sessions.

c. Completion of communications objectives

Monitoring and evaluation processes are the key instruments for successful implementation of the Communication and Visibility Plan and therefore, the Project will use specific measures for different communications tools proposed. In order to successfully implement all proposed activities, it is essential to ensure continuous monitoring of the impact of the communications activities within the scope of the project. In addition, the project regular reporting to the EU as detailed in the Delegation Agreement will include detailed information on the implementation of the Communication and Visibility Plan and as much as possible illustrate them with press clips and audio-visual transcripts.

In order to monitor the impacts of the communications activities, the project will:

- keep track of journalists’ lists and contacts during media events;
- compile an archive of press clippings, including radio and TV programmes, and screenshots of websites that mention the Project and present them with reports to the EU Delegation;
- set up a library/archive with project’s publications and keep track of who received the project’s publications (distribution lists) and the number of publications disseminated; and
- use infographics to illustrate project results through key facts and figures that can be used on social media, website, posters, and in publications.

The Project will use broad portfolio of quantitative and qualitative measurement tools which will be able to precisely measure communications results and impact on output and outcome levels.

Within the scope of the Project, each communication activity will have specifically determined set of measurement tools. This will enable continuous monitoring of impact of various communications activities, as well as continuous improvement of communications channel and approaches toward targeted audiences, based on lessons learned and feedback from the key stakeholders, obtained via qualitative and quantitative measurement



instruments. In the table below, there is a platform for developing communications measurement instruments, which will be used to determine expected communications results, success indicators and means of verification on output and outcome level.

08

Expected communications results

- Project related messages disseminated via different forms and channels of communications
- Media published/broadcasted stories about the Project
- Stakeholders took part in events
- Stakeholders received communications messages
- Stakeholders understand communications messages

- Raised awareness and understanding about the Project among targeted audiences
- Development and maintaining of mutually beneficial, dialogic, two-way communications with targeted publics and project stakeholders
- Communication used as a tool for better understanding of project related issues
- Communication used as a tool for solving (communications related) project's challenges and problems
- Communication used as a tool for empowering project's stakeholders to make informed decisions
- Communication used as a tool for engaging local communities
- Communication used as a tool for influencing behaviours of decision makers in local communities
- Increased participatory communication and interactivity among project's stakeholders
- Increased media understanding of project's issues and areas of expertise of the EU and UNDP

Output level

Outcome level

Success Indicators

- Number of disseminated messages (media advisories, press releases, e-newsletter, interviews, news and features stories submitted to media, posts on social media –Facebook, YouTube, Twitter)
- Number of published, broadcasted, narrowcasting messages in print, broadcasting and online media
- Project's key messages presented by media
- Number of participants in PR events
- Number of people in target groups who received our messages

- Number of people in target groups who understand the Project's messages
- Number of people in target groups who positively (re)act and start with actions based on Project's messages which influenced their behaviours
- Prominent, affirmative presentation of donors and partners in media
- Number of likes, comments, shares in social media
- Measurement of quality of relationships with project's stakeholder based on focus groups / expert discussions

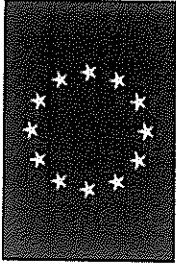


Means of Verification

- Media monitoring, press clipping
- Content analysis of media coverage,
- Feedback from participants in events
- Social media measurement tools (such as Facebook insight, Google analytics)

- Qualitative assessment of media coverage
- Media content analysis

3. Visual identity, use of logos and disclaimers

All communication, information and press-statements will be in line with the Joint Visibility Guidelines for EC-UN actions in the field. Templates will be developed for all communications materials, such as press release and media advisory.

Logo/Visual identity	Explanation and disclaimers
 <p>EUROPEAN UNION</p>	<p>The EU flag will be prominently displayed on all materials, events and products produced within the Project. In addition, all materials, publications, press-information, banners, etc. produced within the Project will duly contain the following disclaimer: <i>“The Fiji Access to Justice Project is funded by the European Union (EU) and implemented by the United Nations Development Programme (UNDP).”</i></p>
 <p>Empowered lives. Resilient nations. (for 2016)</p>  <p>(2017- 2020)</p>	<p>In addition, the logo of the UNDP will also be displayed on all materials, events and products produced within the Action.</p>
<p>Logos of institutions members of the Project Board</p>	<p>Importantly, logos of relevant institutions members of the Project Board will be displayed on all materials, events and products within the Project, so as to underline their engagement and ensure visibility for all partners.</p>
<p>Logos of participating government institutions and NGOs</p>	<p>Logos of participating government institutions and NGOs can also be displayed on relevant locality-related activity, press-information, publication, banner, information boards, etc., so as to underline their engagement and ensure visibility.</p>

*D.k.*⁹



No particular Project logo is envisaged, rather the key message (tagline) will be utilised.

4. Resources

Human resources: For purposes of visibility and regional promotion of the Project, one full-time Reporting and Communication Officer (24 months) will be engaged in order to assist in ensuring the Communication and Visibility Plan is efficiently implemented.

Financial resources: In order to ensure adequate implementation of visibility and communication activities, it is foreseen to allocate USD 175,500 in total (identified at Output 5) for this purposes which is 1.9% of the overall total budget of the Action. The funding for the Human Resources for the Reporting and Communication Officer is in addition to this amount (also identified at Output 5) which is an amount of USD 104,520 which is 1.13% of the total budget.



**Annex VII:
The Management
Declaration template**

Annex VII Management Declaration

I, the undersigned, <insert forename and surname>, in my capacity as <insert function in the entrusted entity or person>, confirm that in relation to the Agreement <insert reference of the concrete Agreement> (the “agreement”), based on my own judgement and on the information at my disposal, including, inter alia, the results of the audits and controls carried out, that:

1. The information submitted under Article 3 General Conditions of the Agreement for the financial period dd/mm/yyyy to dd/mm/yyyy is properly presented, complete and accurate;
2. The expenditure was used for its intended purpose as defined in Annex I of the Agreement;
3. The control systems put in place give the necessary assurances that the underlying transactions were managed in accordance with the provision of this Agreement.
4. The Organisation performed the activities in compliance with the obligations laid down in the Agreement and applying the accounting, internal control, audit systems, and procedures for grants and procurement, including a review procedure,¹ referred to in Article 2.5 and 2.6 of the General Conditions and which have been positively assessed in the ex-ante pillars assessment.

Furthermore, I confirm that I am not aware of any undisclosed matter which could harm the interests of the European Union.

[However, the following reservations should be noted:]².

<insert place and date>

.....
(signature)

<Insert forename and surname>

¹ Adapt if grants and/or procurement procedures is/are not the one(s) assessed by the Commission and take out for PA Grant Agreements
² Option to be used in case of reservations.

