



## Justice Centre Grants

Call for Proposal & Application Guidance

JULY 2019

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Funded by:



Implemented by:



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# 1. About MyJustice

## 1.1 Background

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The British Council has been implementing the European Union (EU) funded MyJustice Programme (DCI-ASIE/2015/359-042) in Myanmar since August 2015. MyJustice is a ground-breaking and very successful access to justice and legal empowerment programme delivering interventions across four results areas namely, legal and rights awareness, improving justice service provision, strengthening community-based dispute resolution and sharing evidence to inform better justice policy. MyJustice delivers activities in six Regions/States and across 64 townships in Myanmar, in cooperation with 47 local and international non-governmental organisations and in close liaison with the government's Justice Sector Coordinating Body. The implementation of the first phase of MyJustice will come to an end on 30 November 2019.

The European Union Delegation in Yangon, Myanmar has entrusted the implementation of its follow-up programme, Deepening Access to Justice in Myanmar (MyJustice II) Programme (ACA/2019/041-444) to the British Council. The MyJustice II Programme, to the value of Euro 19.8 million, has an implementation period of 60 months and an overall objective to: Improve access to justice for women, the poor and people living in vulnerable situations in Myanmar. The inception phase of MyJustice II is set to commence on 1 December 2019.

Our approach to delivering MyJustice II is built on the valuable lessons and experiences we have gained since delivering large scale and complex access to justice activity in Myanmar since 2015. Our approach is founded on the understanding of the unique socio-cultural context and history of the country as well as the prevailing political economy. MyJustice II will take a community driven and participatory approach to access to justice that empowers beneficiaries to seek justice and strengthens capacities of legal/justice service providers to better serve people's justice needs. We aim to balance local context knowledge, with globally-recognised evidence about successful programming in the justice sector. Particularly in conflict-affected and transitional settings, problem-driven and adaptive approaches enable targeted interventions focused on specific local justice issues faced by people in their communities, rather than 'institutional development' approaches, or those based on technical system-wide solutions. MyJustice II will build upon the foundations laid during MyJustice, with an increased focus on the implications and intersection between justice claims and responses and Myanmar's ongoing efforts towards peace and development.

Our work in MyJustice II will be highly adaptive in the face of a fluid, complex and conflict -affected environment. However, our understanding of the political economy, which guides the programme's working theory of change, has identified work clustered around two specific objectives, namely:

- Women, poor and people living in vulnerable situations (including conflict affected), are legally empowered.
- Community justice services, both formal and informal are more inclusive, transparent accountable, equitable and protect fundamental rights.

These intended outcomes will be pursued through the delivery of initiatives across four results (Outputs), namely:

1. More people are reached through rights-based legal awareness activities;
2. More and higher quality legal aid and ancillary services are available to women, poor and vulnerable people;
3. Selected justice mechanisms are better able to provide fair and effective remedies in response to community needs;
4. Justice policy development is responsive to and informed by evidence and community needs.

MyJustice II will partner with local and international non-governmental organisations, civil society organisations (CSOs), Myanmar-based legal aid providers, and key justice sector institutions.

The project described herein will primarily contribute to the second and third result areas described above.

## 2. Scope of Project

### 2.1 Background

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In 2013, two Justice Centres were established in Yangon and Mawlamyaing with support from the British Council's Pyoe Pin Programme, funded by DFID, SIDA, and DANIDA. The Centres were initially modelled on South Africa's one-stop-shop legal service centres and have evolved to provide primarily legal representation for the criminally accused, and legal advice on criminal, civil, and family matters. Their services aim to reduce the prevalence of arbitrary arrest and detention and improve compliance with fair trial protections in a criminal justice system where the vast majority of the criminally accused are not represented by counsel.

The initial successes of these Centres underpinned the rationale for the first phase of the MyJustice programme, funded by the European Union (2015-2019), which included a mandate to explore how these Centres might evolve into sustainable and more cost-effective providers of legal aid. In 2017, following an internal assessment of the Justice Centre model and effectiveness, MyJustice provided funding to International Bridges to Justice to expand the reach of Justice Centres to four new regions and states while investing more heavily in developing the capacities of local lawyers and staff to strengthen the quality of representation, standardizing reporting, and achieve better value for money.

With MyJustice support, there are now Justice Centres serving communities in six states and regions which have extended their reach to 47 townships through 12 offices, including six main offices and an additional six satellite offices. Together, the Justice Centres have provided legal representation to over 6,000 clients and legal advice for more than 5,000 people. Adapting to clear needs and lessons learnt since 2015, MyJustice also focused greater efforts on improving the practices of legal aid and private lawyers through the Justice Centres' internal trainings as well as criminal defense "communities of practice"<sup>1</sup> in Yangon, Mon, Mandalay and Taunggyi. These gatherings and dedicated lawyers' trainings have catalysed more rights-protective litigation practices by Justice Centre and private lawyers. In addition to broadening the reach of the Justice Centres to new communities and encouraging more rights-protective legal practices, the Justice Centres operated by IBJ conducted regional roundtables aimed at changing the behaviour of justice sector stakeholders and dismantling systemic barriers to access to justice.

Community demand for Justice Centres' services continues to be high and increasing, as reflected in the increasing average number of new cases handled by the Justice Centres every month. As Justice Centres continue to build trust within the communities they serve, they also are gradually shifting the behaviour of the justice sector actors - police, judges, and law officers - through daily interactions in court and through stakeholder roundtable conversations aimed at reducing barriers to justice. At the same time, day-to-day legal representation by Justice Centre lawyers is slowly changing practices within the criminal justice system and holding government duty bearers more accountable.

