

COUNTRY
PEACEBUILDING FUND
PROJECT STATUS REPORT
30 June 2012

Project No & Title:	PBF/GNB/B-6 Strengthening Internal Security and Criminal Justice Systems in Guinea-Bissau				
Recipient UN Organization :	UNDP, UNIOGBIS, UNICEF, UNODC	Priority Sector:	Security		
National Authority:	Ministry of Interior, Ministry of Justice, Ministry of Infrastructure and Public Works, Ministry of Economy and Regional Integration, Ministry of Women and Children and Social Cohesion, Permanent Secretariat of the National SSR Steering Committee				
Location:	Guinea-Bissau				
Project Cost:	USD 5,000,000				
SC Approval Date:	1 September 2011	Starting Date:	7 December 2011	Completion Date:	7 December 2013
PBF Outcome and Priority area	<p>Priority area: Activities designed to respond to imminent threats to the peace process, support for the implementation of peace agreements and political dialogue, in particular in relation to strengthening of national institutions and processes set up under those agreements. Interventions under this area will contribute to achieve key-result 4 “Strengthening of Justice and Law Authority” identified under Pillar 1 of the DENARP II (Documento de Estrategia Nacional de Reducao da Pobreza): “To reinforce Rule of Law and Republican Institutions”.</p> <p>Strategic Result (Performance Management Plan / PMP): Security sector reforms and judiciary systems put in place and providing service at national and local level that reinforce the Rule of Law (RoL).</p> <p>Indicator (PMP): number of PBF supported country programmes where national armed forces and police perform their duties in conflict affected territorial areas addressing security concerns of the target populations.</p> <p>Indicator (Prodoc): Percentage of population out of total in targeted regions presenting a positive change of perception, in terms of confidence and trust concerning police and judicial officials performance, behaviours and practices (disaggregated per ethnicity, gender, age groups, rural/urban areas).</p>				
Project Description:	The Joint Programme was developed to strengthen the national justice and internal security sector reform process, by introducing decentralized delivery of services and people-centered conflict-sensitive approaches, thereby contributing to the development of an internal security and criminal justice system, which operates according to the rule of law, reducing the risk that the country will relapse into conflict, and providing fair and effective security and justice services to the people of Guinea-Bissau, while fostering good governance.				
Immediate Objectives:	Judicial and police institutions are professionalized and quality services are accessible and available to the population, in particular women, children and illegal detainees in targeted regions.				

	<p>Specifically:</p> <ul style="list-style-type: none"> • The institutional capacity and capabilities of the National Police are enhanced by way of 1. establishing twelve Model Police Stations, comprising the construction or rehabilitation of premises, purchase of equipment, selection and training of vetted police personnel, and setting up of new service delivery frameworks for community-based policing approaches; 2. providing specific support to combat transnational and organised crime within the context of supporting the establishment and sustainability of a law enforcement coordination mechanism through the Transnational Crime Unit within the West Africa Coast Initiative (WACI). • The judicial criminal system is reinforced by focusing on 1. the decentralisation of justice services and judicial delivery (in two pilot regions) to increase access to justice and 2. enhancement of capacity building through strengthening the training (magistrates, judiciary police and law enforcement agencies) on criminal and civil law with a focus on human rights of children and women as well as the capacities of the Curadoria de Menores (<i>Correction Centre for Minors</i>).
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Project Status as at 30 June 2012

