### Project - Key Information

<table>
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<th>Domain (instrument)</th>
<th>ACA - Asia &amp; Central Asia</th>
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<td>15130 - Legal and judicial development</td>
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<tr>
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<tr>
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### Project - Financial data on 08/05/2017

<table>
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### ROM review - Key information

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MyJustice (MJ) is an 'Access to Justice' programme implemented by the British Council and funded through a Pillar Assessed Agreement (PAGoDA). Based on the 2014 Annual Action Programme, the European Union (EU) is funding the implementation of the Strengthening Governance in Myanmar/Burma Programme (DCI-ASIE/2014/037-333) from their general budget to the value of EUR 42 million over a period of four years from 2015.

The European Union Delegation in Yangon has entrusted the rule of law and access to justice component of its Strengthening Governance in Myanmar/Burma Programme to the British Council through a delegation agreement for the implementation of the MyJustice Programme (DCI-ASIE/2015/359-042) to the value of EUR 20 million over four years.

The programme launched on 1 August 2015 and will run for four years. The implementation commenced during a period of unprecedented change in Myanmar, resulting in the establishment of an elected National League for Democracy (NLD) majority government on 1 April 2016, led by President Htin Kyaw. In 50+ years, he is the first president elected into office who has no ties to the military. Myanmar’s biggest challenge during the next few years will be to consolidate the ongoing reform process, while maintaining stability and the rule of law as well as delivering tangible benefits to its communities.

The Project is implemented together with 12 civil-society partners to work with in Mon State and Yangon Region. These 12 CSOs also work with a further 12 national CSOs.

The political economy analysis (PEA) conducted during the Inception phase assisted in developing a problem statement for MyJustice that was vital in developing the Theory of Change (ToC). Building upon the problem analysis, MyJustice developed a ‘desired change’ as a focus for its efforts: the revised theory of change developed during the inception phase refocused the programme outcomes on better quality of the formal and informal justice services and community satisfaction through community based dispute resolution mechanisms that increasingly utilise inclusive and accountable approaches and methods within the communities that they serve.

The Project's final beneficiaries are the inhabitants of communities in which the Action takes place. Individuals in these communities will have a greater capacity to resolve disputes without the latter spiralling into conflict, and will additionally be able to access more responsible, accountable and effective justice services from a range of institutions that support the rule of law (Description of Action).

At the time of the ROM, MyJustice had submitted its Year II Annual Work Plan covering the period 01 August 2016 to 31 July 2017.
**Description of the Intervention Logic**

The Inception Report resulted in a revision of the intervention logic as well as changes from originally 'estimated results' presented in the Description of Action (DoA). The current Intervention Logic includes the following information:

**Overall Objective:**
To improve access to justice and legal aid for the poor and vulnerable, develop the legal capacity of justice-sector professionals, and strengthen the selected rule of law institutions in order for them to subsequently better fulfil their mandates.

**Overall Indicator:**
More people have the knowledge, confidence and opportunities to have their disputes fairly and equitably resolved.

**Specific Objectives:**
1. To improve access to both formal and informal justice systems, especially for vulnerable groups in six regions/states in Myanmar.
2. To improve the functioning of institutions that support the Rule of Law in Myanmar.

**Specific Indicators:**
1. # of people accessing MJ-supported justice services in pilot sites, disaggregated by type of justice service, gender, age, religion, ethnicity, and township.
2. Increased availability and responsiveness of justice services, disaggregated by the type of justice service, gender, age, religion, ethnicity, and township.
3. Number of policy dialogue and briefings where evidence from the MyJustice programme are presented and discussed.

Flowing from the ToC, MyJustice result areas were limited to four broad result areas:

- **Result Area 1:** Increased capacity within communities to use and apply knowledge and understanding about their rights.
  - Indicators:
    1.1. # of people within MJ-pilot communities reached through awareness-raising activities, disaggregated by gender, age, religion, ethnicity, and township.
    1.2. Increase in people in MJ-pilot communities reporting MJ activities as a source of information on justice services and their rights.
    1.3. Increase in knowledge of pathways to access justice within MJ-pilot communities, disaggregated by gender, age, religion, ethnicity, and township.
    1.4. Increase in levels of confidence among MJ-pilot communities to access justice services, disaggregated by type of justice service, gender, age, religion, ethnicity, and township.