The Myanmar government is obligated to provide criminal defence for indigent accused under Constitution Section 375 and the Legal Aid Law (2017) and is beginning to provide government-funded legal aid services in all fourteen regions and states. As the government legal aid system may take several years to become fully functional and may face similar challenges in building a rights-based understanding of legal aid amongst its lawyers, the need for justice among women, the poor and vulnerable people remains great. To aid the government's efforts, MyJustice will continue supporting Justice Centres to break new ground in demonstrating effective and early access to counsel with a commitment to client empowerment and litigation for change. To that end, MyJustice presents the funding opportunity below.<sup>2</sup>

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<sup>1</sup> The term "community of practice" refers to a theory of social learning, in which people are brought together by a shared learning need, engage in joint activities and discussions, help each other, and share information, and over time develop shared practice through development of resources, tools, solutions to common problems. Jean Lave and Etienne Wenger first coined the term in their book, *Situated Learning. Legitimate peripheral participation*, Cambridge: University of Cambridge Press (1991).

<sup>2</sup> This funding opportunity will be subject to a suspensive condition, as funding will be dependent on the successful settlement of agreements between British Council and the European Union, and between the European Union and the Government of Myanmar.

## 2.2 Project Requirements

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Through this project, MyJustice aims **to empower clients and lawyers to access justice and fight against abuses of power** within Myanmar's legal system, particularly criminal law practices of arbitrary arrest and detention, and routine violation of fair trial rights.

MyJustice seeks partner organisations to undertake the following activities:

1. Operate Justice Centres in Yangon Region, Mon State, Mandalay Region, Shan State, Bago Region and Kayin State providing high quality and high impact legal representation to the poor and vulnerable;
2. Foster active Communities of Practice among Justice Centre staff, private lawyers and civil society to advance collective strategies towards normalising rights-based litigation and systemic change;
3. Providing a safe space in which people can seek help and obtain advice/assistance on a wide range of justice problems, including close collaboration with governmental and non-governmental/civil society organisations to deliver a broader range of ancillary services to women, the poor and vulnerable people served by the Justice Centres;
4. Advance the sustainability of Justice Centres through investment in local leadership and management skills, and the development and implementation of a sustainability strategy;
5. Participate in the design and delivery of the MyJustice-led public engagement campaigns such as *Pyaw Kya Mal* to ensure coordinated and deepened impact of messaging around access to justice.

**In the design and implementation of the project, the following principles and approaches are expected:**

1. ***Emphasising a high standard of quality in legal representation and advice.*** Justice Centres will provide free legal representation to poor and vulnerable people accused of criminal offenses. While it is the duty of the Government of Myanmar to provide legal aid, the Justice Centres can strengthen the protection of clients' rights by focusing on the *quality* of representation provided, rather than the *quantity* of people represented. ***Quality criminal defence representation and assistance means*** protecting the fundamental right to effective and early access to legal representation for all persons arrested and accused of crimes. People who are arrested and detained are deprived of their liberty and vulnerable to torture, inhumane treatment and other rights violations, and the criminal law is extensively used against ordinary people. Justice Centres must at minimum:
  - Provide representation from the time of arrest through the final appeal;
  - Advise every client (and their families) of their fair trial rights;
  - Counsel the client about the strengths and weaknesses of the case and empower the client to take an active role in decision-making on issues that affect their rights;
  - Implement a pro-active policy of gender-sensitivity, non-discrimination and inclusion towards marginalised communities. This includes but is not limited to treating all clients with dignity and respect irrespective of their social or economic situation or the language they speak, ensuring all people who enter the Justice Centres feel welcome and supported to exercise their legal rights;
  - Enforce a zero-tolerance policy for bribery and corruption (including but not limited to tea money, small money, and tips) among Justice Centres' staff, clients, and their families.
  - Challenge every violation of a client's fair trial rights including the basis for arrest and detention;

Justice Centres may also propose to deliver other forms of legal assistance to women, poor or vulnerable communities in their selected locations, if this is supported by evidence of demonstrated need and lack of alternative providers. For example, a dedicated lawyer to handle family violence complaints or divorce petitions, to file applications for legal identity documentation or discrimination complaints. These services may be complemented by additional funding sources where appropriate and must connect to the required approach described below under paragraph 4.

2. **Pioneering impact litigation to catalyse change.** In order to expand the legal empowerment impact of the Justice Centres, the new project *must seek to lead* change in the way especially criminal law is currently practiced in Myanmar in order to improve protection of fair trial rights and reduce arbitrary arrest and detention. Justice Centres should propose strategic areas of litigation where there are opportunities to address systematic rights violations by the government and establish favourable legal precedent for future cases where similar violations occur. Impact litigation may be part of the strategy for defending a client's rights in routine criminal cases, and/or proposed as part of a collective action or campaign with other organisations, such as those conducting public rights awareness or providing complementary services to meet clients' needs. Examples of emergent areas for impact litigation in Myanmar include: providing representation in court from the first (remand) hearing onwards to challenge the basis for arrest and detention and obtaining a copy of the police statement and court file before trial.
3. **Fostering active "communities of practice" to use the law to protect people's fundamental rights.** Since 2018, MyJustice has partnered with Justice Base to develop communities of practice for criminal defence. Communities of practice create safe spaces in which lawyers (and some civil society organisation) share experiences and work together to find innovative, practical and collective strategies to use to overcome the common challenges they face. Using hypotheticals fact patterns, role-play and debate exercises based in Myanmar law and experiences, participants develop new legal techniques and practices they can use to better protect their clients' fair trial rights. Because participants teach each other, learn together, and encourage each other to apply new strategies, they are beginning to change the way law is used in Myanmar. Through their collective strength, communities of lawyers can transform law from a weapon into a shield to protect people's fundamental rights.