Funds disbursed:	\$94,948.24
Delivery rate:	1.90 %

Background/ Implementation Context:	<p>Over the past decade, Guinea-Bissau has experienced persistent political instability, with recurring political crises triggered by the tensions between the civilian and the military leadership. The brief but very destructive civil war of 1998/99 was itself a consequence of an attempted military coup d'état against the then sitting President, and the civilian leadership has struggled ever since to establish oversight and control over the armed forces. The years 2009-2010 saw a resurgence of political violence, notably the assassinations of the President and of the Chief of Staff of the Armed Forces in March 2009, as well as the detention of the Prime Minister and Chief of Staff by military personnel on 1 April 2010. Some progress was made by the Guinea-Bissau government towards maintaining political stability during the latter part of 2010 and 2011.</p> <p>In recent years Guinea-Bissau also emerged as a key transit point for illicit drugs, in particular cocaine, from Latin American countries to Europe, similarly to what occurs with other countries in the sub-region. Although illicit drug trafficking in Guinea-Bissau may have reduced over the last two years, it remains a credible threat to the ability of Guinea-Bissau to maintain peace and security, due to the involvement or collusion of individuals in the armed forces and state institutions, as well as the ability of this phenomenon to corrupt critical actors who may attempt eliminating one another in pursuing such illegal profits. Drug traders' exploits further undermine the country's already weak governance, impede its development, and potentially reignite smouldering conflicts. That is facilitated by a weak enforcement capacity and the criminal justice system's inability to ensure effective operation of the rule of law and inadequate coordination and information-sharing among relevant national agencies, as well as internal institutional cooperation between the national actors. Lack of equipment and material, institutional and human capacity, distrust in the existing institutions responsible</p>
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	<p>for upholding the rule of law, lack of commitment by the national authorities to address impunity, illicit drug trafficking and organized crime further compound the situation. On 26 December 2011, elements of the military attacked the General Staff armory and reportedly removed weapons. Although the Guinea-Bissau Government initially denied suggestions of a coup attempt, the Prime Minister said on 30 December 2012 that there had been a plot to assassinate him. Following the premature death of the incumbent President in January 2012, the beginning of 2012 was dominated by the preparations for the elections and the UN concentrated its efforts in supporting the electoral process to discourage violence and/or any violations of the Rule of Law. Following the first round of the presidential elections and clear indications of a victory of the incumbent Prime Minister in the second round, on 12 April 2012, the military carried out a coup d'état and arrested the interim President and the Prime Minister. The 12 April 2012 coup d'état led to a variety of human rights violations, including illegal and arbitrary detention, looting and damage to State and private property, persecution of former members of government, violation of the rights to freedom of movement, expression, peaceful association and assembly, and the unlawful dismissal of civil servants at national and regional levels.</p> <p>The international community, including the United Nations, the African Union, ECOWAS, the European Union, and the CPLP condemned the coup d'état and called for a return to constitutional order. ECOWAS took the lead in mediating between the military junta, political parties and civil society in this respect. A 12-month transition period was agreed and, in mid-May, on the basis of a Political Transition Pact, a transitional government was established. The Pact was signed by 17 political parties, including the main opposition party in the Parliament, the PRS; however, the PAIGC, the largest parliamentary party, did not sign the agreement. The Interim Speaker of the National Assembly, Serifo Nhamadjo, was appointed Transitional President with full powers, while a member of the PRS, Rui Duarte de Barros, was appointed Transitional Prime Minister. In addition to the Pact, the newly-appointed Transitional President, the military junta and the signatories to the Pact signed another agreement outlining several measures: to remove obstacles towards reform of the security sector and to collaborate with the authorities in clarifying the “killings since the last amnesty law” in 2008; the return of the military to the barracks and to seek National Assembly approval for an amnesty for the perpetrators of the 12 April coup; to make Cabinet appointments subject to consultations with the political signatories of the Pact and the military junta.</p> <p>The implementation of the joint projects has slowed down as a result of the politico-security developments starting at the end of 2011 and continuing through the first half of 2012. These developments have impacted planned project activities and affect deliverables for 2012 as the UN conducts ongoing activities with its national counterparts primarily at technical level.</p>
<p>Outputs delivered:</p>	<p>Output 1.1: Police and Internal security services are available for the population and particularly vulnerable groups including youth and women:</p> <ul style="list-style-type: none"> • Continued coordination and support ensured to national authorities for setting up of new service delivery frameworks, following community-based policing approaches; • 12 project sites identified and selected by national authorities for construction/rehabilitation of police stations, two sites are located in Bissau and ten others in the regions, in the localities of: Bafata, Buba, Bubaque, Bulama, Canchungo, Catio, Gabu, Mansoa, Quinhamel, São Domingos.

