

**PEACEBUILDING FUND**

**[Country]**

**ANNUAL project NARRATIVE progress report**

# REPORT COVER PAGE

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| Recipient Organization(s): UNDP |  | PBF Priority Area:Justice and Security |
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| PBF Project No: PBF/SLE/B-4(ID 00066689) *New Atlas No: 00057482* PBF Project Title: *Capacity Development of the Justice System to prevent delays in trials and to clear backlog of cases* |  | Report Number: 2 |
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| Reporting Period: |  | Project Budget: |
| 1 January to 31 December 2009 |  | PBF-funding: $3,959,773  Other funding: $ |

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| List Implementing Partners: |  | Project Coverage/Scope: |
| * *UNDP* * *UNIOSIL* * *National (Judiciary, Ministry of Justice; Ministry of Internal Affairs Local Government and Rural Development; Ministry of Social Welfare Gender and Children’s Affairs, Sierra Leone Police, Law Reform Commission)* |  | *National coverage* |

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| Abbreviations and acronyms: |  | Project Duration: Start Date:   * *Date of transfer of funds by the MDTF Office (as per project list provided)*   End date:   * *July 2008* * *31st March 2009*   Budget Revisions/Extensions:  January 2009 and March 2009  Project Closure:   * *Project is ongoing* |
| ***PBF****: Peace Building Fund*  ***UNDP****: United Nations Development Programme*  ***UNIOSIL****: United Nations Integrated Office in Sierra Leone*  ***SLP****: Sierra Leone Police*  ***MSWGCA****: Ministry of Social Welfare Gender and Children’s Affairs*  ***MIALGRD****: Ministry of Internal Affairs Local Government and Rural Development*  ***FSU:*** *Family Support Unit*  ***DPP****: Director of Public Prosecution*  ***MoJ****: Ministry of Justice* |  |

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| **Report Formatting Instructions:**  ***Kindly review the instructions below and follow them in the preparation of your report:***   * Do not put the narrative text into boxes and do not incorporate boxes, graphs, etc into the narrative report. * Add additional information including charts, graphs, etc. as annexes to the report and clearly reference the annexes using footnotes or endnotes within the body of the narrative. * Number all sections and paragraphs as indicated below. * Format the entire document using the following font: 12-point Times New Roman & do not use colours. |

# NARRATIVE REPORT FORMAT

# Purpose

# (*Provide the main objectives and outputs of the project*)

The overall aim of the project was to clear existing backlog of criminal and civil cases both in the Magistrate and High Court (estimated at over 700). This, it is envisaged, will reduce the congestion in most prisons across the country and enhance the justice delivery system. The project also seeks to develop the operational capacity of the judiciary by providing adequate human and material resources.

Project Outputs are: **a)** a transparent and accountable Justice System, **b)** functioning courts with the capacity to hear and adjudicate existing case speedily established, **c)** improved access to justice and justice delivery generally throughout the country, **d)** increased justice delivery for women and children, and **e)** increased public trust/confidence in the Justice System.

* **(*Explain how the project relates to the PBF Priority Plan’s objectives (not applicable for Emergency window projects), including issues/root-causes being addressed through the project*)**

The period preceding hostilities in Sierra Leone was characterized by dysfunctional justice system and in some places the complete lack of access to any form of justice system. This occasioned a situation whereby peoples’ confidence in the justice system was eroded thereby resorting to self-help measures including violence to settle dispute rather than refer to the court. This view was also captured in the Truth and Reconciliation Commission (TRC) Report, which advocated strongly for the strengthening of the Justice Sector.

This project relates to the Justice and Security components of the PBF Priority Plan, which sought to address the problem of poor delivery of justice service which it is generally agreed was a critical factor that contributed in setting the stage for the civil conflict in Sierra Leone. Following the end of the war, development partners and key stakeholders were of the consensus that the incapacity of the justice system to deliver required justice to people was one of the main causes of the civil conflict which needed to be addressed as a strategy for peace consolidation.