The Justice Centres should serve as natural hubs in which such communities of practice convene to share ideas and push the legal practice forward, and proposals must include activities that incorporate these learnings and approaches in the project.

4. **Ensuring Justice Centres become safe spaces for those seeking justice help.** Justice Centres cannot solve all justice needs in their communities but they should ensure no one is simply turned away. They should do this by building or joining existing networks or coalitions of like-minded organisations to provide diverse services for clients. While Justice Centres' caseloads focus primarily on criminal defence because their clients face deprivation of liberty and are therefore particularly vulnerable to additional rights violations, the communities most at risk of rights violations within the criminal justice system also face an array of other justice related issues, including social, health and other legal problems for which they require assistance. Presently, Justice Centres address these justice needs by providing advice and assistance on a wide range of civil and family matters, and referrals to other civil society organisations when possible. However, Justice Centres can also deepen communities' access to a broader range of justice-related services by taking steps to bring more of those services under the same roof.

Many local governmental and CSOs/CBOs serve targeted constituencies that overlap with the communities served by Justice Centres. Whether such organisations are volunteer-based, poorly-resourced or well-funded, Justice Centres should create stronger partnerships rooted in shared values and constituencies, collaborating closely to diversify information and assistance that can be accessed at/through the Justice Centres. Through such collaborations, Justice Centres can more effectively become safe places in which people can seek help for a diverse range of life challenges which may be contributing factors or arise out of their interactions with the court/criminal justice system.

Proposals granted under this contract must include plans for collaboration with partners providing ancillary services, whether these are voluntary collaborations (unfunded) or formal partnerships (funded through this project or other sources). Collaboration can take many forms according to community needs and available partners or resources, for example:

- A rotating CSO duty-desk providing microfinance advisory services, drug rehabilitation family counselling or intake interviews, legal advice/representation for women on domestic issues or at risk of violence, paralegal counselling on land or civil documentation, HIV resources, etc.
- Co-location/co-hosting like-minded organisations
- Secondment of staff to or from local CSOs, legal aid bodies and paralegal organisations
- Collaborating on community awareness raising on different topics
- Using volunteers such as law students to provide intake on behalf of the Justice Centre and coalition of partners.

5. **Advance the sustainability of Justice Centres through investment in local leadership and management.** MyJustice envisions that Justice Centres not presently under local management will transition to local leadership and management during the project period, with the organisational resilience to respond effectively to local needs, seek resources and operate independently following the conclusion of MyJustice support. In order for such a transition to succeed, substantial emphasis must be placed on developing organisational leadership and management skills among local staff, with an emphasis on planning for sustainability and diversifying funding streams (including exploration of engagement with potential government funding sources as well as community-based grassroots fundraising approaches) that will enable the Justice Centres to better plan for and adapt to changing funding environments.

The proposal must therefore include a programme for sustained organisational development capacity building and leadership and management coaching, as well as the development of a sustainability strategy by the end of the first year of programming.

Should a local Myanmar organisation be selected as an implementing partner, organisational development activities should place greater emphasis on building the capacities of a second tier of management.

Should an international organisation be selected as an implementing partner for this project, it must provide training and mentorship of its local team members with the intention that each of the Justice Centres' main offices will have sufficient capacity to operate independently by the end of year one of the project. By the end of year two, the Justice Centres' head offices must be registered as local organisations.

6. **Integration of MyJustice-led public engagement campaigns into project planning.** The implementing partner(s) must commit to participating in the design and implementation of MyJustice-led legal awareness/public engagement initiatives planned over the course of MyJustice II, such as the potential continuation of the campaign *Pyaw Kya Mal* (Let's Talk Justice). This will ensure coordinated messaging around access to justice as well as allow the implementing partners to access high-quality promotional and educational products that they help to design. Rather than individual scattered legal awareness initiatives, such an approach has the potential to reach more people with effective coordinated messaging – MyJustice II partners will participate fully in the message development, ownership and sustainability of the campaign. This will also deepen the reputation of the Justice Centres in their communities, as community-level engagements will be organised from and around the communities the Justice Centres serve.



## 2.3 Geographic locations

Applicants may apply to operate Justice Centres in one or multiple regions and states. To be considered for funding, applicants must deliver programming in at least one of the six regions and states listed below and the administrative division of NayPyiTaw, in the eligible districts indicated below.

The locations proposed by the applicant are subject to further negotiation during contracting, as MyJustice may accept proposals in whole or in part depending on applications received.

Applicants must indicate in their proposal which districts and townships will be served through their project. Applicants must indicate whether the proposed area contains communities affected by conflict and if so, how they will ensure their activities do not increase the risk of conflict.

Applicants may propose additional locations near the regions/states indicated, so long as they can demonstrate that their proposal will deliver against the specified MyJustice results, and that there is a demonstrable need for the services offered.