- **Result Area 2:** Justice services are more widely available, of a higher standard, and increasingly meet the needs of communities and their residents.
  - Indicators:
    2.1. Justice-service providers report increased knowledge and understanding of justice-service delivery as a result of MJ training, disaggregated by type of justice service.
    2.2. % increase in number of cases/disputes resolved in line with constitutional and minimal international standards in MJ-pilot communities, disaggregated by type of justice service, gender, age, religion, ethnicity, and township.
    2.3. % increase in number of users from MJ-pilot communities accessing justice services, disaggregated by type of justice service, gender, age, religion, ethnicity, and township.
    2.4. % increase in user satisfaction among MJ-pilot communities in the justice services, disaggregated by type of justice service, gender, age, religion, ethnicity, and township.

- **Result Area 3:** Community-based dispute resolution mechanisms increasingly utilise inclusive as well as accountable approaches and methods within the communities that they serve.
  - Indicators:
    3.1. # of community-based dispute resolution actors (including mediators) trained by / active with MJ, disaggregated by type of justice service, gender, age, religion, ethnicity, and township.
    3.2. % of mediators/community-based dispute resolution actors from MJ-pilot communities that report increased knowledge and understanding of justice service delivery as a result of MJ training.
    3.3. % increase in use of MJ-supported CBDR mechanisms, disaggregated by gender, age, religion, ethnicity, and township.
    3.4. % increase in users who report inclusive and accountable approaches in resolution of their disputes, disaggregated by type of justice service, gender, age, religion, ethnicity, and township.

- **Result Area 4:** Increased evidence and knowledge sharing to inform justice policy development and implementation.
  - Indicators:
    4.1 # of engagement opportunities by MyJustice to enable knowledge sharing and lesson learning of international good practice for key government and non-government stakeholders.
    4.2 # of research and communications products completed and disseminated, as well as policy dialogues and briefings supported with engagement from MyJustice partners.
    4.3 % increase of MyJustice-supported Partners' ability to engage in policy discussions.
    4.4 MyJustice-supported research and evidence informs the development of a legal framework around legal aid provision.

The log frame is planned to be reviewed in collaboration with the EC every six months to ensure it remains consistent with programme learning and the overarching Theory of Change.
<table>
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<th>Findings</th>
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<tr>
<td><strong>1. Relevance</strong></td>
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MyJustice continues to be seen as being relevant to the needs of the people of Myanmar, and is highly relevant to the formal and informal justice sector.

The conflict also had an enormous impact on the legal profession: the military elite considered the representative of the legal profession as an opposition to power. As a result, those institutions and networks that were vital to ensuring the protection of the rule of law and human rights in Myanmar were severely damaged.

MyJustice has been implemented in a highly complex environment, where law and justice are used as tools of repression, where the legal professions and judiciary are undermined, politicised, devalued, avoided; outdated and oppressive laws are still in force, little reliable data exists, non-state parallel administrations are run by ethnic armed organisations and, finally, multiple informal forms of seeking justice applied.

In its second implementation year, MyJustice was expanded by seven programmes and five project grants were awarded in Mon State and the Yangon Region. They include five INGOs and seven CSOs who will be working on justice issues concerning land, children, women, LGBT, labour and IDP/refugees. MyJustice provides technical support to the aforementioned while keeping grant size and scope within the institutional, human and financial capacity of its partners. MyJustice's approach towards the partners depends on the level and type of the needs: capacity building, capacity development, or/and enhancement.

Availability of reliable data is a system-wide challenge in the country. However, MyJustice contributes towards evidence and data generation. For example, the upcoming nationwide Knowledge Attitudes and Practices (KAP) survey is expected to be path-breaking in establishing a baseline on the levels of legal awareness and related indicators in Myanmar. The KAP survey referred to above (with additional baseline data collected from the areas where MJ interventions are rolling out) is in process and data will be available by October 2017.