In the period prior to, and during the war the Sierra Leonian justice system had almost grinded to a halt. Post conflict Sierra Leone inherited a dilapidated judicial and justice system. There was a perception of a corrupt judiciary, which is also subjected to undue executive interference and incapable and unwilling to up hold the rule of law. Human rights violations with impunity were a common place occurrence. The Judiciary, Law Officers’ Department of the Ministry of Justice, the Legal and Judicial department of the Sierra Leone Police (SLP), the Law Reform Commission and other institutions were characterized by functional frailties mainly because of the paucity of human resource mainly as a result of poor incentives and weak logistic capacity. The project therefore aims to address the functional frailties that were evident in the justice system in order to ensure enhanced delivery of justice and preclude the tendencies for a relapse to civil conflict. This it did at two levels, first level was to equip the judiciary and the justice system with the requisite logistical institutional needs, that is the hardware, such as construction of courts, the procurement of vehicles, computers, and refurbishment of the existing judicial structures. The second level, which is a logical sequel to the first, was to provide the technical support in terms of training for the actors in the sector on case management, human rights norms, prosecutorial skills, etc and also access to law reports and all other qualitative aspects aimed at enriching the justice delivery. This support from the PBF has undoubtedly contributed to improving the judicial system which has in turn contributed to the creation of a condusive environment for the peace consolidation.

These achievement not withstanding, attempting to establish any direct causal relationship between peace in Sierra Leone now and the improvement of the Justice Sector; useful as it may seem is overly deterministic. This is because a number of factor have also intervened to bring about the relative peace in the country. Nevertheless it is an important that needs to be recognized that it has contributed to the consolidation of peace.

* **(*Indicate the main implementing partners, their roles and responsibilities and their interaction with the Recipient Organizations*)**

The main implementing partners include the Sierra Leone Judiciary, Ministry of Justice; Ministry of Internal Affairs Local Government and Rural Development; Ministry of Social Welfare Gender and Children’s Affairs and the Sierra Leone Police all of which form part of the Project Steering Committee. The office of the Chief Justice provides the leadership and coordination roles among various Justice Institutions. The government Ministries provide policy guidance in the implementation process.

# Resources

* ***Financial Resources:***

Funding from the UNDP/BCPR and the UNDP TRAC resources are other sources of funding for the Justice Sector reform. Both funding sources are complimenting the good work the PBF project has already started. However, unlike the PBF, which focuses broadly on the Justice Sector, the other financial resources focus their support mostly on promoting access to justice including both the supply and demand sides of justice.

Provide details on any budget revisions approved by the appropriate decision-making body, if applicable.

The last budget revisions were done in January and March 2009. Since then, the Project Steering Committee has not met.

* ***Human Resources:***

National Staff: 1 Programme Officer

International Staff: 1 Programme Manager - Justice, Rule of Law & Human Rights; and 1 Procurement Officer (UNV)

# Implementation and Monitoring Arrangements

* ***Summarize the implementation mechanisms primarily utilized and how they are adapted to achieve maximum impact given the challenging operating context.***

The Project/Justice Sector Steering Committee which comprised heads of the Justice Sector Ministries, Departments and Agencies as well as senior representatives of UNDP and UNIOSIL performs a pivotal role in the implementation of project activities. It is chaired by the Chief Justice and meets periodically as necessary. The Steering Committee provides overall guidance to the Project Management Team, and is responsible for taking policy decisions, reviews progress in the implementation of planned activities, discusses and provides solutions to emerging issues.

Given the nature of Memorandum of Understanding on the Peace Building Fund between Recipient Organization and the UNDP, the project is implemented under the DEX modality, in accordance with existing UN procedures.

* ***Provide details on the procurement procedures utilized and explain variances in standard procedures.***

The project is implemented under the DEX modality, and all procurement is conducted in accordance with UNDP policies and procedures. UNDP manages the funds and disburses them for operational activities of the project consistent with UNDP and PBF procedures.

* ***Provide details on the monitoring system(s) that are being used and how you identify and incorporate lessons learned into the ongoing project.***

In order to ensure effective monitoring of project implementation, the Justice Sector Steering Committee monitors progress in implementation, provides technical guidance on the various components/activities. The Project Management Team provides monthly and quarterly narrative and financial reports on the progress made and copies of quarterly reports are shared with the Deputy Minister of Finance and Economic Development which supervises implementation of all development projects. Emerging issues from implementation are discussed and resolved at the Steering Committee meeting. At project supervisory level, regular reviews through partnership meetings and field visits, debriefings and reports of activity progress have tracked and documented lessons learnt and best practices related to the project. It is this concrete information, which has informed the refinement of strategy and development of new plans.