Region/State	Maximum value of grant per location
<b>Bago Region</b>	<ul style="list-style-type: none"> <li>• Maximum of 150,000 EURO in year 1 and 127,500 EURO in year 2</li> <li>• Eligible locations: Taungoo District</li> </ul>
<b>Kayin State</b>	<ul style="list-style-type: none"> <li>• Maximum of 132,000 EURO in year 1 and 112,200 EURO in year 2</li> <li>• Eligible locations: Hpa-An District</li> </ul>
<b>Mandalay Region</b>	<ul style="list-style-type: none"> <li>• Maximum of 250,000 EURO in year 1 and 212,500 EURO in year 2</li> <li>• Eligible locations: Mandalay District, Dekkhina District (Naypyitaw)</li> </ul>
<b>Mon State</b>	<ul style="list-style-type: none"> <li>• Maximum of 132,000 EURO in year 1 and 112,200 EURO in year 2</li> <li>• Eligible locations: Mawlamyaing District, Thaton District</li> </ul>
<b>Shan State</b>	<ul style="list-style-type: none"> <li>• Maximum of 200,000 EURO in year 1 and 170,000 EURO in year 2</li> <li>• Eligible locations: Taunggyi District</li> </ul>
<b>Yangon Region</b>	<ul style="list-style-type: none"> <li>• Maximum of 430,000 EURO in year 1 and 365,500 EURO in year 2</li> <li>• Eligible locations: Northern District, Southern District, Western District, Eastern District</li> </ul>

## 3. General guidance

### 3.1 Eligibility criteria

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To be eligible to apply for this grant, applicants must fulfil the following criteria:

- Be an established non-governmental organisation with experience of working with Myanmar lawyers;
- Be an established non-governmental organisation with demonstrated experience in motivating, training, mentoring and managing lawyers providing free criminal defence services to the poor;
- Demonstrate a commitment to serving communities, particularly the poor and marginalised, in accessing justice, resolving disputes, and strengthening gender equality and social inclusion for vulnerable groups;
- Demonstrate a willingness to work cooperatively and collaboratively with MyJustice as well as governmental, non-governmental, and development partners to holistically address justice needs;
- Demonstrate experience of delivering a project of a similar type, value and scale in Myanmar;
- International organisations must demonstrate successful experiences of mentoring and guiding a transition from internationally-led to locally-led-and-owned programming, and must include a plan for transitioning to local leadership and management by the end of year one, and transitioning to local ownership by the end of year two;
- Only one application per lead organisation is permissible. Joint applications from multiple organisations are welcome.

### 3.2 Introduction & general rules including submission

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These guidance notes are designed to help applicants complete the proposal application templates provided for submitting their proposals. **It is important to read these notes before and during the process of completing the application.** Failure to provide information as requested or in the requested format may lead to disqualification of the application.

Applicants are provided with three templates to complete:

- Template A: Technical proposal
- Template B: Financial proposal
- Template C: Due diligence checklist

**Applicants are required to observe the specified page limits** for each section of the technical proposal template. Applications which fail to respect set limits may be disqualified. Material presented which is beyond the specified limit will at any rate be discounted and not considered in the evaluation of the application.

**All applications must be made using the templates provided. Template A must be completed using the Arial font type, 11 point.**

Proposals must be submitted electronically to: [myjustice@mm.britishcouncil.org](mailto:myjustice@mm.britishcouncil.org) by **1700 hours Myanmar time on Wednesday 21 August 2019**. MyJustice will accept applications received at any time up to that date.

If you have any questions regarding the submission of the proposal please contact us at [myjustice@mm.britishcouncil.org](mailto:myjustice@mm.britishcouncil.org) until 1700 hours Myanmar time on Friday 2 August 2019. Questions will be answered electronically by 1700 hours on Wednesday 7 August 2019.

### 3.3 Timeframe

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The Partner(s) will be expected to begin implementation on the grant on **1<sup>st</sup> December 2019** for a duration of 24 months, subject to the commencement date of MyJustice II as referred to below in Section 7.2 of this document. MyJustice will consider the potential for a follow-on phase of funding dependent upon performance of this project.

### 3.4 Visibility

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The Partner will be required to follow visibility and communications guidelines as directed by MyJustice in compliance with European Union and British Council requirements. Communications and publicity relating to the Justice Centres will be managed by MyJustice in close collaboration with the Partner.

### 3.5 Standard Terms and Conditions

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The Partner will be subject to terms and conditions in accordance with British Council requirements. Standard terms and conditions for grant partners are attached as Annex 1. Applicants should review the standard terms and conditions in advance to facilitate negotiations during the contracting phase.

## 4. Template A – Technical Proposal

### 4.1 Section 1 – Introduction and project summary

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Applicants must complete the summary information table in section 1 of the proposal. Where appropriate, this must include the names of all partners who will be involved in delivering this project.

Applicants should provide a maximum 100 word summary description of their intended project.

### 4.2 Section 2 – Context analysis and demonstrated experience

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This section contains four parts. The purpose of this section is for applicants to demonstrate that their project has been designed to be implemented in locations where the applicant has a deep understanding of the specific justice issues and operating environment, and a sound analysis of the key stakeholder dynamics, potential challenges, and proposed ways forward in managing any challenging dynamics. In providing responses, applicants should present their understanding in specific language.

Applicants should describe the key stakeholders that their project will interact with beyond the main beneficiaries – for example the Ward and Village Tract Administrator; the Township Administrator; the Legal Aid Bodies; the Law Officer and the Township Courts; or local multi-stakeholder forums; or the social services; or NGOs providing psycho-social support services, etc.

Applicants must provide a detailed description of their organisational experience of delivering a project of similar type, value and scale, with emphasis on lessons learnt or adaptations from prior experience of implementation in the Myanmar context.

Finally, applicants should provide concrete examples of efforts their organisations have made to ensure equality, diversity and inclusion both within their organisations (including policies and staff development initiatives) as well as in the ways in which these values are integrated into the services provided to beneficiaries. Applicants should also explain how these principles will apply in the delivery of this project.

### 4.3 Section 3 – Detailed project description

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This section is the core of the proposal and applicants are advised to give very careful consideration to describing their project. The project objective must take into account the Project Requirements outlined in Section 2.2 of this document (above).