MyJustice, as a member of National Justice Sector Coordination Body (JSDB), will contribute to the development of a Roadmap for a Comprehensive National Strategy for Justice Sector Reform through the development of regional/state strategies to improve the functioning of the justice sector.

MyJustice works in close collaboration with other Rule of Law and justice assistance programmes implemented by USAID, UNDP, and the Danish-funded International Commission of Jurists (ICJ) programme.

MyJustice creates synergies with other EU-funded actions like the Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIAPP) police reform programme as well as some EU CSO roadmap partners such as the Local Resource Centre (LRC).

MyJustice's log frame was revised at the end of the inception phase and in consultation with the EU Delegation. The project design is governed by behavioural considerations (see the concept of Theory of Change/TOC), therefore the majority of the indicators is set to measure the level of change in knowledge, number of people accessing services, quality of services and satisfaction – hence, the change in behaviour of right holders.

The LF could be enhanced by including indicators that measure the change in behaviour of the duty bearers through assessing a 'referral factor' of people accessing the justice centres. In fact, the ROM was provided with some preliminary quantitate and qualitative indicators measuring such change: Yangon, while 40.3% of clients are still identified and referred to the centre by the centre's own paralegals, a surprising 27.3% are referred to the centre by former clients. In a slightly different pattern, the majority (39.5%) of Mawlamyine Justice Centre's cases are referred by civil society organisations.

All relevant indicators are sex-disaggregated. In addition, several other indicators relevant to the target group categories, such as age, religion, ethnicity and township, have been introduced.

While MyJustice’s LF is currently not supported with data regarding target values and/or the baseline, the use of targets is utilised by some of the partners at this stage of ROM: both partner justice centres had increased their targets for providing representation and advice in the 2016-2017 grant period, and have well-exceeded those targets: Yangon Justice Centre targeted 580 cases but reached an actual 803 cases; Mawlamyine Justice Centre targeted 270 cases and reached an actual 501 cases. To demonstrate greater efficiency and value for money, these partners have increased their targets again in the 2017-2018 grant period.
2. Efficiency

The overall observation of the PAGoDA was that the flexibility offered by this modality was vital in making necessary shifts in a critical decision: sub-granting in addition to partnering with selected organisations.

The first year of the action saw a slower pace of initial delivery in connection with the change in the country's political environment. The delays had no negative consequences as during the first year after implementation landmark research was conducted, relationship building initiated, as well as the initial ideas for implementing the Action adapted accordingly. As a result of these activities, the second year has accelerated with more meaningful outputs: selection of the partners, sub-granting and contracting by/of national and international partners.

Action is steered by the respective state partner – the Union Attorney General Office (UAGO) which is one of the leading executive bodies responsible for justice as well as other key-relevant institutions. Both the UAGO and the Judiciary have agreed to provide representation on the Programme Advisory Committee (PAC). The first annual learning review and future direction of the Programme will be reviewed by the PAC.

The pace and quality of the action is monitored by Integrity Global which is MyJustice’s external monitoring organisation. No monitoring by the partner government stakeholders was available at the time of the ROM.

The budget is managed through the System Application Products (SAP) system, which enables transparency and demands appropriate levels and separation of duties. The allocated budget is sufficient and allows implementing a variety of interventions across the four identified result areas.

The cost of staffing is 13% of the overall budget. It is, however, a challenging environment to distribute funds at the pace required for a program of this scale. The implementation framework currently facilitates the timely transaction between MyJustice and the local SCOs at the beginning of 2017, but the situation is being mitigated at present.

An addendum II was introduced to Special Conditions on 12/10/2016 to reflect the EUR 10,000.00 co-financing proposed by the British Council and making this action multi-donor. The overall budget is funded with 99.95% by EU and 0.05% through British Council co-financing.