* ***Report on any assessments, evaluations or studies undertaken.***

All the capacity building initiatives undertaken as part of project implementation were preceded by assessments and field studies of extant and ongoing efforts at reforming and modernizing the Justice Sector. Independent reviews and analyses of literatures including report and training tools and manuals were carried out to ensure inculcation of lessons learnt and best practices. Some of these trainings for which expert reviews were conducted included:

* Police Prosecutors training
* Training of officers of the Family Support Unit
* Training of Local Court Officials
* The application of national, regional and international human rights standards in judicial reasoning and judgement
* The reliance on judgements from other common law jurisdictions.

These capacity assessments, field based studies and reviews were often fedback into the management of the project to inform project revision and the refinement of project implement and strategy.

# Results

* ***Provide a summary of project progress in relation to planned outcomes and outputs; explain any variance in achieved versus planned outputs during the reporting period.***

The overall progress made during the reporting period (January – December 2009) builds on what have already been accomplished during the preceding years, 2007 and 2008. While the project implementation in 2007 and 2008 focussed largely on issues such as clearing of backlog of cases and provision of significant logistic support to the Judiciary and other justice sector institutions in pursuant of outcome 1 of the programme, the year 2009 saw the eventual commencement of the justice sector infrastructural development, restocking of the judiciary libraries and electronic formatting and publication of Statutes and Law Reports. Consequently, by the last quarter of 2008 and first quarter of 2009, UNDP had signed altogether 22 contracts with construction companies and service providers for the related activities while full implementation commenced about second quarter of 2009.

Important to mention is that the logistic support coupled with salary incentives and various capacity building initiatives conducted as part of the project, has first optimized the capacity of the courts close to *status quo ante* and also to function effectively and speedily in the disposal of pending and new cases. Similarly, the construction of new Magistrate and local courts, which commenced during the early part of the reporting period and some completed towards the end of year, has already began making impact judicial system through increased access to justice at both formal and informal levels. It is expected that this will further improve as the rest of the remaining infrastructural efforts including residences for magistrates, construction of rainbow homes, etc. are completed.

* ***Report on progress made toward the achievement of specific medium-term outcomes of the project as a result of the achieved short-term outputs during this reporting period.***

Overall, the PBF project has succeeded in putting the Justice Sector close to (if not above) *status quo ante* in that all 14 districts in the 4 provinces can now boost of a functioning court and various judicial and quasi judicial institutions. As a result this support it can be stated with confidence that the reach of justice system, both in terms of access and the delivery, has now exceeded pre-war levels thereby , *inter alia*, transcending the failed state syndrome.

As a result of the capacity building and logistic support to assist effective functioning of Special Backlog courts pursuant of outcome 1, the project has facilitated improvements in both the capacity of relevant personnel related to Justice Sector and the operations of courts both in the provinces and Freetown. Judgments which used to be hand-written are now being computerized and precedence are now available. Also, the capacity building and logistical support has enhanced the efficacy in the management of documents.

In response to the need to increase access to justice at district level at the provincial level, one Magistrate court in Waterloo rural community was refurbished. This court would provide access to justice for a population of 34,079. Other Magistrate courts in Mile 91, Masiaka and York communities are being constructed. This would increase the number the of functional magistrate court and improve the infrastructure which shall impact upon justice delivery. Specifically; the Magistrate courts in Mile 91 would service a population of 15,491 provide access to justice for and Masiaka people in the Yoni and Koya chiefdoms in Tonkolili and Port Loko districts respectively.

Effect of the capacity-building measures initiated as part of the project, Judges, Magistrates and other officials of the Justice Sector are now evincing skills in the use of computers and the internet in particular which has enables them to easily access English and Commonwealth judgment online. The recruitments of new personnel with top-up salary incentives has boosted the human resource capacity and general operations of courts

Overall, the knowledge of Police Prosecutors and Local court officials on issues of international, regional and national human rights instrument has been improved. Through various engagements in the project, the capacity of Police Prosecutors and Local court officials have been enhanced to firstly become aware of the human rights implication of their work and also to identify human rights issues and address them accordingly

The movement of Judges, Magistrate, State Counsels and officials of the Family Support Unit (FSU) to the provinces was made possible through the provision of additional motor vehicles and motorbikes for process Servers. The spread nation wide spread has not only enhanced access to justice but also provided adequate response to the demand side of justice.