Specifically, the detailed project description (including objectives, outputs, and activities) should address how the project will:

1. Strengthen the quality of legal representation and advice;
2. Lead change in the way criminal law is currently practiced in Myanmar to empower clients, improve protection of fair trial rights and reduce arbitrary arrest and detention;
3. Foster active communities of practice to create change among Justice Centre lawyers, private lawyers and CSOs;
4. Ensure Justice Centres become safe spaces for those seeking justice help, by including close collaboration with governmental and non-governmental/civil society organisations to deliver a broader range of ancillary services, ensuring no one is simply turned away;
5. Invest in local leadership and management to ensure the sustainability of Justice Centres;
6. Integrate MyJustice-led public engagement campaigns into Justice Centres implementation.

### 4.3.1 Project objectives

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The project will contribute to the achievement of all intended outcomes for MyJustice II but will most significantly contribute to ensuring that women, poor and vulnerable groups (including conflict-affected) are **legally empowered**, and that more and **higher quality legal aid and ancillary services are available** so that **justice mechanisms are better able to provide fair and effective remedies** in response to community needs.

The project's overall objective is **to empower clients and lawyers to access justice and fight against abuses of power** within Myanmar's legal system, particularly criminal law practices of arbitrary arrest and detention, and routine violation of fair trial rights.

In this section, applicants should describe the specific objectives of their project. This should be limited to 2-3 higher level objectives that can realistically be achieved by the project. The objectives must be specific and should address the problems identified in the previous section. An example of specific objective is:

*Women in the project locations more fully understand what their options are for pursuing justice if they are discriminated against or abused in their workplace.*

**or**

*Increase in the proportion of farmers in the project locations understand and complete land registration documents correctly.*

**or**

*More children in the project locations are supported by paralegal services following arrest or detention.*

Applicants should avoid general descriptions such as “more people will know their rights” or “there will be stronger rule of law policy”, etc.

### 4.3.2 Project outputs

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Applicants should describe the specific outputs that their project will deliver. The proposal template has provided for up to four outputs to be described. Applicants are free to present more or less than four outputs, but are guided that four is a manageable number of outputs.

Applicants should be specific when describing their outputs, and to avoid general language such as “there will be rule of law” or higher level objectives such as “policy will be improved”. Outputs must describe in clear terms what your project will deliver. For example:

*450 women working in garments factories in Hlaing Tharyar are trained in their specific employment rights*

**or**

*600 farmers in 6 townships trained in current land laws and land registration processes*

**or**

*20 people in 2 townships are trained and mentored as specialist juvenile paralegals*

Applicants should remember that the emphasis in this project should be on quality over quantity.

### 4.3.3 Project activities

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Applicants should describe in detail the activities they will design and deliver to achieve the outputs.

Again, applicants must be as specific as possible in their descriptions. If describing a training, say who and how many will be trained, in what, how often, and who will deliver the training. If training materials, or other awareness-raising materials will be developed, describe this as a separate activity, describing what exactly will be developed, and how. Applicants may add as many activities and sub-activities per output as they like, within the overall page limits set.

In section 3.4 applicants are required to present a matrix of the outputs, main activities, and the monitoring indicators that you will use for the output. Applicants should identify at least 3 indicators that they will measure per output. Indicators should include a mix of qualitative and quantitative measures, bearing in mind the requirements for evaluation and learning in Section 4.3.4 below (i.e., client empowerment, protection of fair trial rights, etc).

In section 3.5 applicants are required to complete a timeline of the main project activities listed in the previous sections and which are presented in the financial proposal, Template B. Applicants are free to add lines as necessary.

#### 4.3.4 Monitoring, evaluation and learning

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The Partner will be required to ensure a robust system of case tracking and documentation as a minimum to ensure adequate analysis of trends and challenges in the justice system as well as measurement of whether activities undertaken have resulted in the desired change.

Applicants are required to present details of how they will monitor and evaluate their project, and how they will use learning from the project. In this section, applicants should:

- Describe the monitoring & evaluation (M&E) systems and tools that will be used
- Describe how the project's baseline will be measured
- Describe how M&E data will be used
- Describe how data will be disaggregated (i.e., ethnicity, religion, gender identity, and disability) to reflect the reach of the project to marginalised and vulnerable groups.
- Describe how you will measure whether the project has been successful (ie met its specific objectives)?

Applicants must pay particular attention to describing how they plan to measure the following outcomes as a result of their project:

- Increased levels of client empowerment
- Integration of equality, diversity and inclusion in legal practice and services provided
- Increased protection of fair trial rights and reduction in arbitrary arrest and detention
- Demonstrable changes in the legal practice (especially criminal defense practice) as a result of improved lawyers/CSOs capacity

#### 4.3.5 Risks and challenges

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Applicants should set out what the main risks and / or challenges to successful delivery of their project are. These should be risks and challenges that the applicant can manage, or influence. If the risk or challenge to the project is beyond the scope of the applicant to manage, the applicant should consider whether the design may need to be changed.

### 4.3.6 Coordination

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In addition to voluntary and formal partnerships and activities described under Project Activities (in response to Project Requirements in Section 2.2 of this document), there may be many other organisations in Myanmar developing and delivering work in the rule of law, good governance, and human rights. Applicants should describe how their project fits with the work others in the locality are delivering (not including partnerships already described under Project Activities), and how they will coordinate their activities with others' work.

## 4.4 Section 4 - Budget

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Applicants are required to provide a summary budget of their project, and a detailed budget breakdown, which should be completed after they have developed the full financial proposal using **Template B – Financial Proposal** (see guidance notes in Section 5 of this document).

## 4.5 Section 5 - Project management

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In this section, applicants must describe the organisations and the personnel that will be involved in the delivery of the project.