The activity under 3.2. – The TV series ‘The Sun, The Moon and the Truth’ is facing a challenge resulting from budget gaps on the partner's side. MyJustice will tackle this challenge by developing other means of format to keep using the scenario as a tool for creating public awareness on legal aid and the importance of legal professions. However, the planned format could be more systemic with a wider scope of impact.

To date, MyJustice has conducted several revisions that have resulted in strategic decisions: shift of implementation tools, focus of the programme, introducing new stakeholders and activities on the policy-development level, capacity development of the national partners.

MyJustice’s cost efficiency of outputs is safeguarded by the British Council's procurement policy, which ensures value for money through competitive tendering.

3. Effectiveness

The Justice Centres have made considerable progress and impact in the delivery of legal aid services in a challenging environment. The quality of legal aid (representation at the court) provided to the final beneficiaries was assessed by interviewing the actual recipients in the office of the Mawlamyine Justice Centre. The work of paralegals was assessed by interviewing the final beneficiaries of the Yaung Chi Oo Workers Association (YCWOWA).

Since September 2015, the justice centres have provided legal representation to 2,395 clients and given legal advice to an additional 1,372 clients. The justice centres have made significant progress towards increasing the number of cases handled by their lawyers. The average number of new cases handled by each justice centre has increased steadily and significantly over the course of the MyJustice partnership. The gender component has also been preserved: in the period September 2015 to April 2017, only the Mawlamyine Justice Centres alone had provided legal services to 297 women, inclusive of legal representation.

From 1 April 2016 to 31 March 2017, each of the justice centre lawyers provided representation in 36 to 60 cases.

The sources of client referrals to the justice centre suggest that the centres have not only successfully overcome negative perceptions, but have managed to develop a reputation strong enough to attract referrals from unlikely sources within the justice system, as well as natural allies in civil society and within the marginalised communities from which their clients come.

The increase of the referrals by the SCO, law enforcement agencies and justice system are evidence to the fact that the ToC is an effective approach. It can thus be concluded that the action will strengthen the capacity for legal aid service delivery within the selected sectors, regions and the target groups, yet with a medium-term effect.

The Action continuously strengthens the role of female legal professionals by employing them within the justice centres and, therefore, increasing their visibility. The Action has also provided an opportunity for female lawyers to advance their skills in learning English, and therefore be able to apply for higher legal education abroad and for foreign-case law. The figures provided suggest that, in the period from February 2016 to end-January 2017, women's participation was calculated as being 80.5% of the class. Starting February 2017 to date, women constitute 79% of students.

MyJustice’s support scheme of policy and actions includes all important sectors to reach the final beneficiaries in formal and informal justice system: Justice Centres, Civil Society Organisations and state partners working on the policy level, such as the Attorney General of the Union.

On the broader picture, the expected outcomes, namely strengthening the capacity of formal justice service providers to provide accessible justice services, is highly dependent on the systemic outputs from the duty bearers, which cannot be ensured by this action. The accessibility of informal justice systems is heavily dependent on how the invested knowledge in community dispute resolutions will be utilised. It typically takes a longer timeframe for the community to accept, adapt and practice. The ‘cultivation’ and ‘harvesting’ period cannot be bridged during the lifetime of this Action.

The progress of the outputs by the partners contracted in 2017 was not possible to assess at this stage of implementation. Due to their nature (trainings, workshops, awareness-raising activities, new legislation), it is too early to trace most of the outputs' progress. Monitoring will be better placed to address this question once the baseline study has established baseline data for intervention areas of the respective grantees. At this stage, ROM can confirm that the content of the training material, geographical location, beneficiaries as well as implementation approach were relevant. The effectiveness of these outputs can be assessed in the upcoming mid-term review of MyJustice.
4. Sustainability

To date, legal aid remains a donor-driven field of Access to Justice.

While MyJustice is making a considerably big investment in this pillar of democratic governance in Myanmar, there is no positive prognosis on a sustainable replacement of the EU-funded inputs. The continuation of the services depends on the future political and financial commitment to implementing the new legal aid law as well as the development of a national justice strategy, which is beyond the scope of MyJustice's capacity.