- Assessment missions conducted for mapping and inspection of MPS sites, as well as survey of police infrastructure and relevant data collection in the geographic locations selected by national authorities.
- Legal processes for ensuring state owned property of the selected sites, with issuance of concerned land property certificates, completed for 11 sites, in liaison with local authorities (regional governors and sector administrators); process for one site (Bulama) remains pending.
- Detailed technical documentation for initiating competitive procurement process as preparatory steps for construction/rehabilitation process to commence are have been prepared and technical clearance for Scope of Works and Bill of Quantities received from UNHQ.

Output 2.1: Legislative framework to combat transnational organized crime exists:

- Planned activities could not be carried out due to political developments before and after the coup detailed above (“context”).

Output 2.2: Coordination mechanism to combat transnational organized crime is operational:

- Standard Operations Procedures (SOPs) were finalized
- Infrastructure capabilities of the TCU were enhanced.

Output 2.3: Personnel from the TCU acquire knowledge to combat transnational organized crime

- Individual scholarships allocated but could not be awarded (due to sanctions remaining in place by the international community).

Output. 3.1- Decentralized judicial and legal services are available for population and particularly vulnerable groups including youth and women:

- Completed mapping and identification of land for Cacheu and Farim Regional Court facilities to be built;
- Completed legal processes for ensuring selected sites for courts are state-owned property, including land property certificates having been issued, in liaison with local authorities;
- Preliminary construction plan drafted for both Regional Courts in liaison with Ministry of Public Works;
- Conducted first joint in site visit with Ministry of Justice and Ministry Public Works to assess the feasibility of a piece of land, already Ministry of Justice property, for the construction of the National Judicial Training Center (CENFOJ).
- Free legal aid and counseling provided by Access to Justice to almost 300 individuals in Cacheu and Oio regions.
- Held two information sessions with Traditional Justice Authorities in Cacheu and Oio regions on human rights violations in the local social context.
- Delivered eight information and sensitization sessions in Cacheu and Oio regions, on fundamental rights and mechanisms to protect them.

Output 3.2- Population and particularly vulnerable groups, including youth and women, are aware of available decentralized judicial and legal services:

	<ul style="list-style-type: none"> • Rehabilitation of new facilities of the Curadoria de Menores is underway in Bissau (painting, plastering, improvement of working areas with specific places to accommodate children), and were nearing completion by end June 2012; • Required items of equipment have been ordered (office furniture, motorcycles and computers) to enhance operational capacities of the Curadoria de Menores in Bissau, Cacheu and Oio Regions, for delivery in July 2012; • Training modules on Juvenile Justice in process of final review with CENFOJ.
<p>Achievements and challenges</p>	<p>Output 1- Police and internal security services are available for population, particularly for vulnerable groups.</p> <p><u>Achievements and Challenges</u></p> <p>The implementation of this output early on faced some challenges that required UNIOGBIS to change its approach. The first revision became necessary as a result of a request by the Ministry of Interior to amend the original work plan, which had foreseen the construction/rehabilitation of six MPS in a first phase of project implementation, to work being carried out simultaneously on all 12 MPS. Additionally, while it had originally been foreseen that construction/rehabilitation/equipping would proceed on the basis of a Grant Agreement between UNIOGBIS and the national authorities, this approach was changed in favour of UNIOGBIS carrying out the full process under UN (procurement) rules.</p> <p>Considering these revisions to the original work plan, the initial phase of project implementation – with a focus on legal and technical documentation being prepared - is well on track. Project site assessments, detailed planning and inspections (carried out together with national authorities within the framework of established Joint Program Coordination arrangements) have been completed, a survey of police infrastructure and relevant data collection in the locations of the planned MPS have been conducted. The legal processes (including property certificates issued) was completed for all but one project site paving the way for project activities to commence on the ground.</p> <p>In respect of capacity building, the analysis of training needs and development of comprehensive training plans is ongoing. In parallel, training sessions to selected police officers are being delivered, with the experience and feedback from those sessions contributing to the further development and fine-tuning of the training materials. Technical support to establishing administrative and operational processes (including preparation of standard operating procedures) and governance are ongoing. Not all planned targets on capacity building could be achieved due to the necessary revisions of the project and the inter-linkages between the different components.</p> <p>A10-day training on the concept of community policing that was delivered in June to officers at the Bairro Military Model Police Station broke new ground as it was the first training on the subject in the country and in that it involved, during the final two days of training, representatives of the local community. The training received very positive feedback from participants as it was seen as a constructive way to overcome tensions and misunderstandings between the community and the local police officers in that area as well as to introduce policing methods focusing on prevention rather than repressive measures. It was a step towards establishing “collaborative partnerships” between law enforcement and civil society in the neighborhood with a view to developing solutions to</p>