* ***Report on the key outputs achieved in the reporting period including # and nature of the activities (inputs), % of completion and beneficiaries.***
* Seven (7) officials including Justice of the Supreme court, Magistrate, State Counsel, Master and Registrars, and Registrars benefitted from specialized training on Case Management, Fraud Prevention and Prosecution, Judicial Administration, Modern Paper-Based and Electronic Record Management Systems and Project Management
* Sixteen (16) Law Graduates out of an anticipated number of 25, were trained and recruited as Legal Executives to provide essential support duties to prosecution, court administration and legal research
* Two (2) Deputy Master and Registrars for the northern and eastern provinces were also recruited
* Seventeen (17) additional motor vehicles for Judges, Magistrates (Judiciary), State Counsels (Law Officers’ Department) and officials of the FSU (Sierra Leone Police) and 17 motorbikes for process Servers in various Justice Sector institutions procured.
* Computer Literacy Training conducted for all Judges, Magistrates and other officials of the justice sector institutions.
* Fourteen (14) State Counsels (including 1 newly recruited State Counsel and 1 Director of Public Prosecution (DPP) provided with monthly top-up salaries as incentive to retain their service amidst scarcity of human resource in the Prosecutorial System.
* The Judiciary Library and civil Registry at the High Court were refurbished with a new carpeting, painting, shelving of the library and registry and furnished with computers, printers, photocopiers, Dell projector and accessories.
* One hundred (100) Police Prosecutors and investigators of the Legal and Justice Support Department of the SLP provided with intensive training on prosecutorial skills and techniques, and human rights issues.
* One (1) industrial generator to ensure constant supply of electricity and Computers, printers, photocopier, stationeries acquired for the Law Officers’ Department of the Ministry of Justice.
* A total of 232 Police officials of the FSU including social workers of the Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA) throughout the country, were provided with training to effectively handle cases relating to sexual and gender-based violence and juvenile justice.
* In collaboration with the Law officers’ Department of the Ministry of Justice, a total of 306Local court personnel (including 94, 82 and 130 Local court supervisors and clerks in the Southern, Eastern and Northern provinces respectively) were support with intensive training on Judicial administration, international, regional and national human rights instruments and gender issues in local courts.
* Substantial part of the PBF support to the Justice Sector reform constituted infrastructural development. Of a total allocated budget of **US$3,959,722** about **25.6%** or **US$1,013,812.90** (a quarter of total sum) was programmed to support infrastructural development. In total, 22 construction/refurbishment endeavours including local courts, magistrate courts & residences, strong room, upgrading water and sanitation facilities at the Law Courts Building, Judiciary Office Building, Law office, and Rainbow/Safe Homes were programmed for either refurbishment or new construction nationwide. To date, seventeen (17) of those construction/refurbishment projects have been completed while the remaining five (05) are near completion.
* Alongside the PBF funded construction/refurbishment efforts, electronic formatting and publication of the Sierra Leone Statutes and Law Reports are other major activities being undertaken during the period under review. As articulated in the project document, this activity constitutes part of the effort to modernise the justice system in Sierra Leone. The effort is aimed at formatting laws and reports that are dated as far back as the 1972 to present. At the time of reporting, more than 70% of the job has been completed already.
* ***Explain, if relevant, delays in project implementation, the nature of the constraints, lessons learned in the process and actions taken to mitigate future delays.***

**Constrains and Delays:**

* One of the major challenges that have caused the delayed completion of especially the construction/refurbishment component of the project activities is the UNDP lack of in-house expertise to guide and manage construction projects. UNDP by mandate is not into construction. Therefore, while the project after an initial slow start of implementation owning to some of the challenges observed in earlier progress reports as articulated below, the implementation of majority of the planned activities went on fairly quickly and on time once the earlier bottle necks were cleared off. However, as the project implementation progressed towards the construction component, the pace reduced considerably due to a number of factors including undue delays on the part of project counterparts – Judiciary, Law Office, Ministry of Local Government – to submit required supporting documents including construction designs and their accompany bill of quantities (BOQs). These contributed to the delay in the bidding processes and hence the award of contracts.