Legal aid can either be sustained through the availability of state-supported funds or by developing the culture of pro-bono and legal aid within the current generation of lawyers.

The outcome of the activities targeting local capacities for dispute resolution processes have more viability to be sustained in the long term, provided that these interventions will adapt a formal mediation approach.

The partners are well aware of the suitability challenges and reflecting on exit strategies: justice centres that are more focused on resource mobilisation and justice services through clinical engagement of law school students.

The newly adopted Legal Aid Law i.a. needs regulatory clarity and resource assessments before the Supreme Court can begin to test implementation of the Law. Hence, there is a need for the technical provision of legal-aid-budgeting expertise to strengthen the law.

The Action continuously strengthens the role of female legal professionals by employing them within the justice centres and, therefore, increasing their visibility while simultaneously increasing their chances for post-graduate legal education abroad.

The media and public awareness campaign – through the development of the script for the second season of the TV drama series – is also seen as a powerful tool to enhance the role of the women. When the production is finalised, this TV series may send a strong message to the public, including the young generation, and thus change the recipients' perception on the role of female professionals in the legal field. These efforts are a valuable investment in order to sustain the presence of qualified female lawyers both within the legal system and politics in the long term.
## Conclusions

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<tr>
<td>C1</td>
<td>The Theory of Change is advancing the Action. However, to effectively improve the lives of the beneficiaries that are served, more needs to be done than building the supply-side of legal services. It does not suffice to merely have a legislative framework in place or legal aid centres supported by donors. Outcomes in the sense of improving people’s lives only come about when these legal services are not only accessible, but also delivered reliably in both quantity and quality, are utilised, and thus lead to changes in the behaviour of duty-bearers and right-holders.</td>
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<tr>
<td>C2</td>
<td>Legal Aid remains a donor-driven process and the newly adopted Legal Aid Law i.a. needs regulatory clarity, resource assessments and a separate budget before the Supreme Court can begin to test the implementation of the Law. Budgets are a principle instrument for a State to mobilise, allocate and spend resources for development and governance. The momentum is there to urge the national state partners on the importance of such a budget. Hence, there is a need for the technical provision of legal-aid-budgeting expertise to strengthen the law.</td>
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<td>C3</td>
<td>The production of ‘The Sun, The Moon and the Truth’ is a form of entertainment education (‘edutainment’) that uses mass media to educate people and promote positive behavioural change, often producing impressive results as this approach has the power to influence behaviour also in ethnic and language minorities. Using other formats – such as mobile theatres, radio sessions, CDs – is a good mitigating plan. However, as TV drama, this product has a more continuous utilisation, wider impact, and involvement of the private sector.</td>
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## Recommendations

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| R1  | To MyJustice:  
  a) Include indicators measuring the change in the behaviour of duty bearers, e.g. “% of case referrals for legal assistance”.  
  b) Conduct stock-taking exercise with partners, re-calibrate the indicators and ensure that the project’s LF is harmonised with the partners’ LF. |
| R2  | To MyJustice:  
  Consider the possibility of a procurement of legal aid/justice budgeting expertise to conduct legal aid forecasting and/or, as a member of JSDB, cultivate the importance of the idea of creating a priced ‘Legal Aid Basket’ in order to support the Law on Legal Aid, safeguarded by a transparent regulatory framework and indicators.  
  Within activity 4, conduct research on factors relevant to the context of Myanmar (legal system, government structure, needs, determinants, etc.) for a model forecasting legal aid. |
| R3  | To MyJustice:  
  Result Area 2: Mainstream the culture of a pro-bono practice among the relevant national partners. |
| R4  | Some areas of enquiry for to the upcoming mid-term review (as per the request of the MyJustice TL):  
  1. Result Area 2: Progress with the establishment of the four justice centres and possible links with Activity 5. Justice services through clinical engagement of law students.  
  2. Progress with the nationwide Knowledge Attitudes and Practices (KAP) – expected October 2017 and availability of baseline data.  
  3. Progress with the Programme Advisory Committee. |
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