problems and increasing trust in police by identifying the roles that police and community could play for enhanced security in the neighborhood.

Output 2.1 , 2.2, 2.3 – Legislative framework to combat transnational organized crime exists; Coordination mechanism to combat transnational organized crime is operational; Personnel from TCU acquire knowledge to combat transnational organized crime

Achievements and Challenges

Initial steps for the establishment of a working group to analyze the legal framework in respect of combating transnational organized crime were taken. However, owing to developments in the country, the working group could not be constituted as the various representatives required to be the part of the working group were not formally appointed by their respective Ministries/institutions. In the absence of appointed partners, the working group could not become operational and the definition of the working methodology remains pending.

Support to the Management Board, with emphasis on the involvement of the Ministry of Justice, continued, and UNODC and UNIOGBIS representatives were present in the three Management Board meetings that took place in the first semester of 2012.

As part of the TCU’s Standard Operating Procedures, the TCU team developed professional profiles and documentation for the recruitment/selection process for TCU personnel, which were handed over to the TCU board for review. Formal approval by the Management Board remains pending. Strengthening of the INTERPOL desk capacity is ongoing with a liaison officer having been nominated and INTERPOL data base access requested to be available in key areas, including the airport.

The government could not yet provide definitive Government-owned premises for the TCU Headquarters, consequently, UNODC made monthly payments on rent and electricity, and provided mobile phones and internet services.

The allocation of individual scholarships remains pending subject to identifying the necessary formal procedure, in accordance with UN regulations.

Capacity building through skills development, in particular with the aim of enhancing knowledge of intelligence-led policing strategies, has made progress through mentoring and on the job training, including IT training. The first practical results of the joint operation between TCU and Public Order Police resulted in a cocaine seizure at the end of January. The TCU produced the initial operational intelligence reports in direct cooperation with the different forces that are part of the TCU.

Output 3.1– Decentralised judicial and legal services are available for population and particularly vulnerable groups, including youth and women; Target audience is aware of their availability.

Achievements

Progress was made on the project to construct two regional courts, including mapping

and identification of land jointly with national authorities, ensuring (confirmed by land certificates) that project sites are state-owned property, preliminary specification documents (for the two courts) are ready for the tendering process to be launched speedily. This process was to be launched in late May, however, as a result of the coup and its aftermath, this process is currently on hold. Overall, project implementation is well on track.

Similarly, for the project of the Judicial National Training Center (CENFOJ), a preferred piece of land for construction has been identified, requiring further feasibility studies by the Ministry of Public Works. To this end, an International Consultant (Construction Specialist) who will provide technical assistance in planning, implementation and monitoring of the technical aspects of the project for quality assurance and control of the construction, is being recruited by UNDP. The recruitment process is in the process of being finalized.