### 4.5.1 Participating organisations

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Applicants must describe the specific role assigned to each partner named in the summary data table in Section 1 of the Proposal. If there are no named partners, applicants may leave this section blank.

### 4.5.2 Project team

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Applicants must describe the roles and responsibilities of the key members of staff, including international staff as appropriate, assigned to deliver the project. All applicants must provide details about the project's leader, or director. Applicants should present names and brief details of the experience of the key personnel who will deliver the project. Describe with clarity who will do what. Also describe any staff positions that will be hired to fulfil this project. Also include a project team organisation chart.

### 4.5.3 Management plan

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Applicants must present a clear description of the management arrangements that they will put in place to manage the project. This should give consideration to:

- How the project's technical work will be managed and overseen
- How quality of delivery will be managed
- How the project finance and reporting will be managed and quality assured
- How the performance of the project team will be managed

#### 4.6 Section 6 - Sustainability

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Applicants should present a clear and detailed plan for ongoing organisational development capacity development and leadership and management coaching, as well as the development of a sustainability strategy by the end of the first year of programming.

Local Myanmar organisations should place emphasis on developing the capacities of a second tier of management. International organisations should emphasize training and mentorship of its local team members with the intention that each of the Justice Centres' main offices will have sufficient capacity to operate independently by the end of year one of the project. By the end of year two, the Justice Centres' head offices must be registered as local organisations.

#### 4.7 Section 7 – Organisational capacity

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Applicants must complete **Template C – Due Diligence Checklist**. Guidance notes are provided in Section 6 of this document.

#### 4.8 Declaration

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The application must be signed and dated (electronically is acceptable) by someone with the authority to submit the proposal and to enter into contact negotiation with MyJustice.



## 5. Template B – Financial Proposal

### 5.1 Introduction & general guidance

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The budget spread sheet (**Template B**) must be completed and submitted with your application. It is strongly recommended that these instructions and guidelines are read before completing Template B.

#### 5.1.1 General guidance

- Present each cost related to your activities against the most relevant section of your budget.
- Provide an explanation for each cost which includes the method for determining the cost in the corresponding section of the Budget Notes tab. If you create new lines in the Budget, you must create corresponding lines in the Budget Notes tab.
- All costs should be in EUR. For converting expected costs from MMK to EURO please use the rate of 1,706.91. For converting expected costs from USD to EUR please use the rate of 1.13.
- The budget must be submitted as an MS Excel spread sheet (not an Adobe PDF file)
- Do not change or delete formulas in cells which contain formulas.
- Budget Template B can be used for proposals to implement Justice Centres in one or more states and regions as described in Section 2.3 above. For proposals for multiple states and regions, the costs for each state and region should be input on separate tabs within the spreadsheet. You do not need to input any costs on the Summary Budget tab as this will be drawn automatically from the other tabs.
- Proposals to implement Justice Centres in multiple states and regions can identify one state and region as the 'head office'. Eligible management costs associated with the head office should be input in the state and region tab where the head office will be located.
- There is specific guidance below relating to the completion of the budget lines. However, Template B also contains an example Budget sheet and Budget note sheet which you should refer to.
- Where your organisation will work with sub-partners under a formal agreement, your organisation as the lead organisation is responsible for ensuring that the entire budget is spent in accordance with MyJustice policies and guidelines.
- Where your organisation will work with sub-partners under a formal agreement you must be able to demonstrate that a fair and appropriate split of the 7% management fee has been agreed between the partners.

### 5.2 Budget heading guidance

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#### 5.2.1 Project costs

In this section costs relating to specific activities should be input. This may include costs such as the cost of workshop venue and catering, workshop materials, participant travel and consultancy.

If necessary you may create or remove Output and Activity lines in your budget depending on the number of Outputs and Activities that the programme will deliver. You may also create or remove cost lines below each Activity depending on the number of costs associated with the particular Activity.

In Column B you should add a description of the cost in the empty cells provided next to the activity number.

## 5.2.2 Cross cutting costs.

### *Monitoring and evaluation*

All M&E related activity should be detailed in this section. Create lines as required.

### *Staff costs*

Only members of staff that are directly working on the programme can be included in Staff costs. Do not include consultancy fees, temporary services and other fees for services here. These should be detailed under the relevant Activity.

The allocation columns F and L must be used for Staff costs. The allocation percentage is determined by the percentage of time allocated to the project for each member of staff. For example, a member of staff may work half of their time on this project and half of their time on other activities which are not related to MyJustice. In this case enter 50% in columns F and L. If a member of staff will work 2 days per week, enter 40% in columns F and / or L.

Columns H, I and J, and Columns N, O and P can be completed as follows:

- **Unit:** per day/week/month
- **No. of units:** In this cell enter the total number of days, weeks or months that the member of staff will work in the grant period.
- **Frequency:** Number of staff
- **Unit cost:** Enter the daily, weekly or monthly salary.

In these columns **do not** reduce the unit/no. of unit/or unit cost for staff who will only work for a percentage of their time on this programme. Only the allocations columns F and L can be used for this purpose.

Create a separate line for each member of staff that will be charged to the grant. Please include the role title of the member of staff.

## 5.2.3 Cross cutting costs.

### *Equipment / Fixed assets*

In this section include the cost of equipment purchased for the purposes of the project. Individual pieces of equipment which have a value below \$1,000 should be detailed in the Office expenses section. Each piece of equipment costing \$1,000 or more should be listed separately in the Equipment/Fixed assets section with the unit price indicated.

### *Office expenses*

Office expenses may include an appropriate contribution towards office rent and utilities. Clear justification will need to be provided in the Budget Notes tab for the size of the contribution. Please list office rent and utilities separately.