* During the reporting period, the Judicial Libraries were also restocked with essential English and other Commonwealth law reports and journals.
* The complex nature of the project requiring operational interventions at multi-dimensional levels and coordination among different government agencies and institutions posed as a major challenge to the implementation of the project. This intricate relationship interwoven with an imbalance of capacity among the different partners posed considerable challenges on the implementation of the project.
* Coordination among core institutions in the Justice sector has been a major challenge. Unlike other PBF funded projects, this complex project involves a number of justice sector institutions and it has been a major challenge for the Judiciary which serves as leading institution in bringing together other parties viz. FSU/SLP, MIALGRD, MSWGCA and MoJ of the project.
* The crucial nature of the Presidential and Parliamentary and subsequently the local government elections shifted emphasis form the PBF project thereby putting a pause on project implementation and ultimately delaying achievement of project results.
* Another key challenge encountered during the implementation of the project has been the difficulty in securing the required participation of relevant government officials in various activities for which they are beneficiaries.
* Weak knowledge and understanding of UNDP regulations resulted in tension with partner and implementation partners. In most cases, UNDP insistence on following policies and regulations has been misunderstood as inefficiency and undue delay in the implementation of the project.
* Also, implementing partners in most instances still find it difficult to adopt and adhere to UNDP rules and procedures in doing business. In most instances, this situation has caused undue delays in the implementation of critical activities.
* Inadequate number of staff particularly on the operations’ department has also been a major contributing factor to delays in the implementation of the project. The project has been supported by only one (1) Procurement Officer.

Attempts to address such challenges involved enhancing project communication mechanisms through organizing frequent meetings with partners to reiterate the need for speedy implementation of activities and the risk of losing allocated funds. These have also been complemented by reminder letters.

**Lesson Learnt**

* As a pioneer pilot project with precedence to follow, it would have been practical and effective to draw on lessons learnt and best practices form other countries where a project of this magnitude have been implemented. This would have informed various processes and provided a basis for an anticipation of challenges even before they occur.
* Considering the multiple number of partnership and levels of implementation, it would have been appropriate for the corresponding seize of human resource to be made available for the implementation of the project.
* To address the challenges, it would have been higher necessary to efficiently manage partner and stakeholder’s expectation and perception which is crucial to curtailing misunderstanding, misconception and undue tension. This can be achieved for the onset by disseminating relevant information to partners about UNDP processes and subsequently through regular meeting.
* Designing a single project document constituting activities that demand varying expertise would certainly constraint it smooth implementation. The initial design of the PBF Justice project seemed overly ambitious by having incorporated several components such as construction, training, and provision of IT support, general procurement services, etc. that all required specialised skills to ensure timely implementation, besides some being outside the organisational mandate . In the design of future institutional capacity enhancement project, it will be good that such project designs are made simpler, focusing on very specific issues that can be easily managed by one agency.
* ***List the key partnerships and collaborations, and explain how such relationships impact on the achievement of results.***
  1. UNDP-CSOs network on improving access to justice and providing strategic support in monitoring the demand side of justice.
  2. Justice Sector Donor Coordination Meeting for harmonization of interventions
* ***Other highlights and cross-cutting issues pertinent to the results being reported on.***

In all project activities, due considerations were given to cross cutting issues like gender and human rights to maximize impact and to ensure sustainability of effort:

* 1. Deliberate and purposeful efforts were made to ensure adequate representation of gender in all project activities. These efforts also included highlighting as part the project the relevance of broad based participation and adequate gender representation. *See annexed gender representation.*
  2. Conscious attempts were made to implant human rights issues in all dimensions of the project. For example the Local Court Officials were informed of what human rights were and how their work was crucial to ensuring that people enjoyed and realized those rights.
  3. The role and centrality of civil society to the Justice Sector was also emphasis at all levels of the project. On purpose, civil society were made to participate and monitor various processes including court functions and delivery of logistics.

# Future Work Plan (if applicable)

* ***Summarize the projected activities and expenditures for the following reporting period (1 January-31 December 2010).***

Within the overall project document, there are no longer any new activities that have not already commenced implementation. Most of what remain to be completed has already begun implementation. These include: Completion of electronic formatting/publication of the Sierra Leone Statutes and Law Reports; Construction of one magistrate residence; Construction of 1 Rainbow/Safe Home for temporary shelter assistance to victims of SGBV and juveniles; Construction of 1 Prosecutors/Law Office; and upgrading of electrical power distribution at the Law Courts Building. The projected expenditure for completion of the above activities is estimated at US$97,563.85 for the period January – 31st December 2010.

* ***Indicate any major adjustments in strategies, targets or key outcomes and outputs planned.***

The completion of especially the upgrading of the electrical power distribution at the main Law Courts Building has envisaged some additional cost than previously calculated in the BoQ. A total of **SLL147, 750,000.00** equivalents to **US$38,376.62** at US$1/SLL3, 850 exchange rates has been submitted by the contractor for consideration as additional cost to be able to fully deliver on the contract. This request amongst other issues has warranted the convening of A Steering Committee Meeting on 17 May 2010. It is expected that, that meeting would also discuss the overall project implementation status and hence it final closing date.