Free legal aid and counseling was successfully offered, reaching around 300 persons, in the two selected regions, with additional information and sensitization sessions being held with the support of local communities and existent traditional justice authorities, benefitting approximately 2,000 individuals.

A legal and policy framework, harmonized with the Convention on the Rights of the Child (CRC) and international instruments standards, was adopted, including the law defining the main principles and procedures for juvenile justice. Additionally, also put in place were a decree defining measures of assistance to children in conflict with the law throughout the duration of the criminal procedure, and a decree regulating the functioning of Alternative Care Centers.

Training modules on juvenile justice (including on legal and psychosocial assistance, alternative care, and the UN rules on juvenile justice) are in process of final review with CENFOJ. Once finalized, they will form the basis for training some 48 juvenile justice personnel, including magistrates, social workers, barristers, judicial assistance technicians, police and law enforcement officers from the three pilot regions of Oio, Cacheu and the Bissau area (SAB).

Lessons Learnt/Recommendations

The Mission is in the process of establishing quarterly implementation targets as a means to enhance planning as well as to have defined benchmarks against which to measure progress in future periods of project implementation.

The sustainability of the juvenile justice mechanisms will need to be established. Measures to achieve could be: (i) reinforcing and expanding capacity within the system; and (ii) building ownership of the overall process by Government counterparts through advocacy and technical support for integration of Juvenile Justice issues into the National Justice Reform process. Additional resource mobilization efforts will be required.

Developing a positive perception of the Curadoria de Menores among the population as a prerequisite for the success of the project. This will be addressed through awareness raising and training of judicial officers on child protection issues with the prospect of ensuring that the working environment and procedures are child friendly.

Conclusion

Preparations for the implementation of the joint programme were initiated quickly following approval of the project document. National counterparts embraced the joint management and coordination process of the programme, and assessments and detailed plans were finalized jointly by the United Nations and the national authorities.

Following the attempted coup d'état in late December and the death of the then-President in early January, the focus in the country shifted to the preparations for holding presidential elections in the spring, reducing the engagement of national counterparts in the joint management and coordination structures of the peacebuilding projects, which was then interrupted with the 12 April coup d'état.

The coup d'état undoubtedly impacted the pace of implementing the joint programme, and the establishment of transitional authorities may, in some cases, require some adaptations to the implementation procedures. In particular, the coordination mechanisms with national counterparts will need to be reactivated.

Nevertheless, project implementation is, with some exceptions, progressing well. Amendments to the implementation procedure (MPS) have been put in place and, to the extent possible, the period since the coup d'état has been utilized to proceed with UN-internal procedures (eg preparation of technical documents on the basis of concepts for Model Police Stations, previously agreed jointly with national authorities, in preparation of the process of construction/rehabilitation services; similarly for the construction of regional courts) so as not to delay implementation unnecessarily.

In a letter (dated 26 April) to the SRSB, the ASG for Peacebuilding Support informed the Mission that due to the 12 April coup the PBF had decided the following: no new Fund transfers would be made to Guinea Bissau, UN partners needed to cease immediately and until further notice activities in direct support of Government, while those in support of civil society could continue alongside minimal recurrent project expenditures, and the entire portfolio should be fully suspended and reviewed should constitutional order not be rapidly restored.

The transitional authorities, in an agreement they signed on measures they will take, undertook *inter alia* to “remov[ing] obstacles towards reform of the security sector”. UNIOGBIS will engage with its counterparts to confirm the national authorities' commitment to the objectives of the joint programme as co-signed by the previous Government. Once such commitment is in place, the Mission considers it important as well as justified for project activities to continue as planned – and funds to be unfrozen – as the projects under implementation are for the direct benefit of the population, not the Government. The projects aim at improving the population's access to justice, security and living in a drugs-free environment, with protection of vulnerable groups of the population being ensured; they also focus on strengthening and professionalizing police and justice institutions so that they will provide higher quality services to the population upholding the rule of law, constitutional order and not committing violations of fundamental rights and freedoms of the population.