Other direct costs such as stationery, communications and printing should be charged here, with new lines created where the cost is significant.

### *Staff travel*

This section of the budget is intended for programme related staff travel only. Separate cost lines are required for transport, accommodation, per-diem and other travel related expenses. In establishing the unit costs the organisation should follow their staff travel policy. Travel for participants of workshops, or consultants etc. should be charged under the relevant activity line. Note that all staff air travel must be at economy class.

During the course of the project MyJustice will organise events and activities which your staff will be invited to participate in. In order to cover the cost of your participation in these events and activities we

ask you to include a budget line for MyJustice organised events and allocate a budget of 5,000 EUR to this line. Please note that this estimated costing can be adjusted in the future according to the frequency and nature of the events and activities organised by MyJustice.

#### 5.2.4 Capacity Building

All activities relating to capacity building should be detailed here. Each cost should be detailed on a separate line. This could include items such as external training for the applicant's staff. Ensure that each cost has a clear justification described in the Budget notes tab. Items such as capacity building training of partner organisations should be included in the project costs (activities) section.

#### 5.2.5 Other cross cutting costs

Other cross-cutting costs which you identify as part of your project budget can be detailed in this section. Add or delete lines as required.

MyJustice will organise public engagement activities during the course of the project which you will be invited to help design and deliver. In order to cover the cost of these activities we suggest that you create a budget line for MyJustice public engagement activities and allocate 5,000 EUR to this line.

#### 5.2.6 Audit

The Partner will be required to contract an external auditor to carry out an independent audit of the project accounts each year. MyJustice will provide a list of approved auditors. The cost of the audits should be included in Other cross-cutting costs. The amount that should be budgeted for each annual audit is 10,000 EUR (Total audit costs over two years will be 20,000 EUR).

#### 5.2.7 Overhead

This budget table will also automatically calculate a 7% overhead allowance based on the budget. This figure is the maximum overhead amount that can be claimed. The combined value of the budget and the overhead must not exceed the maximum grant value. The overhead can cover indirect staff costs, administrative expenses and other indirect expenses.

### 5.3 Budget column guidance

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- Column A contains a reference number (Budget Line Item). You will need to add new reference numbers if you create new lines.
- In column B under each 'Activity' enter a description of the associated costs for that particular activity in the blank cells. New lines can be added under the Activity for additional costs, if required.
- Do not enter a figure into Column C, D or E. These are automated cells.
- In completing columns H to J and N to P:
  - **unit** refers to the measurement or type of unit e.g. per workshop, per day, per flight
  - **no. of units** refers to the number of units being costed
  - **Frequency** refers to the number of times that the cost will be incurred e.g. number of days for training / number of nights for accommodation
  - **unit cost** refers to the cost of each unit.

e.g. For an Activity cost description of '4 days' Workshop venue and catering':

unit = per person

no. of units = 50

unit cost = (e.g.) 30 USD

Frequency = Number of training days, 4 days

Columns F and L relate to Allocation. These columns can be used where the MyJustice grant will only cover a percentage of a particular cost. This might be the case if for example a particular cost is to be split between the MyJustice grant and another funding source or the organisation's own operating budget. In this case enter the percentage of the cost which the MyJustice grant will cover. Please note that all allocation percentages must be clearly justified in the 'Budget Notes' tab.

For Staff costs these columns **must** be completed for each member of staff listed. For all costs apart from staff costs, only complete Columns F and L where applicable.

Please refer to the example budget sheet in Template B for further examples of budget line completion.

## 5.4 Ineligible costs

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The following costs are not eligible under the MyJustice grant:

- Head office costs including running and management costs relating to head offices located outside Myanmar
- Head office costs including running and management costs relating to head offices which are located within Myanmar and are not co-located with a Justice Centre
- Consultancy fees, honorariums, trainer fees and other supplementary remuneration payments in respect of staff members. For individuals designated as staff only salary costs which are detailed in the contract of employment can be charged to the programme
- Depreciation costs relating to fixed assets
- Costs which are not evidenced by appropriate supporting documentation including invoices, receipts and contracts
- Bonuses paid to staff including 13<sup>th</sup> month salary and performance bonuses.
- Loans to staff and others
- Debts and provisions for losses
- Interest owed
- Items already financed in another framework or funded by other donors
- Purchases of Land, buildings or vehicles
- Construction work
- Cost incurred before and after the official grant period (unless permitted by a Special Condition or otherwise noted in the grant agreement or correspondence)
- Expenditure in excess of the grant amount
- Entertainment, amusement, social activities, ceremonials and related costs including meals, accommodation, rentals, transportation, and gratuities
- Bribes, contributions, donations, or gifts to individuals or organisations including tips, small money, tea money and under the table payments
- Compensation to individual employees that is not reasonable for the services rendered or that does not conform to the established policy of the organisation
- Bad debts and related collection and legal costs
- Fines or penalties resulting from violations of, or failure to comply with local law
- Goods and services for personal use of employees (e.g. personal travel, personal calls)

## 6. Template C – Due Diligence Checklist

### 6.1 Introduction & instruction

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Template C - Due Diligence Checklist will be used to understand the organisational capacity of your organisations. Please complete as fully as you can, paying attention to attach and submit the required supporting documents.

In response to the requirements of Template C, please attach and submit a copy of a 2018/19 audit report from a project managed by the Applicant in Myanmar. If a 2018/19 audit report is not available, please submit an earlier project audit report.

## 7. Evaluation of proposals

### 7.1 How your proposal will be assessed

Proposals will be assessed by a panel consisting of MyJustice team members and external stakeholders. This panel will meet within two weeks of the submission of proposals and will make recommendations to the MyJustice Programme Board for their final decision.

Project proposals will be assessed against a mix of technical and financial criteria, as described in the matrix below.

Criteria	Score
<p><b>1. Context Analysis &amp; Organisational Experience</b></p> <ul style="list-style-type: none"> <li>• Will the project lead to greater inclusion and access to justice for marginalised and vulnerable people?</li> <li>• Does the proposal demonstrate a sound understanding of the context and operating environment in each of the regions and states in which it intends to conduct project activities?</li> <li>• Is it clear which other stakeholder groups will be engaged in the delivery of the project?</li> <li>• Is there evidence that the application has been made with the consultation of relevant stakeholder groups and the planned engagement is well-considered?</li> <li>• Does the applicant have demonstrated experience in a project of similar type, value and scale in Myanmar?</li> <li>• Does the applicant present evidence of how the values of equality, diversity and inclusion have been integrated into organisational culture as well as project implementation?</li> </ul>	20
<p><b>2. Detailed project description</b></p> <ul style="list-style-type: none"> <li>• Is the project description responsive to each element of the Project Requirements, specifically to: <ul style="list-style-type: none"> <li>• Strengthen the quality of legal representation and advice;</li> <li>• Lead change in the way criminal law is currently practiced in Myanmar to empower clients, improve protection of fair trial rights and reduce arbitrary arrest and detention;</li> <li>• Foster active communities of practice to create change among Justice Centre lawyers, private lawyers and CSOs;</li> <li>• Ensure Justice Centres become safe spaces for those seeking justice help, by including close collaboration with governmental and non-governmental/civil society organisations to deliver a broader range of ancillary services, ensuring no one is simply turned away;</li> <li>• Invest in local leadership and management to ensure the sustainability of Justice Centres;</li> <li>• Integrate MyJustice-led public engagement campaigns into Justice Centres implementation.</li> </ul> </li> <li>• Are the specific objectives of the project well developed and sufficiently specific and achievable?</li> <li>• Are the project's outputs logical, well developed, specific, achievable and well suited to achieving the specific objectives?</li> <li>• Are the project activities clearly described and logical for the achievement of the project outputs?</li> <li>• Are the project activities specific about what will be undertaken?</li> <li>• Is there sufficient detail about what activities will be carried out, and is there an appropriate mix and level of activity to achieve the project's outputs and specific objectives?</li> <li>• Is there a clear and logical activity matrix and timeline for the delivery of the activities</li> </ul>	30

<ul style="list-style-type: none"> <li>• Are there some logical and well thought through indicators in place for the project, and is the M&amp;E plan sufficiently strong and clear, addressing: <ul style="list-style-type: none"> <li>• Increased levels of client empowerment</li> <li>• Integration of equality, diversity and inclusion in legal practice and services provided</li> <li>• Increased protection of fair trial rights and reduction in arbitrary arrest and detention</li> <li>• Demonstrable changes in the legal practice (especially criminal defense practice) as a result of improved lawyers/CSOs capacity</li> </ul> </li> <li>• Are the risks and challenges identified specific and manageable, and is there evidence of strong approaches to managing the risks?</li> <li>• Does the proposal outline clearly how the project will interact and coordinate with others doing similar work?</li> </ul>	
<p><b>3. Project management</b></p> <ul style="list-style-type: none"> <li>• Is it clear what each participating organisation will do in the delivery of the project?</li> <li>• Are the roles and responsibilities of the main team members well defined?</li> <li>• Are the named personnel adequately knowledgeable and experienced to deliver the tasks assigned to them?</li> <li>• Is there a well-developed, clear, logical management plan that will support the delivery of the project?</li> <li>• Do the responses to the Due Diligence requirements provide evidence that the organisation has adequate capacity to ensure successful and accountable project management?</li> </ul>	15
<p><b>4. Building organisational resilience &amp; sustainability</b></p> <ul style="list-style-type: none"> <li>• Does the proposal include a strong and realistic plan for organisational development capacity building and leadership and management coaching, including strategies for building the capacities of a second tier of management?</li> <li>• Does the project feature other measures for building local ownership and sustainability beyond the life time of this project funding?</li> <li>• If the applicant is an international partner, do they demonstrate successful experiences of mentoring and guiding a transition to locally-led-and-owned programming?</li> </ul>	15
<p><b>5. Financial Proposal</b></p> <ul style="list-style-type: none"> <li>• Is the budget clear, containing all information required?</li> <li>• Is the financial proposal accurate?</li> <li>• Does the financial proposal match the description of the project activities in the technical proposal?</li> <li>• Is there an adequate allocation of project funds towards the achievement of each element of the Project Requirement (outlined in Section 2.2 of this document)?</li> <li>• Does the budget demonstrate value for money – is it reasonable for delivering the activities described in the proposal?</li> <li>• Is there a reasonable split of budget expenses across staff, project activities, and expenses?</li> <li>• Is the cost of overall overheads acceptable?</li> <li>• Is there an adequate allocation of project funds (5%+) for monitoring and evaluation?</li> </ul>	20

## 7.2 Next steps and suspensive condition

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MyJustice will communicate the outcome of the evaluation within one month of the deadline for submission of applications. MyJustice may request further discussion and negotiation with successful applicants and further details will be shared once evaluations are complete.

Applicants are advised that initiation of negotiations and contracting between the applicant and MyJustice are not a guarantee of funding. Contracts will be subject to a suspensive condition, as funding will be dependent on the successful settlement of agreements between British Council and the European Union, and between the European Union and the Government of Myanmar.



